

Sorted and Supported

A guide to care leavers rights and entitlements





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Voice 
getting young voices heard

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Introduction



Leaving care can be an exciting time. It can also feel quite scary and overwhelming. But don't worry, when you are leaving care you will still receive care and support from your local authority Children's Services (sometimes called Children's Social Care or Social Services) so that you can make best possible start in adult life.

It's important that you know what your rights are and what support you should get (called "entitlements"). As you leave care, Children's Services should tell you all about your rights and the entitlements they are able to offer you. They will try and make sure that you understand your rights and what they can do to assist you. As part of this, they should listen to your views when making decisions about the support they offer you.

Many care leavers tell us that they have great support from Children's Services, but others say that they need more help. That's why it can be important to get independent advice and support about being a care leaver.

Sorted and Supported is your guide to your rights as somebody who is leaving care. In the guide we explain what your rights and entitlements are. *Sorted and Supported* will also explain what you can do if you don't feel you are being properly supported.

There are lots of laws and guidance that tell Children's Services and young people what support should be provided to care leavers. Even with the help of *Sorted and Supported* it can all seem very complicated. Do not feel bad if something does not make sense because you can always contact Coram Voice's **ALWAYS HEARD** helpline free on **0808 800 5792** or visit **www.coramvoice.org./alwaysheard** to get independent information from one of our advocates. You can also visit **www.coramvoice.org.uk/myrights** for more information about leaving care.

Becoming a young adult is not always easy, especially if you have had a difficult time growing up. **Struggling with upsetting thoughts and feelings is really very common, it is a sign of strength to be able to recognise this and to ask for help if you need it.** There is information about who can help and support you on page 38.

If you do not understand any of the words used in this guide you can also check out the **jargon buster** on page 36 to help you.





The law and your rights

The law in this country is designed to make sure that care leavers have the support they need as they enter adult life.

In the last 20 years young people who are been looked after have gained lots of new rights, which should make leaving care a better experience than it used to be. These rights have come from laws like the *Children (Leaving Care) Act 2000* and *Children and Young Person's Act 2008*. In April 2018, another law the *Children and Social Work Act 2017* came into force which means that most care leavers should now receive support from Children's Services up to the age of 25.

The Government also writes guidance for local authorities to help them to understand what they need to do to give looked after children and care leavers the support they need.

These laws and government guidance give you rights as a care leaver that must be respected. They also mean that if you do not get the support you are entitled to you can do something about it. *Sorted and Supported* is designed to help you understand your rights and are able to speak out and get help if you are not getting the support you should be getting.





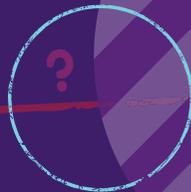
Advocacy

As you leave care Children's Services will continue to be there to help you make decisions about what is best for you. Children's Services will also make decisions about what specific support they will offer you. This means there will be professionals, like social workers and personal advisors, who will be giving you advice, discussing your options with you and seeking your views. They will want to meet with you and make plans about your future.

You have the right to be involved in any decision that affects you. Children's Services do not have to do what you want them to do, but they always have to ask you what you think and take your views into account.

However, sometimes it can be difficult to be heard. You may also not be happy with the decisions that are being made. Having someone around to help you say what you want can make things easier. This is why **all care leavers have the right to have an independent advocate.**





An advocate can:

- › Listen to what you have to say and any concerns you have about your care and support.
- › Give you the information you want and help you understand your rights.
- › Make sure people listen to you and know what's important to you.
- › Help you speak out at meetings with professionals.
- › Help you make a complaint to try to make things right if you are unhappy with decisions being made about you.

The great thing about advocates is that they are independent and work for you. They do not tell you what to do, or make decisions about you.

There are lots of charities, organisations and children's rights teams who provide advocates for young people. Every Children's Services department across the country should make sure that there is an advocate available to support you.

The easiest way to get the help of an advocate is to contact Coram Voice's Always Heard service. The Always Heard team will give you information about your rights and how to contact your local advocate. If for any reason your local advocacy service cannot help you then Always Heard will provide you with an advocate. You can contact **ALWAYS HEARD** on **0808 800 5792** or visit **www.coramvoice.org.uk/alwaysheard**.





The care leavers' maze

The support young people are entitled to as care leavers is different depending on when you came into care and how long you have been, or were in care. The law separates out care leavers into four different groups and gives each group a name. These names are sometimes described as your “leaving care status”.

The four different groups (leaving care status) are:

- 1 **“Eligible child”** someone who is 16-17 and still in care.
- 2 **“Relevant child”** someone who 16-17 and used to be in care.
- 3 **“Former relevant child”** someone aged between 18 and up to 25 who used to be an “Eligible Child” or “Relevant Child”.
- 4 **“Qualifying care leaver”** someone aged between 16 and up to 25 who was in care for less than 13 weeks after their 14th birthday.

It is complicated and even social workers and other professionals find it confusing. It can get even more complicated if a young person and Children’s Services disagree about the group that the young person is or should be part of.

The good news is you can use our care leavers maze (below) to help you work out which group you belong to and your leaving care status. This will then let you know which section of *Sorted and Supported* to read to find out about your specific rights and entitlements. You can also find out more at <https://coramvoice.org.uk/myrights/all-you-need-to-know-about-leaving-care/i-am-care-leaver/>.

If you spent time in care as a child before being under a Special Guardianship Order (SGO) you will be a qualifying care leaver. If you were Privately Fostered you may be a care leaver, with rights as a qualifying care leaver. If either of these apply to you should seek advice on this from Children’s Services, Coram Voice or another advice service.





