



EXTENDING PERSONAL ADVISER SUPPORT TO ALL CARE LEAVERS TO AGE 25

Introduction

1. Under the previous legal framework, all care leavers were entitled to receive support from a Personal Adviser (PA) until they reached age 21. This support could continue up to age 25 if care leavers were engaged in education or training. PA support was not available, however, to care leavers aged 21 or over who were not in a programme of education or training.
2. Section 3 of the Children & Social Work Act 2017 has changed this, introducing a new duty on local authorities, which requires them to offer PA support to all care leavers up to age 25, irrespective of whether they are engaged in education or training. This includes care leavers who return to the local authority at any point after the age of 21 up to age 25 and request PA support.

Wider Context

3. This new duty is being introduced alongside two related provisions in the Children & Social Work Act:
 - A new duty on local authorities to consult on and then publish their 'local offer' for care leavers, which sets out both care leavers' legal entitlements and the additional discretionary support that the local authority provides; and
 - A new duty on local authorities which requires them to have regard to seven 'corporate parenting principles', that will guide the way in which the local authority provides its services to children in care and care leavers.
4. The corporate parenting principles apply to the whole of the local authority, not just Children's Services Departments, and will therefore guide how care leavers are supported across all of the local authority's functions in respect of looked after children and care leavers. This will be particularly important for local authority departments whose services have a significant impact on care leavers' outcomes, such as housing services.
5. There are many examples of good practice in supporting care leavers to access suitable housing that have been developed jointly by Children's and Housing Services, which can be reflected in the 'local offers' that local authorities will be required to develop for care leavers. These include:



- providing care leavers with access to specialist advice on housing options prior to them leaving care;
 - housing authorities choosing to give reasonable preference to care leavers in social housing allocations;
 - preventing homelessness amongst care leavers and – where a care leaver does become homeless - taking action to assist the young person to secure accommodation; and
 - providing intensive support to help care leavers maintain tenancies, including training on managing their finances and avoiding rent arrears; and
 - taking a corporate decision to exempt care leavers from paying Council Tax.
6. The new duty that extends PA support to all care leavers means that the local authority continues to exercise functions in respect of the care leaver to age 25 and should therefore apply the corporate parenting principles when exercising those functions.
7. Any adult services or support already provided by other local authority Departments, such as Housing and Adult Social Care, are not affected by the extension of PA support to care leavers to the age of 25, and should therefore continue to be provided and funded by the relevant Department, where appropriate.
8. The new duty provides only for the provision of PA support through to age 25. It does not place any other duties on local authorities, for example, in relation to housing support, over and above the provisions for care leavers that already exist in current legislation, such as their priority need in homelessness legislation.
9. In areas where a two-tier system of local government exists, the corporate parenting principles apply to both tiers. County and District Councils will need to work together in partnership to achieve positive outcomes for care leavers.

Policy Intention

10. The ultimate aim of leaving care services is to support care leavers so that they can live successful independent lives. Each care leaver will reach that point at a different age and there should be no assumption that all care leavers will require statutory support until age 25. Where care leavers have been effectively supported to develop a positive social network around them during and after they



have left care, they are more likely to be less reliant on PA support after the age of 21.

