

Setting the agenda: what's left to do in leaving care?

A report from the Action on Aftercare Consortium

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The Action on Aftercare Consortium exists to provide a forum for individuals and organisations who have a shared interest in promoting the best interests of young people preparing to leave the care system or who are in the process of leaving it. Through collective and collaborative action we seek to identify and highlight key issues of concern for young people and to explore and examine those policies and practices that address those issues. We seek to promote the development of needs-driven services in support of young people.

We seek to:

- identify and highlight the key issues of concern for young people leaving care
- improve provision, policy and practice for young people preparing to leave care and afterwards

Members include:

Bamardo's, Childline, Coram, East Midlands Aftercare Forum, East Sussex County Council, Fostering Network, London Borough of Hackney, London Borough of Tower Hamlets, London and South East Aftercare Forum, National Children's Bureau, NCH the children's charity, National Leaving Care Advisory Service, North West Aftercare Forum, Rainer, Royal Borough of Kensington and Chelsea, St Basil's Centre, Save The Children, South West Aftercare Forum, The Prince's Trust, Voice for the Child In Care, West Midlands Aftercare Forum, Who Cares? Trust

Introduction

A number of recent research reports have greatly added to our understanding of both the impact of the Children (Leaving Care) Act 2000, the specific issues facing some groups of care leavers, and the hierarchy of need that exists among this far from homogeneous group.

This report seeks to pull together this learning and to highlight the many improvements to services for care leavers. It also seeks to pinpoint for practitioners and remind policy makers that research also shows that the battle for care leavers is not yet won. For too many the journey to adult life still tests their endurance beyond breaking point.

The report therefore concludes with a set of recommendations or objectives that the Action on Aftercare Consortium believe need to be addressed as a matter of urgency if we are to see leaving care become the Rolls Royce service that young people deserve.

Before the Act

The Children (Leaving Care) Act 2000 is the third legislative attempt in recent history to improve the support and outcomes for young people leaving care. It builds on both the Child Care Act 1980 and the Children Act 1989. It was designed to address the main concerns regarding these two pieces of legislation, namely that the predominance of powers rather than duties led to a geographical lottery for young people (DoH, 1997). It was also hoped that it would produce a seismic shift in the poor outcomes often noted for care leavers in terms of education, training, employment, housing and health.

Research on the outcomes for care leavers prior to the implementation of the Act made for depressing reading.

- In the year ending 31 March 2001, 37 per cent of care leavers obtained one or more GCSE or GNVQ compared to 94 per cent of Year 11 pupils in England as a whole (DoH, 2001).
- Unemployment levels among care leavers ran at 50 per cent as compared to 19 per cent for other young people at the time of the survey (Biehal et al, 1995).
- Unqualified care leavers were more likely to be unemployed than unqualified respondents who had never been in care (Cheung and Heath, 1994).
- At least one in seven young women leaving care was pregnant or a young mother (Social Exclusion Unit, 1999).

The provisions of the Children (Leaving Care) Act 2000

The Children (Leaving Care) Act 2000 has the following key aims:

- to remove the perverse incentives for local authorities to discharge young people from care early so that they could claim benefits and no longer be the financial responsibility of the authority
- to thereby help delay young people's discharge from care until they are prepared and ready to leave
- to improve the assessment, preparation and planning for leaving care
- to provide better personal support for young people after leaving care
- to improve financial arrangements for care leavers

The Act has established three categories of young people affected by it and each is entitled to varying services, which makes it difficult to explain in précis. However, broadly speaking:

- local authorities have been given a duty to assess and meet the needs of 16 to 21 year olds in and leaving care
- local authorities have been made responsible for the personal and financial support of 16 and 17 year old care leavers (the vast majority can now no longer claim benefits) and they must also provide them with or maintain them in suitable accommodation¹
- every young person leaving care now has to have a pathway plan
- each young person must also be allocated a personal adviser
- assistance with education and training will continue to the end of the agreed programme even if this takes someone past the age of 21
- the local authority that looked after the young person retains the responsibility for continuing support when they leave care, regardless of where they live
- each local authority has a duty to maintain contact with every care leaver

The Act does not automatically apply to all young people leaving care, but only those who have been looked after for 13 weeks or more after their 14th birthday and are in care on or after their 16th birthday. Those young people who meet these requirements and remain looked after are **eligible children**. Those young people who meet these requirements and have left care are **relevant children**. Post-18 eligible and relevant children become **former relevant children**. Young people who do not meet these requirements but who left care on or after their 16th birthday are **young persons qualifying for advice and assistance** under the Children Act 1989.