16 and 17 years old

If you were cared for under an SGO or privately fostered you may be a care leaver - read page 8



18 years and older



Sometimes Children's Services get things wrong. They may not recognise that you should be in care or that you should be supported as a care leaver. The good news is that you can do something about this! **If you are under 18 go to page 19 and if you are over 18 go to page 26.**



Eligible children

Eligible children are young people who:

- › Are aged 16 or 17.
- › Are in care (it doesn't matter where they are living, it could be foster care, a children's home, in semi-independent accommodation or even at home).
- › Have been in care for over 13 weeks since their 14th birthday (this time does not have to be all at the same time).

16 and 17 year olds on a secure remand in a secure children's home, secure training centre or Young Offender Institution are considered to be in care. This means that the time they spend on remand is counted for the period of 13 weeks needed to become Eligible children.

Coming into care after the age of 16 does not affect a young person's status as a care leaver, as long as the criteria above are met.

What you can expect from Children's Services

If you are an eligible child it means that Children's Services must:

- › Listen to your wishes and feelings.
- › Appoint you a personal adviser (PA).
- › Make an assessment of your needs.
- › Prepare a care plan and a Pathway Plan.
- › Review your care plan and Pathway Plan.
- › Pay for your accommodation.
- › Pay for your subsistence.
- › Visit you regularly.



Accommodation



Children's Services must make sure that you are living somewhere that is suitable for you and you're receiving the support you need.

You may want to continue living with your foster carers after you turn 18 and this is encouraged. Local authorities should have "staying put" policies, which say how care leavers aged 18 and over can stay at their foster carers when they become adults. This possibility should be discussed at your first Pathway Plan review.

If you are moved from foster care or a children's home to what is called 'other arrangements' accommodation, Children's Services need to:

- › Take into account your needs.
- › Look at the accommodation's facilities, services provided, state of repair, safety, location, support, tenancy status, the financial commitments involved and their affordability.
- › Seek your views and take them into account.
- › Arrange for you to visit your new accommodation, unless this is not reasonably practicable.



All this needs to be done before you move to this kind of accommodation.

Children's Services must be reasonable when deciding where you are going to live, although this does not mean that they have to agree with what you think is reasonable.





Pathway Plan

If you are an eligible child, you are still in care and therefore will still have a care plan. In addition, your Pathway Plan should be made with you, should identify your aspirations, wishes and feelings about your future and your needs, including how Children's Services will meet them. As you are approaching the time when you are going to live independently it should include what you and others need to do to prepare you for the time when you leave care and what support you need to do well when you are living independently.

To make sure you will have the right support, Children's Services have to assess your needs within three months after your 16th birthday and make the Pathway Plan as soon as possible after that.

This plan should:

- › Be made with you and include your input.
- › Identify your needs.
- › Identify how Children's Services will meet your needs, including what support they and other professionals are going to give to you, when this will be put in place and who is responsible for helping you.

This is a very important document as it should set out clearly how Children's Services should be supporting you. You should always have a copy of your plan so you can check what is written and to make sure that you are receiving all the support that you are meant to be getting by law.

Reviews

The law says as your circumstances change your care plan and Pathway Plan need to be reviewed regularly:

- › At least every six months.
- › Whenever your circumstances change, in particular before a significant change (e.g. when you stop being looked after).
- › At your request or your PA's request.
- › Before moving you from foster care or a children's home to 'other arrangements' accommodation.
- › Before terminating a placement, unless there is a safeguarding risk.

All reviews must be chaired by your Independent Reviewing Officer (IRO).

Visits

Children's Services need to keep in contact with you to make sure that things are going well. They must visit you:

- › Within the first week of every new placement.
- › At least every six weeks.
- › After the first year of your move and, if your placement is a permanent placement lasting until you are 18, at least every three months.



Money

As you are a looked after child, Children's Services will pay for all the support that you need. This does not mean that you will get everything that you want or that Children's Services will give you cash. Children's Services will pay for things like food, clothing, and shoes, although this may go directly to your carers. Children's Services should start helping you to prepare to live more independently, so it is always a good idea to give you some money for you to learn how to manage this.

Care leavers can also get financial support for their education from other places. Some of this support is specific for care leavers; some can be accessed by any young person. Funding for further and higher education is very complicated and comes from lots of different places. Your social worker or personal adviser should be able to give you advice on this.

You cannot claim benefits unless you are:

- > A lone parent,
- > a young person with disabilities or ill-health.

Custody and secure settings

If you are on a care order living in a secure setting because you were given a custodial sentence, you have the same rights to support from Children's Services as if you were living in the community. Children's Services must:

- > Review your care plan and Pathway Plan.
- > Visit you regularly to make sure you are safe and that your needs are being met in custody.
- > **Work with you to make sure that plans for when you are released are put in place.** This should cover where you are going to live, what money you will have, what support you need for your education, what support you need regarding your health and any other support you need. You should know what is happening a month before you are released.

If you were voluntarily looked after under section 20 of the Children Act 1989 before you were sentenced, you lose your rights as a looked after and as an eligible child. However, you do have some other rights. Children's Services must:

- > Visit you at least once to make an assessment of your needs.
- > Make sure that you are safe and that your needs are being met. They must also look at plans for your release.
- > Make a decision about whether you need to be accommodated again under section 20 when you are released.

This can all be quite complicated and you may also need to talk to an advocate to help you.

Relevant children



Where a child has been accommodated for 20 days or more by Children’s Services and they want to leave care, the decision should be made by a Nominated Officer, or Director of Children’s Services if the child/young person is 16 or 17 years old and has been accommodated under Section 20.

Relevant children are young people:

- › Aged 16 or 17.
- › who left care on or after their 16th birthday,
- › who were in care from the age of 14 for a period of at least 13 weeks (this time does not need to be continuous).