11. Although each individual case will be different, in broad terms we would expect support for care leavers to taper away over time, in recognition of their growing maturity and independence. This is in line with the decreasing support that is provided by parents of young people in the general population. The way in which the legislation applies to care leavers reflects this approach. For example:
 - For care leavers aged 16 and 17, the local authority is under an absolute duty to accommodate them (as well as providing them with PA support), which does apply once the young person reaches age 18;
 - For care leavers aged 18-20, there is a proactive duty on the local authority to keep in touch with care leavers (section 23C(2) of the Children Act 1989 Act), which does not apply to care leavers aged 21 or over (neither those who are already entitled to support because they are in education or training, nor those who will be covered by the new duty).
12. For care leavers aged 21 or over, the duties in the Children Act 1989 and those introduced through the Children & Social Work Act – to assess care leavers' needs, and develop and keep under review a pathway plan – apply only where the young person requests support.
13. The new duty therefore means that local authorities do not necessarily need to provide the same level of support to care leavers aged 21 to 25 as it does for those aged 18-20. The new duty does however enable local authorities to respond positively to requests for support from care leavers aged 21-25 who may be continuing to struggle with the transition to independence and adult life. This approach recognises care leavers growing stability and maturity between age 21 and 25, during which many care leavers are able to lead successful lives without PA support and may not want continuing contact with their local authority.
14. However, we know that other care leavers who reach age 21 are still struggling to make a successful transition, are still lacking in confidence and therefore need continuing support to deal with the challenges that the transition to independence brings. The new duty to extend PA support to all care leavers up to age 25 means that they will be able to continue to receive support when they reach age 21, or to request PA support at any point after age 21 up to age 25, even if they had previously indicated that they did not want it. This means no care leaver will be left isolated, or forced to fend for themselves



The role of Personal Advisers

15. The Children Act 1989 Volume 3 planning transition to adulthood for care leavers statutory guidance states that the local authority must appoint a PA to support care leavers when a young person ceases to be looked after and they are a relevant child, or when they reach age 18 and become a former relevant child (referred to as 'care leavers'). In addition to the advice contained in the Volume 3 statutory guidance, *The Care Leavers (England) Regulations 2010* set out the statutory functions of a PA, which frame the support that should be provided for care leavers.
16. The PA acts as a focal point for the young person, ensuring that they are provided with the practical and emotional support they need to make a successful transition to adulthood, either directly or through helping the young person to build a positive social network around them. All care leavers should know who their PA is and how to contact them. Throughout their transition to adulthood and independent life, care leavers should be able to rely on consistent support from their PA, who is the designated professional responsible for providing and/or co-ordinating the support that the young person needs. This includes taking responsibility for monitoring, reviewing and implementing the young person's pathway plan.

What do local authorities need to do?

Care leavers who reach age 21 after the new duty commences

17. As the young person approaches age 21, their PA will need to discuss with them whether they wish to continue to receive support beyond age 21. Where the young person does want PA support to continue, their pathway plan should be reviewed and updated to reflect their current needs. PA support should continue to be provided for as long as it is requested, or until they reach age 25.

Care leavers aged between 21 up to age 25 when the new duty commences

18. The new duty also enables care leavers to request PA support at any point after the age of 21, up to age 25, even if they had previously ceased receiving support when they reached age 21. Where the young person requests help, a PA must be appointed to support them. The PA must assess the young person's needs and develop a pathway plan setting out what support the local authority will provide.



Needs Assessment

19. The needs assessment that local authorities undertake should be proportionate, taking account of the type of issues on which the young person is requesting support. Where a young person is otherwise living a successful independent life, but requires support on a single issue, a full needs assessment may not be necessary. In other cases a full needs assessment will be required. PAs should apply professional judgement when deciding what level of needs assessment is appropriate. Where a PA has concerns that care leavers may in fact require support on a broader range of issues than they initially report, carrying out a full needs assessment may help to identify any additional needs.

Pathway Planning

20. In all cases where local authorities are approached for support, a record should be produced setting out the issues discussed, and details of any support that the local authority has agreed to provide, so that local authorities can demonstrate what action they have taken in response to the young person's request for support.

21. However, we do not think that this requires a full pathway plan to be completed in every case, covering each dimension of the young person's life. As is the case with care leavers aged 21 or over who are currently receiving support because they are in education and training, it may only be necessary to complete the relevant section of the pathway plan, in this example the section that relates to the young person's aspirations regarding education and training. This approach can be used where a young person requests support that relates to only one aspect of their life.

22. Where a young person is experiencing a number of problems and is likely to require on-going support, it will normally require a full pathway plan to be completed.