¹ Accommodation has to be suitable in the light of the young person's identified needs, including health needs. The local authority has to be satisfied as to the character and suitability of the landlord. The local authority need to have taken into account the young person's wishes and feelings and practical considerations relating to the education, training and employment needs. While regulations do not prohibit the use of certain types of accommodation, the guidance does make it clear that it would not generally be sensible for 16 and 17 year olds to live independently and to carry the responsibility of their own tenancy without support. Similarly, that bed and breakfast accommodation would not normally be regarded as suitable although it may occasionally be justified as a short-term emergency measure.

Leaving care now

Pre-existing factors that impact on the success of any leaving care system

It is probably helpful to place research information about the successes and failures of the Children (Leaving care) Act 2000 in improving services and outcomes for young people leaving care in context. There are factors that affect how successfully young people move from care into adult life. Stein, for example, has looked at the issue of resilience (Stein, forthcoming).

Resilience: resilience is about overcoming the odds, coping and recovery and succeeding despite prior disadvantage. Promoting the resilience of young people leaving care will be assisted by:

- good-quality placements that provide compensatory secure attachments and the stability necessary to focus on education and career
- helping to develop a positive sense of identity, self-knowledge, self-esteem and self-efficacy
- a positive experience of school/college
- the provision of possible turning points such as care, school or other opportunities to make new friends, develop new competencies, or gain in emotional maturity
- good, holistic preparation for adult life that provides opportunities for planning, problem solving and learning new skills
- gradual transitions from care that give young people the psychological space to deal with changes over time and to take supported risks

(abridged from Stein, forthcoming)

The diamond

Stein has found that the resilience of young people leaving care is closely associated with their pre- and in-care experience and the support they may receive. From an examination of the available research he has suggested that care leavers fall crudely into three groups.



Stein's research is supported by recent NCH research into the effectiveness of the Children (Leaving Care) Act 2000 (Allard, 2002). This also identified three distinct groups of care leavers who required differing levels of input from leaving care services and with differing levels of success.

I mean you can divide the leaving care population up. There's the 20 per cent at the top who have been in a secure foster placements for years and years and are doing A levels and will probably go back to the foster carers and they're fine and sorted. There's the 60 per cent in the middle that struggle a bit and have a hard time, had a few placements and I think they're the ones that we really make the difference with. And then there's the 20 per cent who are really hard to engage, really damaged and will struggle, will always struggle post-21, whatever we do. I hope we can improve the quality of their life, and their life chances, I hope we can but I think that realistically there is a limit to what we can achieve.

Project manager, Area 1 (Allard, 2002)

Allard's research suggests that the ability of the Children (Leaving Care) Act 2000 to maximise outcomes for young people leaving care is too often undermined by failures in the in-care system. For instance, staff interviewed felt that until the issue of educational attainment pre-leaving care was tackled any assistance they could provide was more likely to be too late. Staff also felt that, in order to build up a relationship with some young people, they needed not only to deal with the fall out from young people's family history but also had to tackle a learned distrust of professionals and the damage caused by inefficiencies or parsimony in the way young people have been looked after.

One young person in particular who we are trying to engage – he's in a supported lodgings placement and it's not going very well. He doesn't use it all the time and he comes back stoned – he's into driving stolen cars and I was laying the law down to him really and saying, 'look you're running out of options really, this is a good placement, we're trying to engage with you, you're not engaging'. He said 'I've been in the care system seven/eight years and I've never seen a social worker. I've probably seen them once a year for reviews, I'm 16 so why should I think someone is going to help me now?' So that's one of the hurdles we have to get over.

Personal adviser, Area 1 (Allard, 2002)

Messages from research

The following section pulls together findings from research carried out by De Montfort University (Broad, 2003), Fostering Network (2003), NCB (Hai and Williams, 2004), NCH (Allard, 2002) and the West Midlands Child Care Consortium (WMCCC, 2002). The findings fall into four key themes: issues around resources; roles, responsibilities and strategic planning; outcomes; and young people's experience of the leaving care process. Each section is then further split into findings that indicate areas of good practice or success, and findings that give cause for concern or highlight gaps in systems or services.

Resources

Successes

Perhaps unsurprisingly given the ring fenced money that accompanied the legislation, all of the research studies have found that the Act's implementation has led to an improvement in services to care leavers because of an increase in the resources available.

The Pathway Plan, where it is completed appropriately, seems to be a key tool in identifying and securing necessary support and resources for care leavers. In most areas there seems to be a marked increase in the ease with which financial support can be secured (Allard, 2002; Hai and Williams, 2004).

