Sorted and Supported
Your Guide To Leaving Care Entitlements
There is a jargon buster on page 26. Any words that you might need help with throughout this booklet are marked with * and listed there.
Leaving care can be an exciting time. There may also be times when it can feel quite scary and overwhelming. Although Social Services should be there to help with the practical aspects of becoming independent, they may not always realise that this time can be very stressful. 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 very common and it is a sign of strength to be able to recognise this and ask for help if you need it. Your GP or social worker can refer you to a counsellor for emotional support and many other organisations can also help. Please ask if you would like us to send you a copy of our guide ‘Understanding Mental Health’ which describes the help that is available to you in detail.

On 1 October 2001 the Children (Leaving Care) Act 2000 came into place to give care leavers the support that they need to do well when living independently. In 2008, a new law – the Children and Young Person’s Act - extended these rights.

Care leavers now have more rights to a settled placement, to housing, to help with education and training and other things they may need, depending on how long they have been in care and how old they are.

An advocate* is a person who listens to you, gives you information about your rights and makes sure Social Services take your views into account. It can be very difficult to be heard, so having someone around to help you say what you want can make things easier. You can get an advocate* if you are unhappy with decisions that are being made about you or if you want support to be heard.

Organisations like Voice provide advocates*. Your council may also have a children’s rights officer who may be able to help you. It is worthwhile finding out their names and telephone numbers.
If you are confused about what the law means for you, try answering the following questions. This will help you understand what you are entitled to by law. You can also go to: www.voiceyp.org/young-peoples-zone/are-you-care-leaver

### 16 or 17 years old

Were you in care on or after your 16th birthday?

- **Yes**
  - Were you in care for at least 13 weeks since your 14th birthday?
    - **Yes**
      - Are you still in care?
        - **Yes**
          - Eligible Child (see page 4)
        - **No**
          - Relevant Child (see page 8)
    - **No**
      - Are you homeless?
        - **Yes**
          - Qualifying Child (see page 18)
        - **No**
          - Homeless young person (see page 20)
- **No**
  - Are you homeless?
    - **Yes**
      - Homeless young person (see page 20)
    - **No**
      - No care or leaving care status
18 years old & over

Were you an Eligible or Relevant Child? (see previous diagram)

Yes

No

Were you a Qualifying Child? (see previous diagram)

Yes

Former Relevant Child (see page 12)

No

No leaving care status (but see page 20 if you were homeless at age 16/17)

Qualifying Child (see page 18)
Eligible Children are young people:

- aged 16 or 17
- who are still looked after/in care*
- who have been in care over 13 weeks (this time does not need to be continuous) since the age of 14

16 and 17 year olds on a secure remand* in a secure children’s home, secure training centre or young offender institution are looked after and therefore the time on remand is counted to become Eligible Children.

Coming into care after the age of 16 does not affect a young person’s status as a care leaver.

It doesn’t matter where they are living, ie living in foster care, a children’s home, in semi-independent accommodation or even at home.

What you can expect from Social Services

Social Services must:

- Listen to your wishes and feelings
- Appoint you a Personal Adviser*
- 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
Local Authorities should develop “Staying Put” policies, aimed at allowing care leavers aged 18+ to stay at their foster carers’ homes. This possibility should be discussed at your first Pathway Plan* review*.

Before you are moved to ‘other arrangements’ accommodation* Social Services need to:

- 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
Pathway Plan*

As you are approaching the time when you are going to live independently your care plan should include what needs to be done to prepare you for the time when you leave care. This last part is called a Pathway Plan*.

Social Services have to assess your needs within 3 months after your 16th birthday and make a Pathway Plan* identifying how Social Services will help you as soon as possible after that. This document should be made with you and must say what support Social Services are going to give to you, when this will be put in place for you and who is responsible for helping you. It also needs to include a contingency plan in case your Pathway Plan* does not work out.

Review

As your circumstances change, the Care Plan* and Pathway Plan* need to be reviewed regularly:

- at least every 6 months
- whenever your circumstances change
- at the request of you or your Personal Adviser*
- 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).