Provision of support

23. The level of support that each care leaver will need will differ depending on their circumstances. Some care leavers may face a number of continuing challenges and require support across a number of different aspects of their lives. Where that is the case, support will need to be provided in relation to each of the pathway plan 'domains' described in the Children Act 1989 Volume 3 planning transition to adulthood for care leavers statutory guidance. However, in other cases, care leavers may return for support due to a specific issue, for example:



- Pregnancy or becoming a parent
- Release from custody
- Mental health issues
- Risk of homelessness
- Debt, including rent arrears
- For advice or guidance on commencing education or training
- For advice or support following experience of domestic or sexual violence/abuse

24. Where that is the case, the PA should provide support for as long as that issue remains and address any new issues if they arise. But if the young person does not want or require support on an ongoing basis, the case can remain inactive until the care leaver makes another request for support.

Frequency of contact between care leavers and their PA and updating of pathway plans under the new duty

25. The frequency of contact between PAs and care leavers will vary depending on the nature of each individual's circumstances. The issues which have arisen that are affecting the care leaver will dictate how often, pathway plans will need to be reviewed and updated, but as a minimum this should be at least every six months to a year.

26. Below are some examples (fictional) of the varying types of support the local authority might be required to provide under the new duty:



Scenario 1: *Minimal PA support involved*

- Shortly after her 21st birthday, a young care leaver found employment locally, but after a few weeks started having difficulties with one of her supervisors. The supervisor was occasionally critical, or spoke bluntly, which made the young person anxious and uncomfortable talking to the supervisor.
- The care leaver contacted her PA to ask to talk over this situation with him and they met for a coffee. The PA suggested that the young woman ask the supervisor for feedback on whether she was happy with her work, or if she needed to improve it, and to explain to her supervisor that she made her feel anxious and nervous.
- Having checked that there were no other issues that were concerning the young woman, the PA made a note of meeting and the advice that had been given, but did not undertake a full needs assessment, nor did they complete a full pathway plan.
- The young person followed this advice and met her supervisor over a coffee. After listening to her, the supervisor apologised. She had not realised the effect that her way of communicating was having on the young person. She also explained she was happy with her work but just had high expectations of her team, and said it was not a personal issue.
- The young person met for a coffee with her PA again a few weeks later. She said that that since their meeting the supervisor had been much nicer and friendlier and the two of them now had a good relationship.
- The PA's involvement was not required any further, but the young woman was reminded that if any other issues arose, she could come back to him to ask for support.



Scenario 2: *Intense support required for a short duration*

- A care leaver aged 22 was living in a 6-bed semi-independent unit. Her life was going well until one of the other tenants - who had substance misuse problems - became threatening and abusive towards her, placing an intense strain on her and compounding trauma she had suffered in earlier life. Unable to cope she left her accommodation and refused to go back.
- After sofa-surfing with a friend for a few days and not knowing who else to turn to, the care leaver contacted her previous PA for help. The PA met the young person and undertook a needs assessment. This identified that the help she needed focused on her accommodation problem. The PA therefore produced a partial pathway plan, which set out the action the local authority would take to support the care leaver to find a suitable place to live.
- The PA arranged emergency accommodation in a hostel for her and then worked collaboratively with the housing department to find alternative permanent accommodation.
- Working with the Housing Department, the PA managed to secure accommodation in a shared house and helped her to move in.
- The PA arranged to meet her again a couple of weeks later to check she had settled in to her new home. The young person confirmed that she was happy in her new home and got on well with the other young woman she was sharing with and confirmed that she did not need ongoing support from the local authority at that time.
- She was reminded that she could return for support if she needed it at any point up to age 25.



Scenario 3: *Intense support for a long duration*

- A care leaver aged 23 was released from custody, with no advance notification provided from the prison to his local authority, about his impending release.
- The young person paid for his train journey back to his local authority area with money he had, and contacted his local authority for help - he had no more money, nowhere to stay, and no close family members he could turn to.
- The local authority appointed a PA to support him, who established the details and circumstances around the young person and his release from custody. The PA carried out a full needs assessment and, given the range of issues that needed to be resolved, prepared a full pathway plan, which was reviewed on a regular basis going forward.
- The PA immediately sought to find some suitable safe accommodation for the young person. Due to his vulnerability resulting from his care background he was assessed as having priority need for housing. The authority also provided emergency financial assistance, until his benefit payments commenced. The pathway plan also took account of how the local authority would help the young person to access suitable employment opportunities, and to contact local training support services.
- The young person continued to meet his PA regularly to get help to reintegrate him into the local community, and to help increase his confidence. With prolonged intensive support, the care leaver had gained the confidence to successfully commence an apprenticeship.

