

Agenda For Change

Towards a National Covenant for Scotland's Care Leavers

Key points for consideration and discussion:

- Is there scope and merit to pursue a Scottish Care Leavers Covenant (Scottish Access All Areas) process, as outlined below?
- Is there a consensus and agreement in principle?
- How might this group function?
- Role and membership - are the right people/organizations represented?
- Your agencies position and commitment?
- Key policy areas (current and future): quick wins/medium & longer term shifts
- How might a Scottish model and approach differ from the UK model?
 - Benchmarking forum?
 - Cross-party parliamentary LAC group?
 - Engagement with National & Local Government, and other public agencies.
- Key tasks and timescales

Introduction

The UK Access All Areas¹ Policy Initiative aims to improve outcomes for looked after young people and care leavers by “care proofing” policy for care leavers into adulthood. This campaign has had some degree of success in putting the issues and needs of care leavers at the heart of UK government policy considerations. A key aim is to ensure that wherever there is a discretionary power available to a public body, there should be a default bias in favour of care leavers. Whilst there are some policy areas which have UK wide implications (e.g. DWP & Welfare Reform) much of the work being progressed via the Access All Areas policy group has focused on policy areas from an English & Welsh perspective.

¹ Access All Areas: <http://resources.leavingcare.org/uploads/a061b11723876ecc89f36166cc622521.pdf>

The nature of devolved powers within the Scottish political context, both at local and national level, gives rise to different opportunities to address the needs of our looked after young people and care leavers into adulthood, and build on, and give added impetus to some of the work already in progress. Further to informal discussions and feedback from across the sector over the last year, there appears to be an interest and appetite to consider and develop a Scottish approach, similar to the Access All Areas agenda, perhaps along the lines of a Scottish Care Leavers' Covenant. This could involve a written declaration of intent, and commitment to act to develop and implement best practice, underpinned by a shared overarching philosophy of care. Those responsible for implementing and delivering corporate parenting policy and strategy across all public bodies would be encouraged to sign up: for example, Scottish Ministers; local authority Chief Executives, and/or elected members; Health Board leads; and Higher & Further education leads, including University and College principals. Using existing and developing policy and legislative opportunities, there is an opportunity to directly engage with key influencers and decision-makers within both national and local government, as well as other public bodies who have corporate parenting responsibilities towards care leavers.

This could help close the gap between rhetoric and reality, to make real the aspirations of corporate parents, and help address the 'disconnect' between strategic ideal and operational impact on looked after young people and care leavers.

Background

The Children (Scotland) Act 1995 defines a care leaver is a young person who was looked after by the local authority at or after the time when he or she ceased to be of school leaving age but who is now no longer looked after by the local authority. Currently local authorities have duties to provide TCAC support until care leavers reach 19 years of age and discretionary powers to provide services until care leavers reach 21. [Section 29, Children (Scotland) Act 1995].

This will change in April 2015 when Parts 10 (Aftercare) and 11 (Continuing care: looked after children) of the Children and Young People (Scotland) Act 2014 come into force. Under the new Act, a care leaver is "a young person who was either looked after at the age of 'at least sixteen' years, but who is now no longer looked after, or any person formerly looked after by a local authority as 'the Scottish Ministers may specify by order'".

Local authorities will retain a duty to provide support to care leavers until their 19th birthday. Care leavers aged 19 years and over will retain responsibility for seeking support from services, as stipulated in the Children (Scotland) Act 1995. However, under the new Act, local authorities will have a duty to provide support to meet the assessed needs of care leavers aged 19 to 25.

Care leavers who are in education and employment until their 26th birthday may also receive support as outlined in Section 30 of the Children (Scotland) Act; that is, until care leavers in education reach 26 (or finish their course if this is later) and care leavers who are in employment may be supported until the age of 26. The new legislation will also give local authorities powers to provide support to care leavers beyond the age of 26. A local authority may (but is not required to) continue to provide advice, guidance and assistance to a person in pursuance of subsection (5A) after the person reaches the age of twenty-six. (Part 10, Children and Young People (Scotland) Act 2014).

