



Department
for Education

Guidance on the corporate parenting principles, the local offer and extending Personal Adviser (PA) support to all care leavers to age 25

Government consultation response

February 2018

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Introduction

The Children and Social Work Act 2017 received Royal Assent on 27 April 2017. During passage of the Bill and as part of legislation, the government committed to consulting on and providing guidance to support the delivery of the new legislative requirements.

This includes the provisions in Section 1, Section 2 and Section 3 regarding the corporate parenting principles, the local offer to care leavers, and extending support from local authority personal advisers to all care leavers up to age 25.

The consultation document sought views on:

- Draft statutory guidance for local authorities on applying the corporate parenting principles to care and pathway planning;
- An illustrative local offer for care leavers and accompanying guidance on the local offer for local authorities; and
- Draft statutory guidance on extending the personal adviser duty, aimed at local authorities, commissioners of services for care leavers and looked-after children, and partner agencies and providers of services for care leavers and looked-after children.

The online consultation took place between 16 October 2017 and 27 November 2017.

Summary of responses received

There were 84 responses to the consultation on the guidance on the corporate parenting principles (CPPs), the local offer and extending Personal Adviser (PA) support to all care leavers to age 25.

Respondents to the consultation fell into five main categories:

- Third sector children's organisations, such as Barnardos, The Children's Society and National Children's Bureau. Some of the organisations which responded had a specific focus, for example on refugee/asylum seeking young people;
- Local authorities and local government organisations, including LGA and ADCS;
- Other organisations, such as Ofsted and British Association of Social Workers
- Children in Care Councils/groups of care leavers whom local authorities (LAs) had consulted
- Individuals

For a more detailed list of organisations that responded please see Annex A.

Main findings from the consultation

Overwhelmingly, respondents welcomed the corporate parenting principles, the local offer and the extension of Personal Adviser support to all care leavers to age 25.

Most respondents identified the CPP guidance as both clear and aspirational and found the case studies useful in demonstrating how the principles could be effectively applied. Respondents were also supportive of the local offer guidance and illustrative local offer. A number of organisations commented that the care leavers they worked with were often unaware of the support available to them; and said that a clear description of the support that was available from a local authority was something that would be welcomed by care leavers. Most respondents said that the guidance on extending PA support was clear and that the balance between prescription and allowing PAs flexibility to use their professional judgement to decide how to respond to care leavers who take up the offer of support was right.

However, respondents did raise some concerns which are addressed below.

The Government's response

Corporate parenting principles

Role of relevant partners

A number of respondents questioned why the CPPs did not extend to relevant partners, for example, health services or the police, arguing that the CPPs could not be effectively applied without the full cooperation of relevant partners. This matter was considered very carefully during the passage of the now Children and Social Work Act 2017. The Government believes that local authorities (LAs) act as the primary corporate parent in that they have a set of specific responsibilities for these groups in supporting their care that are not shared by other public sector bodies. While the Department does not believe that extending the CPPs to other bodies is the way forward, not least because it potentially blurs the lines of responsibility between organisations, it does recognise the important role other organisations have in supporting LAs to care for looked-after children and care leavers. This can be achieved in ways that do not require legislation.

There is, of course, already a duty under the Section 10 Children Act 2004 on relevant partners, including health bodies, the police and education services, to cooperate with LAs to improve the well-being of children. The fourth CPP also requires LAs to work with local partners to ensure young people can access services.

Variation between authorities

A number of respondents were concerned that the guidance on the corporate parenting principles is not specific enough, which may result in variation in the application of the CPPs between local areas. However, the principles are intended as overarching statements to inform how local authorities carry out their existing functions in relation to looked-after children and care leavers. The guidance is therefore not designed to be prescriptive or single out specific policy issues, as the way in which LAs implement the principles will rightly take account of the needs and characteristics of their local children in care and care leaver cohorts.