16 and 17 year olds on remand in a secure children’s home, Secure Training Centre or Young Offender Institution are considered to be looked after and therefore the time on remand is counted for the period of 13 weeks needed to become relevant children.

Coming into care after the age of 16 does not affect a young person’s status as a care leaver, as long as the criteria above are met.

The category of relevant children includes several groups of young people, depending on where they are living if the criteria above are still met:



1. Young people who go back home

- › Young people aged 16 or 17 who have gone home are considered to be relevant children for the first six months they are living at home. “Going home” means that there was a planned move for the young person to move back to his or her parent(s), someone with parental responsibility or someone who had a residence order before the young person went into care.
- › After the first six months the relevant child status is lost and the young person becomes a qualifying care leaver (see page 27).
- › The relevant child status is restored if it does not work out at home.



2. Young people in the youth justice system

- › Young people who on their 16th birthday were in a secure children's home, Secure Training Centre or a Young Offenders Institution and immediately before that had been a looked after child who was voluntarily accommodated or on secure remand.

2. Young people in hospital

- › Young people who on their 16th birthday were in hospital and immediately before that had been a looked after child who was voluntarily accommodated.

Note that if you are 16 or 17 and on a care order you are an eligible child irrespective of where you are living - see page 10.

What you can expect from Children's Services

The law says that Children's Services must:

- › Listen to your wishes and feelings.
- › Appoint you a Personal Adviser (PA).
- › Make an assessment of your needs.
- › Prepare a Pathway Plan.
- › Review your Pathway Plan.
- › Find you somewhere suitable to live.
- › Pay for your accommodation.
- › Give you money for your subsistence.
- › Keep in touch with you.
- › Visit you regularly.





Accommodation

Although you are not in care anymore, Children's Services still need to find you somewhere suitable to live, as well as pay for it and for all expenses associated with it (e.g. service charges and utility bills).

In finding somewhere for you to live, Children's Services must:

- › Take into account your needs.
- › Look at the accommodation's facilities, services provided, safety, state of repair, location, support, tenancy status, the financial commitments involved and their affordability.
- › Seek your views and take them into account.
- › Arrange for you to visit your new accommodation, unless this is not reasonably practicable.

All this needs to be done before you move to this kind of accommodation.

Children's Services must be reasonable when deciding where you are going to live, although this does not mean that they have to agree with what you think is reasonable.

You are not expected to live on your own without support.

B&B's are not considered as suitable accommodation and can be used only in exceptional emergencies and for no longer than two working days.

Continuing to live with your foster carers may be your preferred option even after you turn 18 and this is encouraged. Local authorities should also have "staying put" policies, which say how care leavers aged 18+ can stay at their foster carers when they become adults. This possibility should be discussed at your first Pathway Plan review.

Pathway Plan

As you are approaching the time when you are going to live independently Children's Services should look into what support you need to do well when this time comes and make a plan with you for this. This is called a Pathway Plan. To make sure you will have the right support, Children's Services have to assess your needs within three months after your 16th birthday and make the Pathway Plan as soon as possible after that. This document should:

- › Be made with you and include your input.
- › Identify your needs.
- › Identify how Children's Services will meet your needs, including what support they and other professionals are going to give to you, when this will be put in place and who is responsible for helping you.

This is a very important document as it should set out clearly how Children's Services should be supporting you. You should always have a copy of your plan so you can check what is written and to make sure that you are receiving all the support that you are meant to be getting by law.



Reviews

The law says as your circumstances change, your Pathway Plan needs to be reviewed regularly:

- › At least every six months.
- › Whenever your circumstances change, in particular before a significant change.
- › At your request or your Personal Adviser's request.
- › When you have moved into a new placement.
- › As soon as possible after 28 days of you being there.
- › At least every three months after that for as long as Children's Services assess that you need the support of three monthly reviews.

Visits

Children's Services need to keep in contact with you to make sure that things are going well. Your PA must visit you:

- › Within seven days after any move.
- › Before your first Pathway Plan is reviewed in a new placement.
- › At least every two months.

Money

Children's Services do not have to pay for everything.

However, they must:

- › Pay for your basic living needs.
- › Pay for the things that are in your Pathway Plan.
- › Have a policy which shows the type of additional things that they will pay for, such as clothing, leisure activities, contact with family and friends, childcare, etc.

Children's Services must never give you less money than what you would have got if you were able to claim benefits.

Savings or money earned through work can be taken into account when deciding what Children's Services should pay for. If you have an award from the Criminal Injuries Compensation Authority they should help you get advice so that this is not taken into account when you are claiming benefits.

Any changes to the money you are given should be agreed at your review. Situations when changes to your money can occur include if you start working, if you receive money such as an inheritance, or if Children's Services feel that you have not followed what was agreed in your Pathway Plan and that they had initially agreed to pay for.





Money (continued)

Children's Services can give you money in cash or by depositing it in your bank account. They can also pay directly to whoever is providing you with the services you need or give you the items you need. **When deciding how the money should be paid, Children's Services should take into account your ability to manage your money and your wishes and feelings.** Children's Services should also help you open up your own bank account and make sure you know how to budget your money.

You cannot claim benefits unless you are:

- A lone parent
- A young person with disabilities or ill-health

If you can claim benefits, Children's Services do not have to pay for your subsistence, but you are still entitled to all other support set out in this section.

Care leavers can also access financial support for their education outside of Children's Services. Some of this support is specific for care leavers; some can be accessed by any young person. Funding for further and higher education is very complicated and comes from lots of different places. Your social worker or Personal Adviser should be able to give you advice on this.