Care leavers, as a group, continue to be disadvantaged by their childhood experiences and their lack of familial and other natural support networks as they 'grow out' of statutory support and transition to adulthood. Further, their transition to interdependent living – living independently, participating in training, continuing in education and moving into employment – often continues to occur simultaneously, much more rapidly and at an earlier age than their non-looked after peers.

The impact of these circumstances continues to be evidenced in the extremely poor outcomes demonstrated across the range of areas in which evidence is gathered, also by comparison with their non-looked after peers. Care leavers continue to experience much higher rates of premature mortality, a lack of access to continuing education or training, unemployment, homelessness, poor mental health and physical wellbeing, teenage pregnancy and involvement in criminal activity (e.g. Dixon 2008, Rainer 2007, Stein 2004, 2005, Stein and Munro 2008, Stein 2012).

Whilst there are many examples of good practice, we also know that post-care support and assistance for care leavers in Scotland is still variable both within and across local authority areas.²

² National Study: Throughcare & Aftercare Service in Scotland's Local Authorities (2014)
<http://www.celcis.org/media/resources/publications/Throughcare-and-aftercare-in-scotlands-local-authorities.pdf>

The recently published National Study: Throughcare & Aftercare Services in Scotland's Local Authorities (CELCIS & STAF, 2014) highlights inconsistencies across a number of key areas:

- Variable levels of engagement and service provision, meaning not all care leavers receive the appropriate levels of support to meet their needs
- Rationing of services based on local interpretations of eligibility and criteria
- Weaknesses and inconsistencies in data collection and monitoring of outcomes
- The impact of resource demands and service re-structure and re-design , impacting adversely on services for care leavers
- Lack of consistency in the prioritisation and implementation of corporate parenting responsibilities towards care leavers across local authorities and key partner agencies.

Although the primary responsibility generally sits with local authorities and their throughcare and aftercare services, or leaving care teams, we know that many other stakeholders, both within the public and third sector, have a key role to play in the fulfilment of corporate parenting duties and the delivery of services to care leavers.

Access All Areas: The UK Perspective

Access All Areas was launched in April 2012 by Catch22's National Care Advisory Service (NCAS), The Care Leavers' Foundation, A National Voice and The Prince's Trust, and supported by other organisations from across the sector.

With initial activity around the publication of a report document and with overarching aims, participating organisations have taken lead responsibility for engaging with key government departments and agencies in relation to progressing agreed policy areas and key "asks". The Access All Areas UK group was initially coordinated and driven by 4 main agencies, who hosted initial meetings and developed an initial strategy document. This was then developed into a sector-led coalition, meeting regularly in the initial phase of the programme.

Access All Areas aims to extend the effectiveness of corporate parenting by identifying how central government departments can ensure their initiatives are ‘care proofed’, i.e. consider how their policies will impact on looked after and children and care leavers, while recognising that any national commitment to support care leavers requires local implementation to be effective.

This recognition has taken the form of cross-departmental Ministerial support for an approach which presumes that all care leavers will benefit from any form of discretionary power available in the implementation of public policy – currently this approach is applied to all public policy areas across England & Wales, and to those public policy areas in Scotland for which the United Kingdom Government has reserved powers.

The response of the United Kingdom Government to the on-going impact of being looked after on the transition of care leavers in England has resulted in the publication of its Care Leaver Strategy.³

Access All Areas calls for each central government department to scrutinise their own policies and suggests six areas for attention.

1. **Explicit recognition** of the vulnerability of care leavers aged 18-25 and prioritisation of them in policy documents
2. **Automatic entitlement** for care leavers aged 18-25 to provisions addressing their needs as vulnerable adults
3. Where discretion exists in definitions of vulnerability or in giving priority access **create a favourable supposition** that these are exercised in favour of care leavers up to the age of 30.
4. Create or maintain robust systems of **information and data sharing** between different government departments and local services
5. Ensure **joint working and protocols** are in place between different government departments and local services and leaving care services
6. **Responsive, personalised services** to care leavers.

³ Care Leaver Strategy:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/266484/Care_Leaver_Strategy.pdf

At the local level implementing Access All Areas means that the commitment by corporate parents to their looked after children and care leavers extends far beyond children's services.