Social 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
If you are a care leaver in a secure setting you can look at our publication, ‘Locked Up and Looked After’, to know more about your rights. You may also need to talk to an advocate* to help you.

Social Services will pay for all the support that you need. This does not mean that you will get everything that you want or that Social Services will give you cash. Social Services will pay for your subsistence although this may go directly to your carers. Social Services should start preparing you to live more independently, though, so it is always a good idea to give you some money for you to manage.

Care Leavers can also access financial support for their education outside of Social Services. 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

Money

Secure settings
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 a secure remand* in a secure children’s home, secure training centre or young offender institution are looked after and therefore the time on remand is counted to become Relevant Children.

Coming into care after the age of 16 does not affect a young person’s status as a care leaver.

If the criteria above are met, Relevant Children include:

1. Young people who go back home for the first six months.
   - “Going home” means that there was a planned 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 period the young person becomes a Qualifying Child (see page 18)
   - Relevant Child status is restored if it does not work out at home

2. Young people in the youth justice system who immediately before had been voluntarily accommodated or on secure remand.

3. Young people in hospital who immediately before had been voluntarily accommodated.

Note that if you are 16 or 17 and on a care order you are an Eligible Child – see page 4.
The law says that Social Services must:

- Listen to your wishes and feelings
- Appoint you a Personal Adviser*
- 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

Local Authorities should develop “Staying Put” policies aimed at allowing care leavers aged 18+ to stay at their foster carers’ homes. This possibility should be discussed at your first Pathway Plan* review*.

Social Services have to find you somewhere suitable to live and pay for it as well and for all expenses associated with it (e.g., service charges and utility bills).

Social Services must take into account your accommodation needs and must also listen to what you want. They must also look at the accommodation’s facilities, services provided, safety, state of repair, location, support, tenancy status, the financial commitments involved and their affordability.

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

B&Bs are not considered as suitable accommodation and can be used only for short-term emergencies.
If you do not have a Pathway Plan, Social Services need to assess your needs within 3 months after you leave care and make a Pathway Plan* as soon as possible after that. This document should be made with you and must say what support Social Services are going to give you, when this will be put in place for you and who is responsible for helping you. It also needs to include a contingency plan in case your Pathway Plan* does not work out.

If you are a care leaver in a secure setting you can look at our publication, ‘Locked Up and Looked After’, to know more about your rights. You may also need to talk to an advocate* to help you.

As your circumstances change, your Pathway Plan* needs to be reviewed regularly:
- at least every 6 months
- whenever your circumstances change
- at the request of you or your Personal Adviser*
- 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 needed

Social Services need to keep in contact with you to make sure that things are going well. Your Personal Adviser* 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
Social Services must have a policy* showing what financial support they will give to you. They must pay for:

- your basic living needs
- additional things like clothing, leisure activities, contact, childcare, etc
- the things that are in your Pathway Plan*

They must never give you less money than you would receive if you were able to claim benefits.

Social Services can give you money directly or pay it to whoever is providing you with the services. They can also give you the items you need.

Any changes to the money you are given should be agreed at your review*.

If you are working or if you have savings, they can take these into account in deciding what they 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.

When deciding how the money should be paid, Social Services should take into account your ability to manage your money and your wishes and feelings. They should help you to budget your money.

Money

You cannot claim benefits unless you are:

- a lone parent*
- a young person with disabilities or ill-health

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

Former Relevant Children are:

• young people who are 18 – 21 years old and who have previously been a Relevant Child (see page 8) or an Eligible Child (see page 4)

• young people aged over 21 years of age and who are still following up the education or training plan agreed in their Pathway Plan*

• young people who lost their Former Relevant Child status but who present themselves to Social Services between the ages of 21-25 wanting to return or having returned to education (see page 16)

What you can expect from Social Services

Social Services must:

- Listen to your wishes and feelings
- Provide you with a Personal Adviser*
- Review* your Pathway Plan*
- Help you with expenses connected with your work, education or training
- 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
- Contribute towards living expenses near to employment, education or training
- Give you a £2,000 grant if you are in higher education
- Keep in touch with you
- Visit you regularly

Social Services may:

- Consider making a contribution to post-graduate courses
- Assist you to identify financial support and resources to enable you to undertake post graduate study
Social 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.