Custody and secure settings

If you were a relevant child before you were sentenced to custody and living in any secure setting, you have the same rights to support from Children's Services as if you were living in the community:

- Your Pathway Plan must be followed and reviewed.
- Your Personal Adviser must keep in touch with you.
- Children's Services should work with you to make sure that plans for when you are released are put in place. This should cover where you are going to live, what money you will have, what support you need for your education, what support you need regarding your health and any other support you need. You should know what is happening about a month before you are released.

This can all be quite complicated and you may need to talk to an advocate to help you.



Children who are homeless or not safe at home



Sometimes young people cannot live at home with their families as the relationship between them has broken down or they are at risk of harm. Sometimes they may have been told to leave their home and do not have an adult who can look after them and so become homeless.

Being homeless means not having a home. Young people are homeless if they have nowhere to stay and are living on the streets, but they can also be homeless even if they have a roof over their heads. A child who is sofa surfing is homeless. A child who is not safe where they live and has nowhere else to go is homeless.

If you are under 18 and you are homeless, **Children's Services must make an assessment of your needs as a child in need.** This is usually called a Child in Need Assessment under section 17 of the Children Act 1989; but sometimes this is called a Child and Family Assessment.

Children's Services must provide you with accommodation under section 20 of the Children Act 1989 if:

- > You are a child in need.
- > No one has parental responsibility for you.
- > You are lost or abandoned.
- > The person who has been caring for you is unable to continue to provide suitable care and accommodation.



It does not matter if you go to Children's Services or the Housing Department. If you go to the Housing Department, they should refer you to Children's Services to be assessed.

Being accommodated under section 20 means that you become a 'looked after child'. Receiving support under section 17 means that you will not be looked after and that all support will stop when you become an adult at age 18.

The law says that Children's Services must not just give you somewhere to live or send you to the Housing Department and ask you to apply for benefits. **They must look after all your needs under section 20 of the Children Act 1989.** This will include things like keeping you safe and helping you do as well as you can, looking at your needs relating to education, health, financial support, contact with your family and friends (if you want that) and any other needs that you have.



Children's Services - or the Housing Department, if you went there first - should give you somewhere safe to stay as soon as they learn that you are homeless or at risk of being homeless. They should not wait to finish their assessments and only then make a decision. Children's Services will need to know if there is someone within your family or friends network that can look after you, so they will ask you about this. This does not mean that you will need to go back to your family, if this is not a safe or suitable place for you to be.

Being 'looked after' does not mean that you have to live in a foster placement or a children's home. Children's Services can also arrange for you to live in semi-independent accommodation.

Your views must always be considered by Children's Services but you should never be asked to make the final decision about whether you become a looked after child.

You should be considered as "looked after" from the date that you first told Children's Services (or the Housing Department) that you were homeless and needed help. This is very important in relation to your leaving care status, as the time you were looked after will count from that date. You can find more information on leaving care rights in the sections above.

Sometimes Children's Services may not make the right decision about the support they give to children who are homeless. If you went to Children's Services or the Housing Department and said you were homeless when you were under 18 and you were not "looked after", or were just given accommodation without any other support, you can challenge this decision. You can make a challenge even if you are now over 18 and can get help to do this

If you are uncertain about what is best for you, you can contact Coram Voice via our helpline for information about your rights.





Former relevant children

Former relevant children are young people:

- › Aged between 18 and up to 21 and have previously been a relevant child (see page 14) or an eligible child (see page 10).
- › Aged between 21 and up to 25, have previously been a relevant or eligible child, and have requested support from Children's Services.

Since April 2018 the law says that all former relevant children are entitled to support from Children's Services up to the age of 25. This means that if your leaving care team stops supporting you at age 21, but you find that you need support before reaching 25, you can ask for the support you need. You may be told you have to request the support in person or in writing, however this is not correct. The law does not specify how you must ask for this help. Once you have requested the support, you should be assessed and the right level of support offered.

What you can expect from Children's Services when aged 18-20 years old

Children's Services must by law:

- › Listen to your wishes and feelings.
- › Keep in touch with you.
- › Visit you regularly.
- › Provide a named Personal Advisor.
- › Review your Pathway Plan every 6 months as a minimum but more often if this is what you need.
- › Provide or pay for accommodation during college or university holidays if you are studying away from home.
- › Provide you with other support by buying the items you need directly or, in exceptional circumstances, by giving you cash, to the extent that your welfare and education needs require it.
- › Give you a £2,000 grant if you are in higher education.
- › Discuss future support wishes and needs with you prior to your 21st birthday and confirm whether you still wish to receive support beyond your 21st birthday.
- › Give you information about your rights and entitlements up to age 25.



What you can expect from Children's Services when aged 21-24 years old

Children's Services must by law:

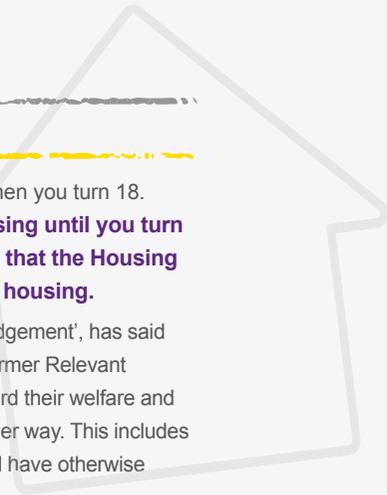
- › Contact you to inform you of your right to request support at least once a year, if you are over 21 and until you are 25 and if you haven't been in touch with Children's Services for some time. The contact once a year may be to your last address, or the last telephone number Children's Services had for you. If this changes, let them know so they don't miss you.
- › Give you information about your rights and entitlements up to age 25.
- › Complete an assessment to identify what support you need and what they can do to help.
- › Provide you with a Personal Adviser and provide support for as long as that issue remains and address any new issues if this is what you want.
- › Prepare a full or partial pathway plan and review if appropriate.
- › Support you up to age 25 if you have needs as assessed by Children's Services and can be helped by them.