While some respondents would prefer more central prescription, we believe our approach provides an appropriate balance between all decisions being determined centrally and allowing local areas to have flexibility in determining local priorities.

Whilst there will be differences in how the corporate parenting principles are applied by local authorities, the quality of corporate parenting will be assessed by Ofsted. One of the criteria for a 'good' judgement under the Ofsted framework for Inspecting Local Authority

Children’s Services (ILACS) is that the local authority is ‘an active, strong and committed corporate parent – in line with the corporate parenting principles’.¹

Case studies

Most respondents agreed that the case studies included in the guidance provided a useful guide for local authorities on how they might apply the corporate parenting principles. Many respondents provided additional case studies, which highlight the good practice that is already taking place in many LAs and a number of them have been included in the guidance.

A minority of respondents raised concerns that there was insufficient content on looked-after children and that the examples were too focused on care leavers. We have therefore included a number of additional case studies to improve the balance in case studies for each group. However, the ways in which CPPs are applied will evolve as LAs extend their existing practice and we encourage LAs to be proactive in developing their own examples of practice to share.

Guidance on specific groups of young people

Some organisations who responded to the consultation had a specific focus, for example, refugee/asylum seeking young people. A number of these organisations raised concerns that guidance on how the corporate parenting principles might apply to those specific groups was missing.

We acknowledge that it is important for LAs to consider how the corporate parenting principles apply to the different groups of children and young people in their care. For example, it may be relevant for local authorities that are responsible for unaccompanied asylum seeking children (UASC) to help them prepare for adulthood (principle 7) by providing them with support in resolving their legal status. However, the CPPs apply to all looked-after children and care leavers in the same way that the duties placed on local authorities in the Children Act 1989 apply to them. Within this framework, local authorities are best placed to understand and respond to the individual needs and

¹ Framework for the inspections of local authority children’s services, <https://www.gov.uk/government/publications/inspecting-local-authority-childrens-services-from-2018>, p. 58.

requirements of the children they look after and care leavers and it is for them to set out how to apply the corporate parenting principles to specific groups.

Voice of children and young people

Listening to the collective and individual voices of looked-after children and care leavers is a central part of the care planning arrangements set out in the Children Act 1989 and in supporting regulations. Their voices are integral to how local authorities implement the CPPs and this guidance does not exist in isolation. A number of respondents raised concerns that the voice of young people and examples directly from young people did not feature in the guidance. Whilst the examples do not focus on individuals we have ensured that young people's views on the guidance were listened to and a number of their suggestions implemented.

We also created a young person's guide to the consultation in order to encourage young people's response to the consultation and welcomed a number of contributions from Children in Care Councils and Care Leaver forums. Additionally, we listened to feedback from focus groups run with young people on the guidance. As a result of this feedback changes have been made to the case studies as well as to the wording of the guidance.

A number of organisations were concerned that examples on how LAs might listen to and act on the views of their young people, as set out in principles two and three, were too limited. Whilst we have included some additional examples on how these principles could be applied, we do not believe that it is for DfE to prescribe how LAs engage with the views of their children in care and care leavers. LAs are far more experienced in communicating with their local communities than DfE and so are better placed to decide how to do so.

The local offer

Postcode lottery

A number of respondents, particularly care leavers themselves, were concerned that the discretionary nature of much of the local offer would mean that services and support for care leavers would not be consistent between local areas. Others did not feel that the illustrative local offer was clear enough on which aspects of the local offer were statutory entitlements and which elements were part of the LA's discretionary offer. We have sought to make this clearer in the updated version.

In relation to the discretionary elements, while DfE can promote positive examples of what LAs might include in their local offers, it has no powers to dictate what must be included beyond the statutory entitlements. While some respondents would prefer more central prescription, we believe our approach provides an appropriate balance between all decisions being determined centrally and allowing local areas to have flexibility in determining local priorities.