The High Court, in what is known as the Barking and Dagenham judgement, has said that Social Services has a duty to provide accommodation to young people even after the age of 18 to safeguard their welfare if the young person cannot access suitable accommodation through any other way. This includes young people who may not have recourse to public funds and would have otherwise been referred to Asylum Support (also known as NASS)*.

You should have a Pathway Plan* which should have been made with you and must say what support Social Services are going to give to you, when this will be put in place and who is responsible for helping you. It also needs to include a contingency plan in case your Pathway Plan* does not work out.

The final year of pathway planning should be focused on making sure you know how to access support outside of Social Services.

Social Services need to keep in contact with you to make sure that things are going well. Your Personal Adviser* must visit you:

• within seven days after you move
• before your first Pathway Plan* is reviewed* in the new placement
• at least every two months
You can claim benefits like any other person who is over 18. Social Services do not have to pay for your ordinary living expenses but they should continue to pay for extra things that are set out in your Pathway Plan*. Any extra money you get from Social Services will not be taken into account in working out your benefits.

If you are studying in Higher Education, you will have to apply for a Student Loan and Grant, just like any other young person. You should seek information from your University and get your Personal Adviser* to give you some help about other funding available from outside Social Services.

Social Services must pay the costs towards your education and training, such as special equipment you need, travel, etc. 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*.

Social Services should ensure that you are able to access work experience, apprenticeships and other training and employment opportunities that improve your ability to get a job.

If you cannot access a student loan when you go to university, Social Services cannot tell you that you cannot attend university and that you have to drop out of education. A court ruling has made it clear that Social Services must provide you with whatever support you need to continue studying, including university fees.
Setting Up Home Allowance

Social Services should pay for furniture, a fridge, a cooker and other essential equipment that you need if you are setting up home independently.

Social 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.

There is no fixed amount for this allowance. 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.

If you are on Income Support or Job Seekers Allowance, you might be able to get a community care grant too.

Higher Education Bursary

Former Relevant Children who enter Higher Education are entitled to a bursary currently set as £2,000. The bursary is given in addition to any other financial support to which young people are already entitled. The payment of the bursary can be made in a lump sum or by instalments and the young person’s wishes and feelings must be given due consideration about the method of payment.

There is no set age for your support to end. What matters is when you finish your studies or training.
You may decide that you do not want to study or do any training, in which case Social Services do not have to give you support after the age of 21. However, if you decide to re-start studying or training, you can go back to Social Services before your 25th birthday.

What you can expect from Social Services

If you present yourself to Social Services they must:

- Appoint a Personal Adviser*
- Undertake an assessment* of needs within three months of you telling them that you are back or want to be back in education or training
- Prepare a Pathway Plan*
- Help you with expenses connected with your work, education or training
- Contribute towards living expenses near to your education or training
- Provide or pay for accommodation during college or university holidays if you are studying away from home
Your Pathway Plan* must include:

- A detailed plan for your education or training
- How Social Services will help you in relation to employment or other purposeful activity or occupation
- Contingency plans in case your Pathway Plan* does not work out

If you are a care leaver in a secure setting you can look at our publication ‘Locked Up and Looked After’ to know more about your rights. You may also need to talk to an advocate* to help you.

These duties continue as long as you continue to pursue the educational programme set on the Pathway Plan*. There is no set age for this support to end. What matters is when you finish your studies or training.
Qualifying Children

Qualifying Children are:
- young people aged 16 – 21 who left care on or after their 16th birthday and who were looked after for less than 13 weeks since their 14th birthday (even for one day)
- Relevant Children (see page 8) who have returned home for six months or more

What you can expect from Social Services

Social 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

Social Services MAY:
- Find you somewhere to live in exceptional circumstances
- 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 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 Social Services do not have to make a Pathway Plan*, 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*.

