

**PERTH AND KINROSS COUNCIL****Lifelong Learning Committee****27 May 2015****Children and Young People (Scotland) Act 2014  
Aftercare and Continuing Care****Report by Executive Director (Education and Children's Services)****PURPOSE OF REPORT**

This report outlines new duties placed on the Council by the Children and Young People (Scotland) Act 2014 in relation to the provision of aftercare and continuing care for care leavers and the progress to implement these new duties.

**1 BACKGROUND/MAIN ISSUES**

- 1.1 The Children and Young People (Scotland) Act 2014 is made up of various Parts which place new duties on the Council. Each Part has different duties and dates for implementation, but together they focus on improving services to children and young people. Parts 10 and 11 of the Children and Young People (Scotland) Act 2014 place new duties on all local authorities in relation to young people who have been looked after as they transition into adulthood. The ethos of these Parts of the Act is to encourage young people to remain in their care placement, and to be supported for longer, once they have reached adulthood. Both Parts 10 and 11 of the Act commenced on 1 April 2015.

**Part 10 – Aftercare**

- 1.2 Up until 1 April 2015, the duty to provide aftercare was set out in the Children (Scotland) Act 1995. The Council had a duty to provide aftercare to young people if they were looked after at school leaving age, or until the age of 19, and had the power to continue this up until they reached 21. Aftercare is a term used to support a young person in all aspects of their life and to assist them to make a successful transition into adulthood.
- 1.3 Part 10 of the Act extends the entitlement to aftercare services to young people leaving care, including those looked after at home, until their 26<sup>th</sup> birthday. This is to be achieved by creating a right for eligible 19-25 year olds to request an assessment of their needs. The Council must carry out an assessment and then provide aftercare services if the young person has eligible needs and they cannot be met in another way.

**Part 11 – Continuing Care**

- 1.4 Part 11 introduces a new duty of continuing care. Subject to certain limited exceptions, this requires the Council to provide care leavers with the same accommodation and other assistance as they were receiving immediately before they ceased to be looked after. The duty continues until the young

person reaches the age of 21, but applies only to young people who were looked after away from home at the point of leaving care. This will have the effect of allowing young people to remain within a care placement or equivalent until they reach the age of 21. This entitlement extends to all young people looked after and accommodated in residential care, foster care and kinship care. The only exception to this is that young people will not have a right to continuing care in secure accommodation.

- 1.5 Appendix 1 sets out the number of young people who may become eligible over the next 5 years, if they remain looked after until the age of 16, and the type of care placement in which they are currently accommodated.
- 1.6 Young people will have the choice to ask for a continuing care placement at the age of 16, and with the Council's agreement, may choose to do this rather than remain looked after and accommodated. There is an expectation that the Council will support this arrangement unless there is sufficient evidence that this would not be in the young person's best interests and will have an adverse effect on their wellbeing.
- 1.7 The Act also introduces a requirement to complete a welfare assessment for eligible young people. This assessment will focus on the young person's life, hobbies, relationships, health, future plans, finance and rights.

## **2 PROPOSALS**

- 2.1 The Scottish Government is in the process of developing Guidance on Parts 10 and 11 and has intimated that the forthcoming guidance will not have the status of statutory guidance. The Council has therefore prepared for the implementation of Parts 10 and 11 as far as it is possible:

### **Part 10 – Aftercare**

- 2.2 The extended duties will be met through an expansion of the Throughcare and Aftercare team within Children and Families Services. The Council as Corporate Parents will continue to offer advice and guidance in relation to independent living, housing, healthy lifestyles, health, employment, education and training for eligible young people. Additional ring-fenced and recurrent funding from the Scottish Government of £70,000 will be used to appoint two additional staff (one Social Worker and one Senior Social Care Officer) to meet the projected increase in young people eligible for aftercare. Table 1 Appendix 1 details the number of young people, who are accommodated, and will become eligible for aftercare services over the next five years.
- 2.3 In order to assist in the measurement of the Council's performance, a new indicator has been included into the Business Management and Improvement Plan for Education and Children's Services from 2015/16 to measure the percentage of care leavers who remain in touch with Aftercare Services between the ages of 16-25.