Over time, we would expect the development of local offers to result in a reduction in the level of variability between what each LA provides. We expect that LAs will compare and contrast what other LAs are offering and will improve their own offers accordingly. An example of where this has happened in practice is in relation to exempting care leavers from paying Council Tax, where a decision by just one LA to exempt their care leavers has resulted in over 40 other LAs so far following suit.

Format/user-friendliness of local offers

Many of the comments related to the format of LAs' local offers, making the point that they should not be too lengthy, should be written in language that is simple to understand, be in a range of formats/languages. They also said that local offers should be constructed in a way that enables care leavers to access individual pieces of advice, without having to read the whole document.

We agree that LAs will need to consider carefully how they present their local offers so that they are succinct, easy to navigate and in formats that young people will use. However, we do not believe that it is for DfE to prescribe on these matters. LAs are far more experienced in communicating with local communities than DfE and so are better placed than central Government to decide the format of their local offers.

Services provided by partner organisations?

A number of respondents argued that the local offer should include all of the services in a local area, not just those provided directly by the LA, such as health services, Jobcentre Plus etc.

We do not think it is possible to be prescriptive on what other local services should be included in each LAs' local offer, as arrangements will differ in each local area. At the same time, we recognise that LAs cannot support care leavers' needs on their own, and are reliant on other services also being responsive to the unique challenges they face. The guidance has consequently been updated to make clear that:

- The purpose of the local offer is to set out in one place the full range of services that the whole of the LA provides, which will be of benefit to care leavers.
- It should include the LA's offer across all of its Departments/Services (for example, Housing and Leisure Services), not just the support provided by the Children's Services Department.
- The local offer should include – and differentiate between - both care leavers' statutory entitlements (which all care leavers in England are entitled to) and other additional support that LAs choose to provide that demonstrate their commitment to being the young person's 'corporate' parent';
- Where a partner organisation provides a discrete service for care leavers – such as a health drop-in exclusively for care leavers – and the LA is confident that there is an ongoing commitment from the partner organisation to provide that service/support, it should be included as part of the local offer; and
- However, where a partner organisation is offering a service that is available to all young people, but there is no bespoke service for care leavers – such as a young people's sexual health clinic, or a careers advice service for all 16-25 year olds – it may be more appropriate to signpost/provide a link to that service, rather than to include it as part of the local offer for care leavers.

Organisations other than the LA, will be encouraged to use the care leaver covenant to set out their offer to care leavers. This will allow a range of local and national organisations to make a pledge to help care leavers manage the transition from care to

independence, backed up by concrete offers of support that will help them achieve the 5 outcomes set out in 'Keep on Caring'.²

Timetable for introduction

A number of respondents were unclear about the timetable for publishing their local offer. We have updated the guidance to be clear that the new duty takes effect on 1 April 2018, but involves the LA first consulting young people, before publishing their local offer. The guidance states that we would expect the consultation with young people and development of the local offer to be completed within 6-9 months of the duty coming into force, meaning that LAs would be required to publish their local offers by 1 January 2019 at the latest.

Updating the local offer

A number of respondents asked DfE to be clearer about its expectations on LAs in terms of how frequently the local offer should be updated (the Act states that an LA must update its local offer 'from time to time'). We do not wish to be prescriptive about how frequently local offers must be updated, but would expect the local offer to be reviewed every 2-3 years.

Content of the local offer

Most respondents agreed that the examples in the illustrative local offer were comprehensive and achievable. Very few additional examples were put forward. The small number of suggestions that were made included more advice/support on: access to counselling services/lower-level mental health support; advice on healthy living; advice about advocacy/legal support available; and information about services for care leavers whose immigration status is unclear. The illustrative local offer has been updated to include these suggestions.