Children's Services may:

- › Help you with expenses connected with your work, education or training.
- › Provide you with other support by buying the items you need directly or, in exceptional circumstances, by giving you cash, to the extent that your welfare and education needs require it.
- › Keep in touch with you.
- › Visit you regularly.
- › Contribute towards living expenses near to employment, education or training.
- › Give you a £2,000 grant if you are in higher education.
- › Consider making a contribution to postgraduate courses.
- › Assist you in identifying financial support and resources to enable you to undertake postgraduate study.



Housing



Children's Services should plan for where you are going to live when you turn 18.

As a former relevant child you are in 'priority need' for housing until you turn 21, and may still be in 'priority need' up to 25, which means that the Housing Department should give you somewhere to live if you need housing.

The High Court, in what is known as the 'Barking and Dagenham judgement', has said that Children's Services has a duty to provide accommodation to Former Relevant Children even after the age of 18 if this needs to be done to safeguard their welfare and if the young person cannot access suitable accommodation any other way. This includes young people who may not have recourse to public funds and would have otherwise been referred to the Home Office.

With the Homelessness Reduction Act 2018, the 'local connection' criteria was extended to care leavers living in foster care out of area for purposes of joining the local housing register.

Pathway Plan



To help you with living independently, Children's Services should look into what support you need. They should have assessed your needs within three months of your 16th birthday, made a plan to make sure you get the right support and regularly reviewed it. This is called a **Pathway Plan**.

This document should:

- Have been made with you and include your input.
 - Identify your needs.
 - Identify how Children's Services and other professionals will help you move towards independence, including what support they are going to give to you, when this will be put in place and who is responsible for helping you.
 - Be reviewed at least every 6 months, following a significant event or if you or your PA request it.
- 

This is a very important document as it should set out clearly how Children's Services should be supporting you. You should always have a copy of your plan so you can check what is written and to make sure that you are receiving all the support that you are meant to be getting by law. The final year of pathway planning should be focused on making sure you know how to access support outside of Children's Services.

If you are between age 21 and up to 25, depending on the support requested, a partial or full pathway plan may be required but only if you request this.



Keeping in touch

If you are between 18–20 years old Children's Services must keep in contact with you to make sure that things are going well. Your personal advisor must visit you:

- › Within seven days of a move.
- › At least every two months.

From 21 years old up to 25 Children's Services should contact you to inform you of your right to request support at least once a year. But remember to let them know if you move house or change your email address or phone number.

Money

Children's Services do not have to pay for your ordinary living expenses if you can get employment, benefits or a student loan.

You can claim benefits like any other person who is over 18 but **Children's Services may continue to pay for extra things that are set out in your Pathway Plan.**

If you receive regular payments from Children's Services, the extra money probably won't be taken into account when working out your benefits. However there can be exceptions, especially if you are saving the money. To be sure, you need to check with a benefits adviser.

If you are studying in higher education, you will have to apply for a student loan and grant, just like any other young person. Some courses may also have special grants to help you pay for your expenses. Some universities may have grants for care leavers. You should seek information from your university and get your personal advisor to give you some help. Or visit the Propel website <https://propel.org.uk/UK/>





Education and training

Children's Services must make sure that you get the funding that you need in order to do as well as you can at college or university.

Children's Services must pay the costs towards your education and training, such as special equipment you need and travel. This lasts beyond the age of 21 until the time that you finish your education, provided that this has been agreed in your Pathway Plan. There is no set age for this support to end. What matters is when you finish your studies or your training as agreed in your Pathway Plan. This means that sometimes young people are supported after they turn 25.

If you are unable to claim benefits whilst at college this may mean that Children's Services will have to pay for your housing and subsistence.

It also does not matter if you have a gap in your education so long as you start it again as soon as is reasonably possible.

Children's Services should also make sure that you are able to access work experience, apprenticeships and other training and employment opportunities that improve your ability to get a job.

Care leavers can also access financial support for their education outside of Children's Services. Some of this support is specific for care leavers; some can be accessed by any young person. Funding for further and higher education is very complicated and comes from lots of different places. Your social worker or personal adviser should be able to give you advice about this.

If you cannot access a student loan when you go to university, for example because of your immigration status, Children's Services cannot tell you that you cannot attend university and you have to drop out of education.

A court ruling has made it clear that Children's Services must provide you with whatever support you need to continue studying, including university fees.

Setting Up Home Allowance

Children's Services should pay for furniture, a fridge, a cooker and other essential equipment that you need if you are setting up home independently. They should have a policy that will say what is reasonable and you should find out from this what help they can give you. They should always take into account your wishes but you may be expected to shop around.

There is no fixed amount for this allowance but it is recommended that it is at least £2,000. Each local authority decides what they think is the right amount, but whatever they decide needs to be enough for you to buy all the basic items you need.

Children's Services do not need to give you the money in cash to buy the things yourself, but they must listen to you regarding what is bought for you to set up your home.



Higher Education Bursary

Former relevant children who enter higher education are entitled to a £2,000 bursary.

The bursary is given in addition to any other financial support to which young people are already entitled. It should not be taken into account when Children's Services are making a financial assessment of your situation to decide what support you need.

The payment of the bursary can be made in a lump sum or by installments. Your wishes and feelings must be given due consideration when deciding on this method of payment.