A number of studies have specifically mentioned the importance of the increase in the number of dedicated and specialist professionals now on hand to provide support to care leavers.

I was about to be made homeless. The reason why they're letting me stay is because I had a professional worker, if I hadn't had Michelle, then they said they wouldn't have let me stay. I don't somehow understand it that if you haven't got anyone to help you they give you a harder time. If you go to court with someone [a worker] they'll take more notice of what you say, if I'd have gone in on my own I'd have gone to prison or something... There's other things like budgeting and that that they've helped me with, and college and everything.

Young person, Area 1 (Allard, 2002)

Given the centrality of good, trusting one to one relationships with leaving care workers, the importance of workers having small enough case loads to enable them to dedicate sufficient time to young people is clear, and the Act does seem to have ensured this. The Act also seems to have brought about an improvement in the quality of support provided through training.

In terms of the importance of, and evidence of an increase in specialist help, the West Midlands research (WMCCC, 2002) indicates that young people were very satisfied with the help and advice they received from personal advisers on financial and employment matters, but tended to turn to carers and education staff for help with school and college work. The NCB research suggests that local authorities that have some input from health professionals perform relatively better in terms of health outcomes (Hai and Williams, 2004).

Concerns

Again, given the impetus that ring fenced funding gave to extending and setting up new services, there were considerable concerns that once ring fencing ends funding may seep away (Allard, 2002; Broad, 2003; Hai and Williams, 2004). Workers felt that prior to the legislation leaving care had been a low priority in many authorities and would be once again if there was not specific money attached to it. Workers' posts were felt to be vulnerable if these fears were realised.

Foster carers felt that it was too often left up to them and the young people they were caring for to do the leg work of identifying the necessary resources to meet Pathway Plan objectives (Fostering Network, 2003). Researchers have also identified specific gaps in resources for certain groups of young people. For instance there were concerns expressed about the level of resources available post-custody (Broad, 2003).

As well as concern that certain groups were being under-resourced there was a feeling that two areas in particular would benefit from more investment: young people's access to leisure activities (WMCCC, 2003) and, while the picture varies considerably from location to location, provision of suitable accommodation options (Allard, 2002; Broad, 2003). This was not simply about the standard of accommodation but also its isolated location and, in shared housing, the lifestyle of others living there (Allard, 2002).

PA 1: Bob from yesterday, he is going to survive what, two months?

PA 2: I wouldn't even give him that long.

PA 1: He's living with a very dodgy guy upstairs who he thinks the sun shines out of his arse, he takes a lot of drugs and when I saw him last week a friend had spiked his drink with speed so he was ill all week, and because he only had two weeks to get out of the children's home the only accommodation we could get him was the one where this friend lived.

PA 2: I mean that area is known for drugs. It's not an ideal location to put any young person.

Personal advisers, Area 2 (Allard, 2002)

Roles, responsibilities and strategic planning

Successes

The research found that the new legal framework had, for the most part, clarified roles and responsibilities in respect of care leavers. Strategic planning had also improved. The De Montfort study (Broad, 2003) found that since the Children (Leaving Care) Act 2000 had come into force, 86 per cent of leaving care teams had produced new policies, which were 'always' or 'mostly' followed (90%). The greatest areas of improvement reported were assessment and pathway planning, financial arrangements for 16- and 17-year-olds, accommodation, and inter-authority placements.

Assessment and planning were the areas in which progress was most identified in the De Montfort study. However, pathway planning was more successful than assessment (Allard, 2002), suggesting that pathway plans were being prepared without a proper assessment of need. The NCB research indicates that a stable and consistent relationship with a social worker (pre-leaving care) is an important factor in completing assessments.

Good financial-support planning and clear financial arrangements for 16- to 17-year-olds were found to exist (Broad, 2003). This was leading to less hassle for young people, despite some bottlenecks (Allard, 2002).

*With the social [social services] you know you're going to get it [money] because with benefits it always gets ****ed up. I had to live on nothing last year because benefits were messing me about and I didn't really know about NCH then. I ended up with no money for three months. I was meant to claim IS because I wasn't allowed to claim JSA because I was 16, you had to wait until September of that year or something until you could sign on for Job Seekers [allowance].*

Young people, Area 2, (Allard, 2002)

The new legal duty to provide suitable accommodation had raised expectations (Allard, 2002). Better strategic links and planning were found in this area, as well as in the areas of health and education, training and employment (Broad, 2003). The importance of offering the option of continuing in placement post-18 was recognised, even if too often only theoretically (Fostering Network, 2003).