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Keep on caring: supporting young people from care to independence,
<https://www.gov.uk/government/publications/keep-on-caring-supporting-young-people-from-care-to-independence>

Young people who are placed ‘out of area’

Some young people who were placed out of area while they were looked after may wish to remain in that area once they leave care – for example, if they want to Stay Put with their former foster carer. In these circumstances, the well-established convention is that the ‘placing’ LA continues to meet any costs associated with their on-going support. Where this happens, the ‘placing’ LA would, for example, continue to pay the costs of maintaining a Staying Put placement, or the costs of providing Personal Adviser support. The requirement to produce a local offer does not alter that long-standing approach.

However, we think there may be situations where LAs could consider opening up some elements of their local offer to care leavers who are living in their area who have been placed there by another LA. For example, LAs may allow care leavers to take advantage of the discretionary support they provide, such as giving care leavers free access to their leisure services, or allowing them to attend healthy cooking classes that are available to local care leavers.

Quality assuring local offers

A number of respondents asked about the process for independently assessing the quality of local offers. There will be no separate arrangements put in place exclusively for this purpose. However, we envisage that:

- the quality of the LA local offer will be one of the things that Ofsted will consider when inspecting the quality of children’s social care in the LA;
- care leavers will be able to feed in views about the quality of the local offer when it is developed and each subsequent time that it is reviewed and updated;
- Lead members will challenge LAs if they do not think the local offer to care leavers is strong enough.

Extending Personal Adviser (PA) support to all care leavers to age 25

New financial burdens funding

A number of respondents raised concerns that no announcement has yet been made on the amount of new financial burdens funding that would be provided to LAs in order for them to implement the new duty.

DfE has always been clear that the new duty to extend PAs to all care leavers who want one does represent a new financial burden on LAs and made a commitment when the Children & Social Work Bill was first introduced to Parliament (in May 2016) that new financial burdens funding would be provided. An initial new financial burdens assessment was published at that time, as part of the Bill's wider impact assessment. A copy of the initial assessment is available at <https://services.parliament.uk/bills/2016-17/childrenandsocialwork/documents.html>.

Since the Act received Royal Assent, DfE has been working with local authority leaving care managers to refine the initial new financial burdens assessment and has consulted the Local Government Association (LGA) and the Association of Directors of Children's Services (ADCS) on an updated draft. It has now been agreed with the Ministry of Housing, Communities and Local Government's new burdens team and will be published alongside the statutory guidance. Individual allocations for each local authority will be published on GOV.UK shortly.

Financial support and care leavers who take up the offer of PA support

A number of respondents asked for further clarification on what, if any, additional requirements there would be to provide financial support to care leavers who take up the offer of PA support. The guidance has been updated to clarify that Section 3 of the Children & Social Work Act does not place any duties on LAs beyond the requirement to offer support from a Personal Adviser, if requested.

Unaccompanied asylum seeking children (UASC) and PA support

A number of respondents asked for further guidance on how the new duty applies to former unaccompanied asylum seeking children (UASC), in particular those former UASC who are appeal rights exhausted (ARE). The guidance has subsequently been updated to confirm that an amendment to the Immigration Act – introduced through the Children & Social Work Act – means that former UASC who are ARE are not covered by the new duty.

Informing care leavers aged over 21 about the new duty

A number of respondents asked for greater clarity on the requirement to inform care leavers aged over 21 at the time the new duty commences, about the offer of support. This part of the guidance has been updated accordingly.

Data collection

The majority of respondents were content with the suggested approach to data collection, agreeing that it needed to be proportionate and avoid creating a significant new burden on LAs. We have made some minor changes to reflect specific comments, but the overall approach remains the same.

Annex A: List of organisations that responded to the consultation

Among organisations responding were:

Third sector children's organisations:

- Action for Children
- Barnardo's
- Centrepoint
- The Children's Society
- Coram Voice
- The Fostering Network
- National Children's Bureau (NCB)
- NSPCC

Local authorities and local government organisations:

- Association of Directors of Children's Services
- Local Government Association

Other organisations:

- British Association of Social Workers (BASW)
- The Children's Services Development Group
- Ofsted



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