My case was closed by Children's Services before I turned 25 but I need support, what can I do?

If your case was closed prior to your 25th birthday but you find yourself needing support you can ask Children's Services to help. It used to be that after age 21, you would need to be in education to access support however, and this has changed. It doesn't matter if you had previously said you didn't need help.

You can now contact your previous personal advisor, or contact the duty team to ask for their help. They may ask you to attend in person; however the law does not specify this. Children's Services must complete a needs assessment, and talk to you about the level of support you need. This could be for one issue you may be struggling with, or many. Your case should only be closed when you feel ready to live independently again.

I asked my local authority for help with my homelessness when I was under 18, and was told to return home. I still need support but now I am 18, what can I do?

If you asked for help with accommodation from Children's Services or Housing before you were 18, and they didn't help you, this is against the law. Children's Services must carry out an assessment under section 17 of the Children Act 1989 and provide you with accommodation under section 20 until the assessment has been completed.

If you have proof of when you asked for support, (e.g. a letter or the name of the person you spoke to) talk to your advocate about this, they will be able to explain your options on trying to get retrospective care status, (back dated). This may mean becoming a care leaver, and receiving support up to the age of 25.

Retrospective section 20 care status may be given from the time you first approached Children's Services/Housing and they failed to comply with the law. This is very important in relation to leaving care status.



Qualifying care leavers



Qualifying care leavers are:

- Young people aged between 16 and up to 21 (or up to 25 if you are in education) who:
 - Left care on or after their 16th birthday and who were looked after for less than 13 weeks since their 14th birthday.
 - Are on a special guardianship order or were on a special guardianship order when they reached the age of 18 and were looked after immediately before the making of that order.
- Relevant children (see page 14) who have returned home for six months or more.

What you can expect from Children's Services



Children's Services must:

- Give you advice and support.
- Keep in touch with you.
- Provide or pay for accommodation during college or university holidays if you are studying full-time away from home, up to the age of 25.

Children's Services may:

- Find you somewhere to live in exceptional circumstances.
- Provide you with other support by buying the items you need or, in exceptional circumstances, by giving you cash, to the extent that your welfare and education needs require it.
- Give you a grant to pay for expenses related to your education, training and work needs up to the age of 25.
- Contribute to living expenses related with your education and training, up to the age of 25.

Plans

Although Children's Services do not have to make a Pathway Plan as such, after an initial assessment they should make a plan stating what support you will receive. This plan may follow the same format as a Pathway Plan.

Children's Services do not have to regularly review this plan, but as your circumstances change you may want to ask Children's Services to update the plan as well.



Housing

If you are a qualifying care leaver over 18 years old, you may be considered as a 'priority need' for housing, which means that the Housing Department should give you somewhere to live while they assess your housing needs.

Money

Children's Services may be able to help you but in most cases they do not have to. You will need to ask them whether they can help you. However, if Children's Services will not help you, they have to give you advice on how to get the support that you need.

You have the same rights to benefits as any other young person who is your age, so you should apply for benefits. If any extra money you get from Children's Services is taken into account when your benefits are assessed you should seek benefits advice.

If you are studying in higher education, you will have to apply for a student loan and grant, as any other young person. Some courses may also have special grants to help you pay for your expenses. You should seek information from your university.

Secure settings

Children's Services must make sure that they keep in touch with you but they do not have to visit you. Your rights are the same as for a young person in the community.

If you are under 18 and on secure remand you will become a looked after child.

Care Leaver Local Offer

In 2018, the Children and Social Work Act made a change to the law to say that all care leavers can ask for support up to the age of 25. The law also said that all local authorities in England have to publish the information in what's called a local offer.

The information will explain what they will do (legal entitlements) and what they can do (additional discretionary support) to help. The information will explain what you can expect from your authority. They should cover your entitlements to finance, health and wellbeing, relationships, education and training, employment, accommodation and participation in society.

It's a good idea to ask your social worker or personal advisor to show you a copy of this. You can also find this on the local authority's website. It will help you with understanding if you are getting what you should be.



Young refugees, asylum seekers, migrants and young people without British citizenship



Young refugees, young asylum seekers and young people without British citizenship who are care leavers maintain their status as care leavers no matter what is happening with their immigration status. Your immigration status and rights to be in the UK are an important need that Children's Services should look at when making your care and Pathway Plans with you.

Your immigration status does not necessarily mean that you will not receive any services or that they will be different from those received by other care leavers. However, there can be some circumstances when you may lose leaving care support because you do not have the right to be in the UK and have no outstanding applications or appeal. The rules about this often change and **you should take advice from an advocate or a solicitor if you are told that you are losing your leaving care support.**

If you are under 18, you have exactly the same rights as any other looked after child approaching leaving care. When making your Pathway Plan, Children's Services should talk to you about "triple planning" which means that they should help you plan for your life whilst you do not have settled status, make a plan to stay in the UK in the long term, and talk to you about how you could return to your home country. If you want to stay in this country you have to make sure you seek legal advice from an immigration solicitor before any leave you may have expires. They can help you extend your leave if this is what you need. There are more immigration options for children who want to stay in this country so it is crucial that you get legal advice urgently if you are under 18 and have no leave to remain. Children's Services must support you with this.





Some young care leavers, or young people in care, may have lived all of their lives in the UK. If you were born in the UK and lived here for your first ten years, then you may be entitled to British citizenship (even if you are over 18). You may also be able to apply for discretionary citizenship if you have spent most of your life here and are under 18. You should get advice from a solicitor about making such an application.