Social Services do not have to review regularly this plan, but, as your circumstance change, you may want to ask Social Services to update the plan too.

Housing

If you are a Qualifying Child, you will be in priority need* for housing.
If you are a care leaver in a secure setting you can look at our publication, ‘Locked Up and Looked After’, to know more about your rights. You may also need to talk to an advocate* to help you.

Social Services may be able to help you but in most cases they do not have to. You will need to ask your social worker whether they can help you. They can decide to do so if this fits in with their policy*.

If you are studying in Higher Education, you will have to apply for a Student Loan and Grant, as any other young person. You should seek information from your university and ask Social Services if they can help you to seek other funding from outside Social Services.

You have the same rights to benefits as any other young person who is your age. Any extra money you get from Children’s Services will not be taken into account in working out your benefits.

Secure settings

Money
Sometimes young people cannot live at home with their families as the relationship with them has broken down and they are at risk at home. Sometimes they may have been kicked out of their home and do not have an adult who can look after them so they become homeless and have to sofa surf or sleep rough.

If you are 16 or 17 years old and you are homeless, Social Services must make an assessment of your needs. It does not matter if you go to Social Services or the Housing Department. If you go to the Housing Department, they should refer you to Social Services to be assessed.

Social Services must provide you with accommodation under section 20 Children Act 1989 if the assessment shows that:

- You are a child in need*
- You need somewhere to live because there are no adults who can provide you with safe accommodation

This means that you become a looked after child*. Social Services must not just give you somewhere to live or send you to the Housing Department and ask you to apply for benefits. They should look after all your needs. This will include things like keeping you safe and helping you do as well as you can, looking at your education, health, financial support, contact with your family and friends (if you want that) and any other needs that you have.
Being looked after does not mean that you have to live in a foster placement or a children’s home. Social Services can place you in semi-independent accommodation.

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

If you are looked after at the end of the assessment, your looked after status is backdated to the date that you presented yourself to Social Services (or the Housing Department). This is very important in relation to leaving care status (see the other sections above to see what you could be entitled to) as the time you were looked after will count from that date.

If you presented yourself to Social Services or Housing as a homeless 16 or 17 year old and you were not looked after, you can challenge this decision even if you are over 18.

If you are uncertain about what is best for you, you can contact an advocacy service for advice.
Young refugees, young asylum seekers and young people without British citizenship (e.g. if you have a EU country citizenship) who are care leavers maintain their status as care leavers no matter what is happening with their immigration status. A young person’s status to be in the country is an additional need that Social Services should look at when making your Pathway Plan*. It does not necessarily mean that you will not receive any services or that they will be different services than for other care leavers. Please see the sections above to learn more about your entitlements as a care leaver.

If you are under 18, you have exactly the same rights as any other care leaver. You have to make sure you seek legal advice from an immigration solicitor before any leave you may have expires, in order to extend your leave. Social Services should support you with this.

If you are over 18 and you have leave to remain in the UK, e.g. you have been granted Indefinite Leave to Remain, Refugee Status or Discretionary Leave, you are entitled to receive full leaving care support.

*This includes Undocumented young people and EU nationals
However, **if you are over 18 and you have your Appeal Rights Exhausted***, if you have made a fresh claim to the Home Office or if you are still waiting for a decision from the Home Office, Social Services may refer you to Asylum Support (also known as NASS)* for support. This is a very complex area and therefore you should seek immediate advice and support from an advocacy organisation or a solicitor to reinstate support from Social Services.

**If you are over 18 and you have an EU country citizenship**, you may find that it is difficult to access housing and benefits. This is also quite complex so you should seek immediate advice and support from an advocacy organisation or a solicitor.

**If you have no status** (if you are what is usually called Undocumented), you may not be able to access support. This is also very complex and you should seek immediate advice and support from an advocacy organisation or a solicitor.

You can contact Voice and ask for our free publication, ‘Who is Who: A guide for young refugees and asylum seekers’.

Please see page 29 for more information.
If you have a disability you should be receiving services as a care leaver no matter which team is looking after your case. As any other care leaver, Social Services need to plan for adulthood. Your disabilities are particular needs 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 Services, you will maintain all your rights as a care leaver. Both departments must work closely together to support you.