Planning for out-of-authority placements was seen as adequate (Fostering Network, 2003), where inter-authority protocols or reciprocal arrangements were in place (Broad, 2003).

Concerns

Lack of clarity about the pathway-plan reviewing process was a problem in the West Midlands study (WMCCC, 2002). The overall increase in care leavers' involvement in individual and service planning they sought would be helpful in this regard.

Lack of appropriate involvement of foster carers in planning was found in the Fostering Network research. Foster carers lacked information and were unaware or unclear about aspects of their role and that of others (Fostering Network, 2003).

Several studies identified as gaps planning for specific groups of care leavers, including asylum seekers, young disabled people (including post-18), young parents, young people disaffected from learning, post-18, and post-custody (WMCCC, 2002; Broad, 2003; Fostering Network, 2003).

While there was some progress in joint working with asylum teams, youth offending teams, disabilities and special needs teams (Broad, 2003), there was still some way to go in achieving adequate multi-agency working (WMCCC, 2002), especially where CAMHS and periods of transition such as moving to adult services were concerned (Hai and Williams, 2004).

Low priority was given to health, especially mental health and teenage pregnancy (Broad, 2003).

Outcomes

Successes

The research studies point to limited success in improving outcomes for care leavers. This is perhaps unsurprising given the short time the legislation has had to impact on young people's lives. However, there were improvements in:

- the numbers involved in education, training and employment (Broad, 2003)
- the numbers receiving health checks (Hai and Williams, 2004)
- access to available accommodation – for instance some local authorities were now reserving beds previously open to vulnerable young people solely for the use of care leavers (Allard, 2002)
- financial support – Broad's study (2003) found that over 80 per cent of leaving care professionals felt that the implementation of the Children (Leaving) Care Act 2000 had significantly or slightly improved financial support outcomes for those they worked with

Concerns

Professionals have expressed concern about the way in which outcomes are measured in the light of Stein's research (forthcoming) and the very different starting points of young people. For instance, one local authority is facing a deterioration in their education outcomes because the profile of their care leavers has changed substantially over the past two years. While improvements are noted generally in education, training and employment outcomes, it was felt that there were a lack of such opportunities for less able young people.

Young people's experience of the process

Successes

The West Midlands research consulted with 259 young people. Overall they considered that the new arrangements were significantly better than the previous ones. In particular they mentioned:

- their satisfaction with having a pathway plan
- good contact with their personal advisers, whom they saw as the main source of help and advice on employment
- the majority were satisfied with the education/training they received
- the majority see financial arrangements as being easier to access and less hassle, and they were happy with the money advice given (WMCCC, 2002)

Concerns

While the feedback from young people was generally positive there were a number of areas of concern.

The majority of young people interviewed for the West Midlands study felt that the level of money they received was insufficient to meet their needs (WMCCC, 2002). The NCB research found that care leavers lacked clarity about their rights and entitlements (Hai and Williams, 2004).

Setting the agenda

These eight areas will form the basis of the Action on Aftercare Consortium's programme of work.

1. The identified hierarchy of need (Stein, forthcoming) must inform the analysis of research, and the planning, provision and delivery of leaving care services.
2. Targeted work must be undertaken to develop specific strategies and resources for working with the hard to reach group of care leavers.
3. Research should be undertaken on the longer term outcomes for care leavers, recognising:
 - the continuing importance of key relationships (family, friends, carers and other professionals) established while in care
 - the advice and support many require in their mid 20s onwardsThis work is essential in achieving the preventative aims set out in the green paper and the development of Children's Trusts.
4. Measures must be taken to improve services for looked after children so that they have a more positive experience of care. Leaving care services can then focus on the work they are set up to do rather than trying to redress problems that should already have been tackled.
5. There must be targeted work to reduce the injustice of the 'postcode lottery' using the revised Leaving Care National Standards, inter-agency and inter-authority protocols. This work should address:
 - improving pathway assessments before young people's transition to leaving care services
 - increasing accommodation options, including extending the use of supported lodgings and enabling more young people to stay in foster placements
 - continuing the improvement of transition arrangements between children and adult services
 - increasing access to health, and particularly mental health servicesThis work is essential given the impending end to ring fenced monies for leaving care services.
6. There must be targeted work recognising the specific needs of:
 - young parents
 - unaccompanied asylum seekers
 - young people with disabilities
 - young people who are released from the youth justice system
7. Foster carers and residential care workers must be fully trained, informed and supported to undertake their roles and responsibilities in preparing and supporting young people through the transition from care to adult life.
8. Young people must be fully involved in the strategic development of leaving care services.

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Notes

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