Recent Developments in Scotland

Over the past year we have seen significant development around policy and legislation, aimed to address and improve outcomes for looked after young people and care leavers. The publication of the Scottish Government guidance documents "Staying Put Scotland"⁴ and "Housing Options Protocols for Care Leavers in October 2013"⁵ aimed to inform and influence a fundamental culture shift in how we support our looked after young people and care leavers.

Contained within the principles of these documents, and highlighted through good practice examples, was the importance of positively delaying young people's exit from care, by encouraging, enabling and empowering them to remain in positive care placements until they are ready to embark on a graduated and extended transition to interdependent living.

However as the research highlights, policy and legislation alone will not deliver the necessary changes in operational practice and that culture change is vital to embedding key principles into practice.

Bringing the threads together

Both the Scottish Government and the UK Government have recognised the particular disadvantage, experienced throughout the life course, by those formally looked after by local authorities (which are, generally, most particularly evident at times of transition and crisis), and have acted to mitigate this disadvantage in different ways. Both approaches have substantial merit in their own right.

⁴ Staying Put Scotland: <http://www.scotland.gov.uk/Resource/0043/00435935.pdf>

⁵ Housing Options Protocols for Care Leavers: <http://www.scotland.gov.uk/Resource/0043/00435939.pdf>

However, there is now an opportunity for the Scottish Government to adopt the overarching principles of the Access All Areas approach, perhaps under the banner of a Scottish Care Leavers Covenant to ensure that care leavers in Scotland, as a group, also benefit from formal recognition that they will require additional support in their transition to adulthood, across a whole range of policy areas, as a result of the disadvantage they have experienced.

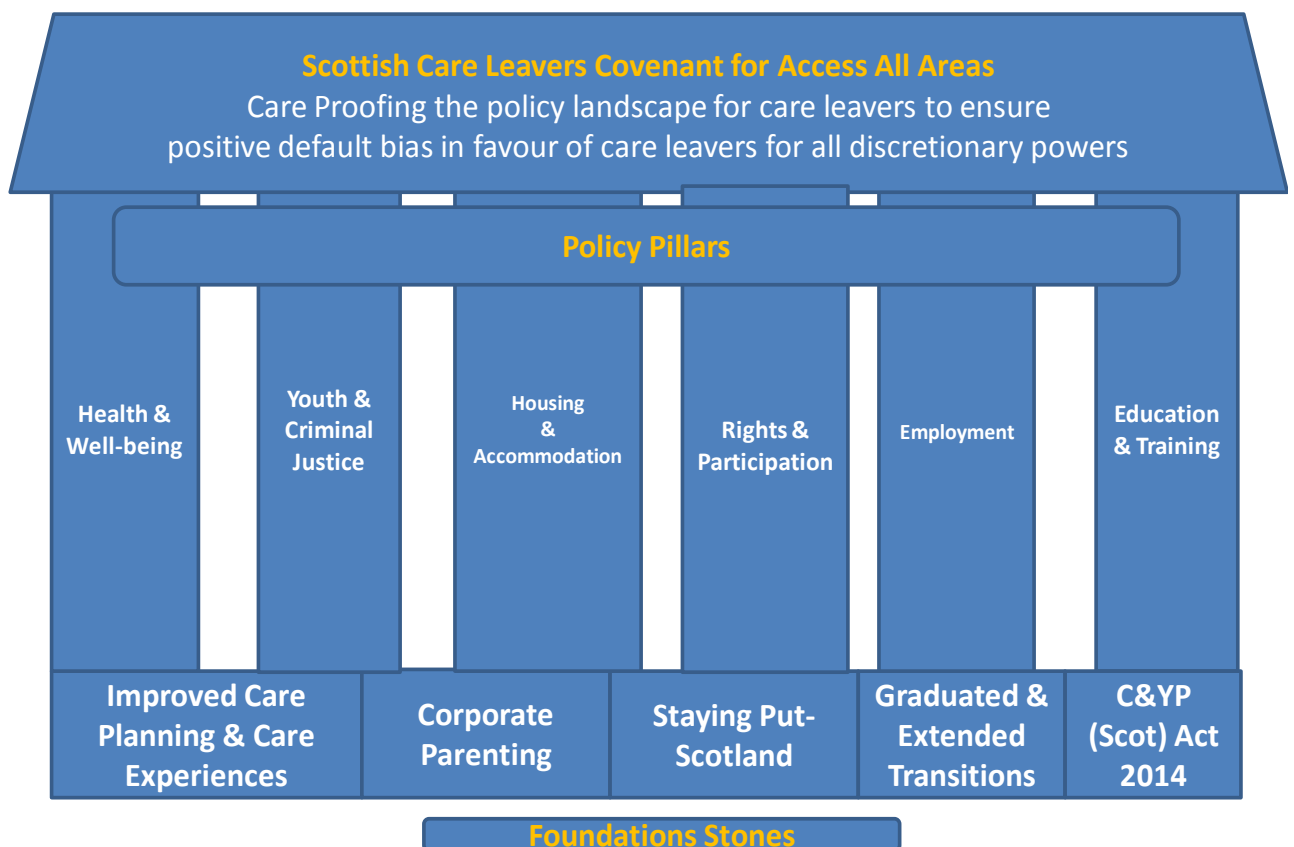
With the lead of the Minister for Children and Young People, it is possible to gain the commitment of other Scottish Cabinet Secretary and Ministerial colleagues to ensuring that the specific circumstances of Scottish care leavers are taken into account in any Scottish Government Departmental policy initiative. However, given the different geo-political landscape in Scotland it is proposed that this is not confined to national government, but simultaneously engages leaders at local government level and within all public bodies who have a corporate parenting responsibility.