## **Part 11 – Continuing Care**

- 2.4 The Council has a proven track record of continuing to support young people in their care placements beyond their 16<sup>th</sup> birthday. There are currently 23 young people aged between 16 and 18 years who remain in their care placement. This includes young people in Approved Kinship Care and Foster Care. The ethos of Part 11 to ensure better outcomes for care leavers is therefore already established within the Council and instilled in our plans to support young people in their transitions into adulthood and independence. The new duty will now formalise and expand this to the age of 21.
- 2.5 Work carried out in preparation for the implementation of Part 11 in Perth and Kinross has included:
- Throughcare and Aftercare staff training with Scottish Government
  - Liaison with Scottish Throughcare and Aftercare Forum
  - Information sessions for Foster Carers
  - Development of an information leaflet for young people written by young people
  - Consultation with young people who are looked after
  - Development of Welfare Assessment framework
- 2.6 An assessment of the projected numbers who may opt for continuing care has been carried out and has identified that to meet demand the recruitment of additional foster carers and supported lodging providers will be required to provide a range of positive options for eligible young people. There will be discussion with Adult Care and Housing about any contributions both services can make to the range of options and influence future provision.
- 2.7 Appendix 1 shows the number of young people who are currently in accommodation and would be eligible for continuing care. As can be seen if all of these young people are assessed as eligible (25 in the first year) and request continuing care then this will put a strain on both our fostering services and financial resources.
- 2.8 There is work ongoing locally and nationally to address the above and maximise the resources available locally as well as highlighting the significant risks which each Council will face in meeting these new duties.
- 2.9 In order to assist in the measurement of the Council's performance, a new indicator has been included into the Business Management and Improvement Plan for Education and Children's Services from 2015/16 to measure the percentage of children/young people looked after and accommodated continuing in community placement beyond the age of 16.

### 3 CONCLUSION AND RECOMMENDATION(S)

3.1 It is recommended that the Lifelong Learning Committee:

- (i) Notes the new duties set out in Parts 10 and 11 of the Children and Young People (Scotland) Act 2014;
- (ii) Notes the work in progress to implement the requirements of Parts 10 and 11 of the Children and Young People (Scotland) Act 2014; and
- (iii) Seeks a further report early in 2016 which sets out detailed proposals for implementing the duties for continuing care set out in Part 11 of the Children and Young People (Scotland) Act 2014.

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## 1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

<b>Strategic Implications</b>	<b>Yes / None</b>
Community Plan / Single Outcome Agreement	<b>N/A</b>
Corporate Plan	<b>Yes</b>
<b>Resource Implications</b>	
Financial	<b>Yes</b>
Workforce	<b>Yes</b>
Asset Management (land, property, IST)	<b>N/A</b>
<b>Assessments</b>	
Equality Impact Assessment	<b>N/A</b>
Strategic Environmental Assessment	<b>N/A</b>
Sustainability (community, economic, environmental)	<b>N/A</b>
Legal and Governance	<b>Yes</b>
Risk	<b>Yes</b>
<b>Consultation</b>	
Internal	<b>Yes</b>
External	<b>Yes</b>
<b>Communication</b>	
Communications Plan	<b>Yes</b>

### 1. Strategic Implications

#### Community Plan / Single Outcome Agreement

- 1.1 The Children and Young People (Scotland) Act 2014, Parts 10 and 11 introduces new duties to secure successful the transitions into adulthood and independence for looked after young people beyond the age of 16.

(iv) Supporting people to lead independent, healthy and active lives

#### Corporate Plan

- 1.2 Perth and Kinross have a long history of providing support to looked after young people beyond 16 years of age and this extends to the provision of care placements. This Act extends the entitlement of young people to remain in their care placement from 16 to 21 years and the support for care leavers up until their 26<sup>th</sup> birthday. This will ensure better outcomes for care leavers.

