

## **EAST AYRSHIRE COUNCIL**

**SOCIAL WORK COMMITTEE : 20 MAY 2004**

### **IMPLEMENTATION OF REGULATIONS & GUIDANCE FOR YOUNG PEOPLE CEASING TO BE LOOKED AFTER BY THIS COUNCIL**

#### **Report by Executive Director of Educational & Social Services**

#### **1. PURPOSE OF THE REPORT**

- 1.1** The purpose of the report is to advise members regarding the scheme to be implemented in accordance with the Regulations and Guidance on "Services for Young People Ceasing to be Looked After by Local Authorities".

#### **2. BACKGROUND**

- 2.1** "Regulations & Guidance on Services for Young People Ceasing to be Looked After by Local Authorities" was issued on 1<sup>st</sup> April 2004.
- 2.2** The Regulations & Guidance relate to the Transfer of Financial Responsibility from the Department of Work & Pensions to the Local Authorities which commenced on 1<sup>st</sup> April 2004. This matter was the subject of a report to the Committee on 29 January 2004 (Item 11, page 513).
- 2.3** The Guidance is in furtherance of duties under the Children (Leaving Care) Act 2000 which requires the authority to provide the young person with "required information" and to inform each young person about the package of care which they can anticipate.

#### **3. INTENDED ACTION**

- 3.1** The support provided to each young person will be to a broad standard defined by the authority. Each young person will have their individual needs assessed and resources will be provided in accordance with their individual plans.
- 3.2** To ensure fairness and consistency of support the attached paper has been provided to give guidance within parameters as to the support each young person should expect.

#### **4. FINANCIAL IMPLICATIONS**

- 4.1** The proposals are in accordance with the financial settlement issued by the Scottish Executive to support the "transfer of responsibilities". The settlement was based on population estimates.
- 4.2** It is anticipated that this scheme can be contained within the budget approved for 2004/05 (£105,423) and subsequent years which has been increased following the additional allocation notified by the Scottish Executive.

## **5. PERSONNEL IMPLICATIONS**

5.1 There are no additional personnel implications in implementing this matter.

## **6. LEGAL AND POLICY IMPLICATIONS**

6.1 This matter is a requirement for the discharge of duties on the Council outlined in the Scottish Statutory Instrument 2003 No. 608, made on 18<sup>th</sup> December 2003 and which came into force on 1<sup>st</sup> April 2004.

## **7. CONCLUSION**

7.1 A range of matters will require to be confirmed in the period ahead as a consequence of the requirements which commenced on 1<sup>st</sup> April 2004. Future reports on the details for implementation will be presented within an appropriate timescale.

## **8. RECOMMENDATIONS**

8.1 It is recommended that the Social Work Committee:-

- (i) recommends to Council the approval of the policy document contained in Appendix 1; and
- (ii) agree to adopt the scheme of payments outlined in the Rates of Payments detailed therein; and

**John Mulgrew**  
**Executive Director of Education & Social Services**  
**Encl (1)**  
**4 May 2004**

### **LIST OF BACKGROUND PAPERS**

Supporting Young people Leaving Care in Scotland – Scottish Executive 2004 ISBN 0-7559-41551-1.

Scottish Statutory Instrument 2003 No. 608

Children & Young Persons

The Young People Leaving Care (Scotland) Regulation 2003

For further information please contact Bill Eadie, Senior Manager, Operations, Social Work Services, Council Offices, Civic Centre, Kilmarnock (Tel. 01563 576728)

**IMPLEMENTATION OFFICER: BILL EADIE**

## **IMPLEMENTATION OF REGULATIONS & GUIDANCE FOR YOUNG PEOPLE CEASING TO BE LOOKED AFTER BY THIS COUNCIL**

### **INTRODUCTION / CONTEXT**

This policy document refers to the legal responsibilities that East Ayrshire Council has to young people leaving care. These responsibilities are set out in the Children (Scotland) Act 1995, the Regulation of Care (Scotland) Act 2001 and the new Support and Assistance of Young People Leaving Care (Scotland) Regulations 2004. This document particularly refers to the Council's responsibilities under the Regulations for providing financial assistance with accommodation and maintenance to eligible young people. The document also considers other areas of financial assistance it can provide under Section 29 of the Children (Scotland) Act 1995. However, the document only refers to young people aged 16 and 17 years of age, who left school after their school leaving date and after 1<sup>st</sup> April 2004.

On 1<sup>st</sup> April 2004, the Scottish Executive introduced new Regulations, which change the responsibilities that local authorities have towards certain young people who cease to be looked after following their school leaving date. The Support and Assistance of Young People Leaving Care (Scotland) Regulations 2004 require local authorities to assess the needs of eligible young people, take account of their views, record an action plan and review this plan. The Regulations describe these requirements as the Pathway Views, Pathway Assessment and Pathway Plan. Each eligible young person will have a Pathway Co-ordinator, who will be responsible for co-ordinating the Pathway process, including the provision of services. Under the Regulations, local authorities are also required to prepare a policy statement on how it carries out Pathway Assessments, provide a package of support including financial support, maintain an appeals procedure and ensure that the young person has access to it, provide the young person with information and documents, and inform other local authorities to which the young person has moved.