Whilst there are particular public policy areas which currently fall within the remit of the Scottish Government it will also be important that different parts of local authorities, public agencies and other corporate parents work together to ensure there is adequate recognition of the support required by care leavers, for example:

- Housing & accommodation
- Health and well-being,
- Education & training
- Employment
- Rights& Participation
- Youth & Criminal Justice

Any national commitment to support care leavers requires local implementation to be effective. At the local level adopting and implementing a Scottish Care Leavers Covenant would mean that the commitment to looked-after children and care leavers extends far beyond children's services.

Building on the foundations stones already in place, and with an overarching set of principles, a focus on activity around key policy pillars could help maintain momentum, commitment and accountability, to deliver tangible and meaningful improvements in services and provisions; and deliver meaningful and lasting change over a number of key areas.



Scottish Care Leavers Covenant: “Agenda For Change”

Adopting a role similar to that fulfilled by the Access All Areas policy group, the role of a coordinating, campaigning or influencing group could be to engage directly with key public bodies and agencies, to inform, influence and progress key activity areas.

After identifying and agreeing key work streams and specific priorities and actions, group members would share individual and collective responsibility for maintaining the profile of these issues, engaging directly with key stakeholders and decision makers at national and local level, and progressing actions with identified bodies to progress change.

Whilst many of the key activity themes will already have some work underway to greater or lesser extent, progressed by individual agencies or in partnership, a coordination role could be developed to build on work already underway and ensure energies and activities are more keenly focussed, to avoid duplication or gaps.

The added impetus of progressing and delivering improvements under the banner of a Scottish Care Leavers' Covenant will help develop and embed the culture shift that is required. As has been demonstrated with the work around the subsequent amendments to the Children & Young People (Scotland) Act 2014, a dedicated and influential alliance of key partners, working together with consistent messages across a range of key areas, advocating for the same changes and outcomes, can have significant impact. However, as with all policy and legislation, it is only the consistent and meaningful implementation of these changes that will achieve the desired outcomes we seek for our looked after young people and care leavers. The ongoing challenge to influence and change culture requires added impetus and sustained effort. We have a timely opportunity to drive forward a shared agenda to continue to maintain and further raise and profile of issues impacting on our looked after young people and care leavers; and to improve services and outcomes for care leavers into adulthood. It is hoped that the consideration of the outline ideas contained within this paper can assist with the development of an approach which makes real the aspirations of all in terms of delivering the best possible outcomes for our care leavers.

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