If you are over 18 and you have leave to remain in the UK (for example, you have been granted Limited Leave to Remain, Indefinite Leave to Remain, Humanitarian Protection or Refugee Status) you are entitled to receive full leaving care support. If you have been granted leave to remain on the basis that you are an unaccompanied asylum seeking child (UASC) then this will most likely expire at 17 ½ years of age and you will need to make a new application before the expiry of your leave. If you make an in-time, valid application for further leave to remain, your leave will continue until a decision is made or you become appeal rights exhausted.

If you do not have leave and you are over 18, your circumstances may be one of the following:

- › You are still awaiting a decision on your asylum claim.
- › You have made a fresh claim for asylum and you are waiting for a decision.
- › You are appeal rights exhausted, which means your asylum claim has not been accepted and you have either appealed unsuccessfully, or the deadline to make the appeal has passed.
- › You have an immigration application pending (this will normally be based on your private or family life).
- › You have no status.

In these situations, Children's Services may try to end your support, but they will need to conduct a Human Rights Act assessment before they do so. This means that they will look at your circumstances, whether it would breach your human rights to remove support (in most cases leaving you homeless/unsupported would breach your rights) and whether there are any barriers to you leaving the UK, such as lack of documentation, medical issues or an outstanding immigration application.



However, in some circumstances, Children's Services may try to refer you to the Home Office for asylum accommodation and support, or they may only say they will support you to return. **If Children's Services tell you they are planning to do either, or they have told you they will no longer support you, then you should seek immediate advice and support from an advocacy organisation and a solicitor.**

Now that the UK has left the EU, if you are an EU national, or living in the UK under EU rights (for example if you have a family member who is an EU national), you will need to seek advice to apply for settled or pre-settled status under the EU Settlement Scheme. Children's Services should help you to do this. The deadline for applying is currently 30th June 2021 but may change. You can apply whether you are under 18 or over 18.

Immigration is a complex area so if you need more information you can speak to an advocate, contact the Migrant Children's Project advice service on mcpadvice@coramclc.org.uk, or get some legal advice from an immigration solicitor.



Care leavers with disabilities



If you have a disability you should be receiving services as a care leaver no matter which team is responsible for your case. As with any other care leaver, Children’s Services need to plan for your adulthood. Your disabilities are just one particular need to be taken into account when making plans for you. Even if you are looked after by the Children with Disabilities Team or referred to Adult Disability or Mental Health Services, you keep all your rights as a care leaver.

For example, if you are a former relevant child (see previous sections) you will still be legally entitled to have a Pathway Plan and Personal Adviser, even if you also receive a care package from adult social care. This could just mean that several teams must work closely together to support you.

Unfortunately not all local authorities offer care leavers with disabilities the same support as other care leavers. They may try to say that because you have a social worker or assessment with an adult social care team, you don’t also need a Personal Adviser or Pathway Plan as well. This is against the law: If you are a care leaver the law says you are entitled to the support explained in the previous sections, and having a disability does not make a difference to this. It might just mean you have the right to other support as well. If you feel that your council is discriminating against you (i.e. not providing the same level of support as they do to other care leavers) because you have a disability, you could ask an advocate to help you challenge this.

If you need support at school or college, you may also have an Education, Health and Care (EHC) plan. The professionals around you should be talking to you about the changes that will happen in your life and the services that will support you when you become an adult: this is called your “transition”(see jargon buster). Planning must start for your transition when you are in Year 9, so during the review after your 14th birthday. The planning for transition should be done in parallel with Pathway Planning when you approach the age of 16.



In addition to care leaver support, you may need help from adult's social care because of your disability or health needs. Social care support for adults with disabilities is provided under a law called the Care Act. The Care Act says that if you are likely to need support from adult social services when you reach 18, then your council should do a "transition assessment" before you become an adult. This is to help them find out in advance what help you will need. They should not leave this to the last minute and they should not let there be any gaps in the support you receive.

Young people with disabilities do not automatically receive services from Adult Services when they become 18. If you are already 18 and you don't have the support you need, you can ask for a Care Act assessment. Decisions made by Adult Services are made on a different basis than Children's Services, so they may decide you should not receive their help. **If you are refused support from Adult Services, this may be challengeable and you may want an advocate to help you with this.**

Matters related with planning and funding of services can be complicated when there is more than one team involved, or if the council in the area where you now live is different to the council that looked after you. **Everyone working with you should work together to make sure that all the support you need is in place.**

Services should not be stopped or delayed because of disagreements between teams regarding funding.

If you are unhappy about the support you are receiving you should ask for help from an advocate.



Access to records



You have the right to access your records of being in care.

Children's Services must keep written records of their work with you, including assessments of needs, Pathway Plans and their reviews. These records should be kept for 75 years.

You can ask to access your records yourself or through other people, such as a solicitor or an advocate, although Children's Services may ask that they prove that they are acting on your behalf.

You need to ask to access your records in writing. Children's Services must give you access to your records within 40 working days.

Although you have a right to be given information Children's Services have about you, there is some information that they may not give you. This may be the case if

- The information on a file identifies other people (called third parties) this information should be removed (called redacted) or given in a way that does not identify these people. The information must be given to you if the third parties have agreed for the information to be passed on to you.
- Giving you the information would seriously harm your physical or mental health or that of any other person.

Children's Services should not charge you a fee to access your records.

Reading your care file can be difficult for many reasons so it is a good idea to get someone you trust to help you, for example your personal advisor.





Jargon buster



Advocate

A person who listens to your point of view, gives you information about your rights and helps you speak out about what you want and need. See page 6 for more details.

Appeals rights exhausted

When someone has made an asylum or immigration application which has been refused, they have had any appeals refused, and there are no further appeals possible against this decision.

Assessment

Collecting information about you and your life and talking with you about this. An assessment helps people understand your situation, what your needs are and how to plan for the future.