### **STATEMENT OF PRINCIPLE**

East Ayrshire Council is committed to fulfilling its legislative obligations as a corporate parent to the young people it looks after, to preparing those young people for when they are no longer looked after, and providing support and services to these young people after they have ceased to be looked after by the Council. The Council recognises that it is essential that a comprehensive assessment is undertaken, the young person's views are taken into account, a detailed action plan is prepared and reviewed, and that any help and services provided are tailored to meet each individual young person's needs. These services may include accommodation, a living allowance, other financial support, as well as advice and assistance.

East Ayrshire Council acknowledges that the corporate parenting role and responsibilities cannot be met by a single service alone but involve a number of Council services working in partnership with each other, with the young person and with other agencies.

## **ELIGIBILITY CRITERIA**

Under Regulation 13(1), East Ayrshire Council will provide regular financial support to 16 and 17 year olds who have ceased to be looked after following their school leaving date, who were looked after and accommodated for a period of, or periods totalling, 13 weeks or more since the age of 14 years, and who do not return home to their family on ceasing to be looked after. (Family includes only those with parental responsibilities or family members with whom the young person was living prior to being looked after.)

Regulation 13(3) states that the value of any assistance given, whether in cash or in kind, may be no less than the value of social security benefits to which the young person might previously have been entitled.

Regulation 13(2) states that regular financial assistance will not be provided to young people who return home to their parents unless they would otherwise be entitled to social security benefits.

Under Section 29 of the Children (Scotland) Act 1995, East Ayrshire Council has a duty to assist young people under 19 years old who ceased to be looked after their school leaving date. This may be financial or other assistance.

## **PROVISION OF FINANCIAL SUPPORT**

East Ayrshire Council will assess the young person's financial needs during the Pathway assessment and planning process. Then, according to its legal responsibilities and the young person's needs and eligibility, East Ayrshire Council will provide the following types of financial support, the rates for which are given below:-

### **ACCOMMODATION COSTS**

Under Regulation 14, East Ayrshire Council is required to satisfy itself that the young person's accommodation is suitable for their needs. Previous Housing Benefit levels will be used to calculate rent payments. Payments will normally be made directly to the landlord.

### **LIVING ALLOWANCE OR MAINTENANCE COSTS**

The young person must be eligible under Regulation 13. The amount of the allowance will not be less than current benefit levels and, where appropriate, will take into account any other income the young person may have. The allowance provided will include incentives for young people who are employed or engaged in education or training. Any Criminal Injuries Compensation payments will be disregarded. Payments will normally be made to young people through their bank accounts. Pathway Co-ordinators will ensure that each young person opens a bank account before ceasing to be looked after.

### **ADDITIONAL PAYMENTS**

Under Section 29(3) of the Children (Scotland) Act, East Ayrshire Council can provide other financial assistance. Such assistance may include the following: clothing allowances; work clothing; books for college; equipment for work; bus fares for visiting family; bus pass for education / employment; leisure and recreation (expensive hobbies). In the table below,

some items are listed as standard. However, other items may be considered and agreed during the Pathways process.

## PASSPORTED BENEFITS

Young people who receive a living allowance from East Ayrshire Council will be eligible to claim assistance with health costs from the Department of Health. As part of the Pathway process, young people will be assisted to complete the appropriate claim form.

## RATES OF PAYMENT

Type of Payment	Amount	Comment
Basic living allowance	£43.24 pw	Payable to young people not at work/school/college/training course
Living allowance – on training scheme	£10 pw	Payable as top-up to Training Allowance of £55 per week paid by training provider
Living allowance – at school/college	£65 pw	This ensures same income as someone on training scheme
Living allowance – in employment	Variable	Wages will be topped up if 40% of salary is less than basic living allowance Eg: if wage=£100 per week, then 40% of £100=£40 Young person receives (basic living allowance – 40%, that is: £43.25 - £40 = £3.25
Clothing allowance	£200 pa	
Clothes for interviews	£50	This is a one-off payment, if interview is confirmed
Clothes for work/college/training	£50	This is a one-off payment, if special clothing is required
Education expenses	£20 per term	If very expensive books are required, this might be increased
Equipment for work	£50	This is a one-off payment to purchase necessary equipment, e.g. chef's knives
Bus pass/(free travel?)	Variable	Provided to enable young person to travel to work/training/college or to visit family
Sport/Music/Emergency payment	Variable	Payable to enable young person to develop special talents/follow special interests or hobbies
Emergency payment	£150 pa	This would be the maximum amount spread over a year, to cover unexpected bills etc, accessed in agreement with Pathways Co-ordinator
Furnishing a tenancy	£1500	

Cont'd/

## **COMPLAINTS / APPEALS**

Under Regulations 16 and 17, young people can appeal against the level and manner of assistance and support to be provided, East Ayrshire Council has a procedure for this. The Pathways Co-ordinator will be responsible for ensuring the young person has a copy of the Appeals Procedure.

## **YOUNG PEOPLE MOVING TO OTHER LOCAL AUTHORITIES**

East Ayrshire Council will retain financial responsibility for all their eligible young people if they move into another local authority area. The Pathway Co-ordinator will liaise with the other local authority to ensure that payments continue.