



Department
for Education

Extending Personal Adviser support to all care leavers to age 25

Statutory guidance for local authorities

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Summary

About this guidance

This statutory guidance from the Department for Education is primarily addressed to local authorities and their staff in England, who must have regard to this guidance when carrying out duties relating to care leavers.

This draft guidance should be considered in conjunction with the existing *Children Act 1989 guidance and regulations, Volume 3: planning transition to adulthood for care leavers* statutory guidance, which was revised and published in January 2015 (referred to within this document as the 'Volume 3 statutory guidance').

Expiry or review date

The guidance will be reviewed on an annual basis but will not be revised unless it is considered that it requires amendment.

What legislation does this guidance refer to?

This guidance is linked to Chapter 1, Clause 3, of the *Children & Social Work Act 2017*, which relates to advice and support for care leavers in England. This draft guidance is also linked to the earlier *Children Act 1989*.

Who is this guidance for?

The guidance is aimed at:

- Personal Advisers;
- Children's services social workers;
- Frontline managers who have particular responsibilities in relation to care leavers and looked-after children;
- Managers of services for care leavers and looked-after children;
- Lead Members in local authorities;
- Directors of Children's Services; and
- Commissioners of services for care leavers and looked-after children.

- It is also relevant to partner agencies and providers of services for care leavers and looked after children, including agencies in the private, voluntary and public sectors.

Main points

- The Children & Social Work Act 2017 introduced a new duty on local authorities, to provide Personal Adviser (PA) support to all care leavers up to age 25, if they want this support.
- Under previous legislation, local authorities were required to only provide care leavers with support from a PA until they reach age 21, with that support continuing up to age 25 if a care leaver was engaged in education or training. However, this support was not available to care leavers aged over 21 who were not in education, training or employment.
- This guidance therefore provides information for local authorities to assist them in implementing the new duty, introduced through the Children & Social Work Act 2017.
- The duty commences from 1 April 2018.

Guidance on 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 towards whom the local authority had duties under section 23C of the Children Act 1989, 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 children in care and care leavers are supported across all of the local authority's functions. This will be particularly important for local authority Departments whose services have a significant impact on care leavers' outcomes, such as Housing Services.
5. The new duty that extends PA support where requested to all care leavers means that the local authority continues to exercise functions in respect of care leavers to age 25 and should therefore apply the corporate parenting principles when exercising those functions.

6. 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

7. 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 the new duty means that all care leavers will require statutory support until the age of 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 likely to be less reliant on PA support after the age of 21.
8. Although each individual case will be different, in broad terms we would expect the level of support that care leavers receive will 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 as their children get older. 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 not apply once the young person reaches age 18;
 - For care leavers aged 18 to 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).
9. For care leavers aged 21 or over, the duties in the Children Act 1989 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.
10. 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.

11. However, we know that other care leavers who reach age 21 are still struggling to make a successful transition 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

12. The Children Act 1989 Volume 3 planning transition to adulthood 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').
13. 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

14. 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

15. 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 provided 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

16. The needs assessment that local authorities undertake should be proportionate, taking account of the 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, however, 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

17. 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.

18. 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. This approach can be used where a young person requests support that relates to only one aspect of their life.

19. 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

20. 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, or the majority, of the pathway plan 'domains' described in the Children Act 1989 Volume 3 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

21. 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

22. 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.

23. 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 affect 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 young person confirmed that they felt the issue had now been resolved and that the PA's support was no longer required at that point. She 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

24. 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 to 32 below). For this cohort, support only needs to be provided where requested.

25. Where a care leaver aged 21, up to 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

26. 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

27. Although there is no requirement to proactively keep in touch with all young people aged over 21 up to age 25 throughout the year, the new duty requires local authorities to make care leavers aware that they can continue to request PA support when 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.

28. We recognise that when the new duty comes into force, there will be a significant number of young people aged under 25 who will not have been in contact with their leaving care team for a number of years and who may not be aware that the ability to request support is available. LAs should take reasonable steps to make contact with these young people to make them aware that they can request support, for example, by writing to them at their last known address, or using their most recent phone/text number or email address.

29. At the same time, we appreciate that some of those care leavers may have changed their physical/email address and/or have a new phone number and it may not be possible to contact them. In these circumstances, we do not expect PAs to spend a disproportionate amount of time trying to track down young people who are not actively seeking advice and support.

30. 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 as described above, the 'local offer' provides another way of promoting the extended offer of PA support to those care leavers who the local authority has lost touch with.

31. As the young person's corporate parent, we know that many LAs 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.
32. 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.

Financial Support

33. The new duty requires the LA to appoint a Personal Adviser to provide advice and support to any care leaver aged 21 up to age 25 who requests it. New burdens funding will be provided that will enable the LA to meet the extra demand for Personal Adviser time that the new duty creates. However, it does not introduce additional duties on LAs in relation to, for example, accommodating care leavers. Any support already provided by other local authority Departments, such as Housing and Adult Social Care, should therefore continue to be provided and funded by the relevant LA Department.
34. The existing provisions for care leavers that already exist in current legislation, such as their priority need in homelessness legislation, will continue to apply.

Former Unaccompanied Asylum Seeking Children (UASC)

35. Schedule 3 of the Nationality, Immigration and Asylum Act 2002 makes particular categories of people ineligible to receive leaving care support, because of their immigration status. If a former UASC care leaver has not been recognised as a refugee or been granted any other valid form of leave to remain, and becomes "appeal rights exhausted" (ARE) they will fall into the 4th category of "ineligible person" listed in Schedule 3. The Home Office ceases to provide leaving care funding to the local authority three months after the individual becomes ARE. In these circumstances, the local authority will only be able to continue to provide support to the extent necessary to avoid a breach of the person's rights under the European Convention on Human Rights.
36. Former unaccompanied children who have failed to establish any lawful basis to remain in the UK as an adult, as well as those who are in the asylum process, will

generally be eligible for practical and financial assistance and support in returning to their home country from the Voluntary Returns Service, run by the Home Office. Further information is available online at www.gov.uk/return-home-voluntarily

Approach to take in implementing the new duty

37. 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

38. 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

39. This guidance should be read alongside the existing guidance on supporting care leavers to make a successful transition to adulthood, which is available at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/397649/CA1989_Transitions_guidance.pdf



Department
for Education

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