Care (being in care, being looked after)

Being in care or being a looked after child means the same thing.

A child or young person can be in care for three main reasons:

- If there is a legal order made by a judge in court, which says that Children's Services should look after you.
- If the parents, or those with legal Parental Responsibility - or the young person if they are aged 16 or 17 - agree that Children's Services will look after them.
- If young people aged between 12 and 17 are living on a secure remand in a secure children's home, a Secure Training Centre or a Young Offender Institution.

Care plan

A plan made when you are in care about your immediate and long term future based on your needs assessment. This should cover: personal support, accommodation, education and training, employment, family and social relationships, practical and other skills, financial support, health needs. This is your plan and you should play a key role in what your care plan says.





Child in need

A child or young person who is, 'in need' of services from Children's Services to make sure that they reach a reasonable standard of physical or mental health or development. Children with disabilities are considered to be children in need.

Children's Services

Sometimes called Children's Social Care or Social Services. This is the service that each local authority must have to make sure they protect children who may be at risk of harm.

'Other arrangements' accommodation

Accommodation that, unlike foster care and children's homes, is not subject to government regulation (controls on how they are run). Examples of 'other arrangements' accommodation are semi-independent accommodation, supported lodgings, foyers etc. They are also known as "unregulated accommodation".

Pathway Plan

It is very similar to a care plan (see above) but it is more focused on preparing you to live independently. If you are still in care, it is often included in your care plan.

Personal Adviser (also known as PA)

The worker allocated to a care leaver to support them and to make sure that their Pathway Plan is carried out. Usually Children's Services have professionals dedicated to this role however, in some circumstances your PA can be chosen from amongst the professionals that work with you.

Policy

A written statement that sets out guidance and rules about what services will provide, the way these can be provided and what you can expect to receive.



Priority need

A legal term in housing law which sets out who has an important need for housing and helps the council identify who should have urgent need to access to council housing.

Secure Remand

A court order made by the criminal court stating that you must be locked up while you are waiting for your case to go through the court. You can be placed in a secure children's home, Secure Training Centre or Young Offender Institution. Being on secure remand means that you are a looked after child.

Review

A look at previous assessments and decisions made about your care to check that things are still relevant and/or needed, and to make changes if necessary. There is usually a meeting with the people involved in your life called a Review meeting.

Local offer for care leavers

Each local authority (In England) is required by law to publish information about the services available for care leavers within the local authority area. This should set out how they will help care leavers prepare for independent living and adulthood. This information should include services they have to offer, and others they can offer. Most local authorities publish this information online.

Independent Reviewing Officer (IRO)

When you first come in to care an IRO is appointed. The main job of the IRO is to make sure that your care plan meets your needs. They will do this by first, chairing your review, second, by letting you have your own say in your review; and third, by following up to make sure that people actually do what they agreed to do. Your IRO must try to speak with you alone before each review. These are your reviews, and it is very important that you make sure that the IRO knows how you feel and what you would want to happen.

Transition

Transition means change. For a young person with a disability, this word is often used to describe the process of moving from being a child to being an adult. In particular this can refer to the support you receive. For example, once you are an adult you may move from having a social worker in a children's team, to having a social worker in an adult's team. A new assessment must be completed if you need continued support, and there may be changes to how your accommodation and care are paid for. The professionals around you should help so that all of these changes happen smoothly.





Getting help and advice



If you need an advocate or information about your rights contact:

Coram Voice

www.coramvoice.org.uk/alwaysheard
help@coramvoice.org.uk

Freephone: 0808 800 5792
07758 670 369

For legal advice and information contact:

**Child Law Advice Service
(Coram Children's Legal Centre)**
www.childlawadvice.org.uk
0300 330 5480

**Law Stuff
(Coram Children's Legal Centre)**
www.lawstuff.org.uk

Find a solicitor (Law Society)
www.lawsociety.org.uk/find-a-solicitor

For immigration advice contact:

**Migrant Children's Project
(Coram Children's Legal Centre)**
www.childrenslegalcentre.com
mcpadvice@coramclc.org.uk

**Children's Advice Project
(Refugee Council)**
www.refugeecouncil.org.uk
0207 346 1134

Find a solicitor (Law Society)
www.lawsociety.org.uk/find-a-solicitor

For housing and homelessness advice contact:

Shelter
www.shelter.org.uk
0808 800 4444

For care leavers with disabilities contact:

SCOPE
www.scope.org.uk
0808 800 3333

Mencap
www.mencap.org.uk
0808 808 1111

MIND
www.mind.org.uk
0300 123 3393 or email info@mind.org.uk

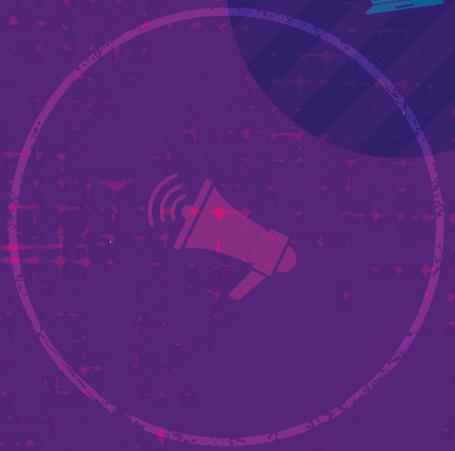
Other advice and support services for care leavers:

Help at Hand (Children's Commissioner)
<https://www.childrenscommissioner.gov.uk/help-at-hand/>
0800 528 0731

Care Advice Line (Become)
www.becomecharity.org.uk/help-advice/care-advice-line/
0800 023 2033







Update by

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