(ii) Developing educated, responsible and informed citizens;

(iv) Supporting people to lead independent, healthy and active lives; and

- 1.3 The report also links to the Education & Children's Services Policy Framework in respect of the following key policy area:

- Communication and Consultation

## 2. Resource Implications

### Financial

- 2.1 The Local Authority received ring-fenced and recurring funding in 2015/2016 of £70,000 from the Scottish Government. This will fund an increase in the current staffing levels within the Throughcare and Aftercare service to meet increased demand.
- 2.2 Additional funding of £96,000 was received from the Scottish Government to contribute towards continuing care placements. There is a risk that this funding will not meet the need. The average cost of one residential care placement outside of the Local Authority is approx. £180,000 per year. The cost of one Approved Kinship Care Placement is £9221 per year for one young person over 16 years. The cost of a Foster Care Placement is £18,983 for one young person aged between 11 and 15 years.
- 2.3 Using projections from the current population and assuming the worst case scenario that all young people choose to remain in the care placement in which they are placed at the point of turning 16 for the next five years, the following additional costs may be incurred by the Council.

<b>2015/16</b>		<b>2019/20</b>	
Number of eligible young people aged 16 plus	25	Number of eligible young people aged 16 – 21 years	82
Kinship care	64,547	Kinship care	248,967
Foster care	265,762	Foster care	854,235
Residential care	720,000	Residential care	1,800,000
<b>Total costs</b>	<b>£1,050,309</b>	<b>Total costs</b>	<b>£2,903,202</b>

## 3 Assessments

### Equality Impact Assessment

- 3.1 This will be finalised when the financial proposals are recommended in the update report in November.

### Strategic Environmental Assessment

- 3.2 As above

### Sustainability

- 3.3 As above

### Legal and Governance

- 3.4 Part 10 of the 2014 Act expands existing duties to provide aftercare for young people who were looked after. Part 11 introduces a new continuing care duty. Both Parts came into force on 1 April 2015, this report outlines action taken to date to enable the Council to comply with the duties.

### Risk

- 3.5 In order to mitigate the risks below there will be ongoing recruitment of supported lodgings providers and foster carers. There will also be continued negotiations with Housing and Community Care services to maximise the housing available for young people locally.
- (i) Insufficient accommodation within Perth and Kinross to meet the need and demand.
  - (ii) Young People residing in foster care for longer periods of time reduces availability of placements for younger children.
- 3.6 Financial risks - placements with independent providers will set additional costs attached to continuing care and support for care leavers. There is very little control over the above risk as independent providers will set their own rates but there is a commitment to individual negotiation and representation through national contracting mechanisms.

## **4. Consultation**

- 4.1 As part of the Children and Young People (Scotland) Act 2014 the following have been consulted throughout the process;

### Internal

This report is developed in collaboration with Heads of Service, Managers and staff across Education and Children's Services, as well as assistance from Legal Services.

### External

This report takes account of the views of

- Looked After Young People
- Foster Carers

## **5. Communication**

- 5.1 Fostercare Information Sessions have taken place and continue to be provided with regular updates.
- 5.2 Communication via Information Leaflets to young people is underway.

## **6. APPENDICES**

- 6.1 Appendix 1 – Projected Number of Looked After Young People Period 2015-2019 who are already in accommodation who may be eligible for continuing care and after care.

**Table 1:** Projected Number of Looked After Young People Period 2015-2019 who are already in accommodation who may be eligible for continuing care and after care broken down by placement type.

<b>Year</b>	<b>Number of young people aged 15</b>	<b>Young people in kinship care</b>	<b>Number of young people in local authority fostering provision</b>	<b>Number of young people in purchased fostering provision</b>	<b>Number of young people in residential accommodation</b>
<b>2015</b>	25	7	12	2	4
<b>2016</b>	16	5	5	3	3
<b>2017</b>	14	5	8	1	0
<b>2018</b>	12	3	6	1	2
<b>2019</b>	15	7	5	2	1
<b>TOTAL</b>	<b>82</b>	<b>27</b>	<b>36</b>	<b>9</b>	<b>10</b>