Keeping in touch

27. Under existing legislation local authorities are required to proactively keep in touch with all care leavers until they reach age 21 and, where contact has been lost, to take reasonable steps to re-establish contact. This proactive requirement does not apply to care leavers aged 21 up to age 25 (although see paragraphs 27-29 below). For this cohort, support only needs to be provided where requested.
28. Where a care leaver aged 21-25 returns to the local authority for support, the level of contact between the PA and the young person to resolve that issue should be written into their pathway plan. The means of keeping in touch may vary and can be through email, text, or other social media applications. However, such methods of keeping in touch should not be adopted as standard practice in every case. The method of communication should be decided in light of the care leaver's needs.

Data collection

29. **DfE is currently developing proposals in relation to data collection. Our working assumptions are that:**



- We will not require local authorities to provide data on all 22 to 25 year olds through the existing OC3 data collection on children in care and care leavers;
- Data collection will focus on the number of care leavers covered by the new duty who access services and what was the primary reason they requested support. We do not intend to collect data on young people who have not requested support.

Offering local authority support to every care leaver on an annual basis

30. Although there is no requirement to proactively keep in touch with all young people aged over 21 up to age 25, the new duty requires local authorities to make care leavers aware that they can continue to request PA support as soon as possible after the person turns 21; and on at least an annual basis thereafter. This applies regardless of whether a care leaver may have earlier declined the offer of PA support. This requirement recognises that care leavers' circumstances may change and confirms that all care leavers are entitled to PA support at any time up to age 25.
31. Section 2 of the Children & Social Work Act requires local authorities to consult on and publish a 'local offer' for their care leavers, which provides information about the services and support available to them. As well as proactively offering PA support on at least an annual basis to their care leavers, this offer of PA support should also be listed in the 'local offer'.
32. As the corporate parent, we know that many local authorities send a birthday card to their care leavers and this presents an ideal opportunity to remind the young person of their entitlement to PA support if they need it, through to age 25.
33. While the local authority is not under a duty to provide PA support where a care leaver has not accepted the offer, there may be cases where a PA considers that a young person needs support to avoid putting themselves at risk of harm. In such cases the PA may continue monitoring the welfare of the care leaver, and to take appropriate action if necessary (as we would expect to occur in the case of any vulnerable adult that comes to the attention of the local authority). As with any other case involving vulnerable people the local authority will need to assess the balance between the risk of harm to the individual, and the rights and freedom of care leavers to choose their own lives and lifestyles.



Approach to take in implementing the new duty

34. The objective of this new duty is to protect care leavers aged 21 up to age 25 from feeling isolated, not having anybody to turn to for advice or support, or continuing to struggle with the transition to adult life. Local authorities retain a role as corporate parent to care leavers up to age 25 and should support them in a way that is consistent with the way in which birth parents support their own children as they grow up, helping them transition to independent life.

Action to take in preparation for the new duty

35. Local authorities should consider what action and preparations they need to undertake locally to successfully implement the new duty. This will be based on their local arrangements and models. Issues and action to consider will include:

- Considering the structure and capacity of their PA teams to meet the requirements of the new duty;
- Adapting their local data and information systems;
- Communicating the new duty throughout the local authority; and
- Ensuring partner agencies and providers are aware of the extended duty and the resulting changes, especially to Jobcentre Plus, and local health, well-being and mental health teams.

Further information

Other relevant departmental advice and statutory guidance

- <http://legislation.data.gov.uk/ukpga/2017/16/part/1/enacted/data.htm?wrap=true>
- https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/397649/CA1989_Transitions_guidance.pdf
- [DCLG Homelessness Code of Guidance for Local Authorities](#)