If you have a statement of special educational needs (to be called Education Health and Care Plan) they must start planning for your transition when you are in year 9, i.e., on 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.

Young people with disabilities do not automatically receive services from Adult Services when they become 18. 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 services from Adult Services, this may be challenged 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 department involved. Departments should work together to ensure that all services you need are in place. Services should not be stopped or delayed because of disagreements between departments regarding funding.
Social Services must keep written case records of your case, 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 Social Services may ask that they prove that they are acting on your behalf.

You need to ask to access your records in writing and Social Services must give you access to your records in 40 working days.

You have a right to be given all the information Social Services have about you, but there are some exceptions:

- If the information on a file identifies other people (called third parties) this information should be removed 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.
- If giving you the information would seriously harm your physical or mental health or of any other person.

Social Services may charge a fee of up to £10 but it is good practice not to ask for this fee from care leavers.
Advocate
An advocate will meet with you and focus on what the problems are and what you would like to happen. They will inform you of your rights and make sure your voice is heard. Your advocate may also help you to make a complaint if things have not been sorted out and you feel this is something that you wish to do. (see page 1).

Appeal Rights Exhausted
When an asylum application is refused after going through the appeal process.

Assessment
A close look at your situation, your needs and what support you may need.

Asylum Support (also known as NASS)
The organisation that arranges accommodation and vouchers/ money for adult asylum seekers and people who have exhausted all their appeal rights within the asylum process.

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 care order saying that Social Services should look after them
- If the parents - or the young person if they are aged 16 or 17 - agree that Social Services will look after them
- If young people aged between 12–17 are living on a secure remand in a secure children’s home, a Secure Training Centre or a Young Offender Institution.

It doesn’t matter where they are living, ie living in foster care, a children’s home, in semi-independent accommodation or even at home!
Pathway Plan
It is very similar to a Care Plan* (see above) but it is more focused on preparing you to live independently.

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. You should play a key role in devising your care plan.

Child in need
A child or young person who needs help from Social Services to make sure that they have a reasonable standard of physical or mental health or development. Children with disabilities are considered to be children in need.

Lone parent
A person with sole practical and financial responsibility for bringing up their child.

‘Other arrangements’ accommodation
Accommodation that, unlike foster care and children’s homes, is not subject to regulation. Examples of ‘Other arrangements’ accommodation are semi-independent accommodation, supported lodgings, foyers etc. They are also known as “unregulated accommodation”.

Child in need
A person with sole practical and financial responsibility for bringing up their child.
Personal Adviser (also known as PA)
The worker allocated to care leavers to support them and to ensure that the things in their Pathway Plan* are carried out. Usually Social Services have professionals dedicated to this role but your PA can be chosen amongst the professionals that work with you.

Policy
A written statement that outlines what services you can expect to receive.

Priority need
A term used by the Housing Department to identify who should have priority accessing council housing.

Remand to youth detention accommodation
This is the official term used for secure remand. A secure remand is 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. 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.
Useful Contacts

Voice
www.voiceyp.org
Freephone: 0808 800 5792
020 7833 5792
help@voiceyp.org

Care Leavers’ Association
www.careleavers.com
0161 236 1980
info@careleavers.com

Care Leavers’ Foundation
www.thecareleaversfoundation.org
01678 540 598

Citizens Advice Bureau
www.citizensadvice.org.uk

Coram Children’s Legal Centre
www.childrenslegalcentre.com
08088 020 008

Buttle UK
www.buttleuk.org
020 7828 7311

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

National Leaving Care Advisory Service
www.leavingcare.org
020 7336 4824
ncas@catch-22.org.uk

New Horizon Youth Centre
www.nhyouthcentre.org.uk
020 7388 5580
info@nhyouthcentre.org.uk

Refugee Council
www.refugeecouncil.org.uk
0808 808 0500
(for young people)
0207 346 1134
(for professionals)

Shelter
www.shelter.org.uk
0808 800 4444
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