



Department of
**Health, Social Services
and Public Safety**

An Roinn

**Sláinte, Seirbhísí Sóisialta
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Leaving and After Care



CHILDREN ORDER

Guidance and Regulations
Volume 8
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CHILDREN (NI) ORDER 1995
(as amended by the Children (Leaving Care)
Act (NI) 2002)

Regulations and Guidance

Volume 8

Leaving and After Care



The Children Order series of Regulations and Guidance consists of the following:

Volume 1: Court Orders and other Legal Issues

Volume 2: Family Support, Child Minding and Day Care

Volume 3: Family Placements and Private Fostering

Volume 4: Residential Care

Volume 5: Children with a Disability

Volume 6: Co-operating to Protect Children*

Volume 7: Schools Accommodating Children

Volume 8: Leaving and After Care

* Co-operating to Protect Children was replaced by new Guidance entitled "Co-operating to Safeguard Children" (June 2003)

PREFACE

This is the eighth volume in the series of Regulations and Guidance produced in the context of the Children (Northern Ireland) Order 1995. The regulations and guidance in this series are primarily addressed to Health and Social Services Boards and Trusts. However, as the guidance in this volume will have implications for the work of a wide range of agencies and individuals which provide support to young care leavers, it also has application to all those agencies/professionals who work with young people leaving care.

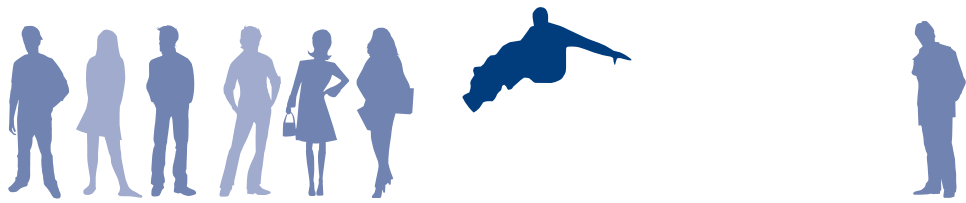
This guidance is designed to bring to managers and practitioners in HSS Boards and Trusts an understanding of the principles behind the Children (Leaving Care) Act (Northern Ireland) 2002 ("the 2002 Act") and associated regulations. It identifies consequential amendments to the Children (Northern Ireland) Order 1995 and the implications of these and associated regulations for policies, procedures and practice.

This guidance should be read in conjunction with the Children Order Regulations and Guidance. It replaces:

- *Chapter 10: Aftercare, advice and assistance - The Children Order Guidance and Regulations, Volume 3, Family Placements and Private Fostering.*
- *Chapter 14: Aftercare: advice and assistance - The Children Order Guidance and Regulations, Volume 4, Residential Care.*

THE STATUS OF REGULATIONS AND GUIDANCE

The Regulations and Guidance in this series build upon the legislative framework of the Children (Northern Ireland) Order 1995, which is the law and must be complied with. The regulations made under the Children Order include permissions and restrictions as to what may or may not be done and also requirements on what must be done. As with the Children Order itself, the regulations carry the full weight of law. The guidance issued under the Children Order is not law. Where guidance explains the requirements of the Children Order, or regulations, it is reaffirming the law. Where it goes beyond regulations it conveys the message that "it is highly desirable to ..." or "unless there is good reason



not to, you should...." rather than "you must". This is intended to give a degree of flexibility in the application of what the Department considers to be good practice guidance. It should be noted, however, that whilst the guidance is not in itself law, in the way that regulations are, it is possible that guidance documents may be referred to in court proceedings and that courts may expect justification for the guidance not being followed.

CONTENTS

| | Page No |
|--|---------|
| Glossary of Terms | 11 |
| Chapter 1: Introduction | 13 |
| Chapter 2: The Legal Framework | 17 |
| Chapter 3: Preparation for Leaving Care | 29 |
| Chapter 4: Assessment of Need | 39 |
| Chapter 5: Pathway Plans | 45 |
| Chapter 6: Personal Advisers | 55 |
| Chapter 7: Accommodation and Personal Support for Relevant Children | 63 |
| Chapter 8: Financial Arrangements | 69 |
| Chapter 9: Care Leavers Aged 18-21 | 79 |
| Chapter 10: Care Leavers Qualifying for Advice and Assistance Under Article 35 of the Children Order | 85 |
| Chapter 11: Young People with Disabilities | 91 |
| Chapter 12: Representations and Complaints | 95 |
| Annex: The Children (Leaving Care) Regulations (Northern Ireland) 2005 | 99 |

GLOSSARY OF TERMS

This Glossary is intended to provide relatively simple explanations of the most important terms and phrases used in the guidance. It includes terms given a specific meaning within the Children (Leaving Care) Act (NI) 2002 and its associated Regulations. These are intended to be generally useful to aid familiarisation with the new terminology.

Eligible Child: a young person aged 16 or 17 who has been looked after by an HSS Trust for a period of 13 weeks since the age of 14, and is still looked after.

Relevant Child: a young person aged 16 or 17 who has left care and before leaving care was an eligible child.

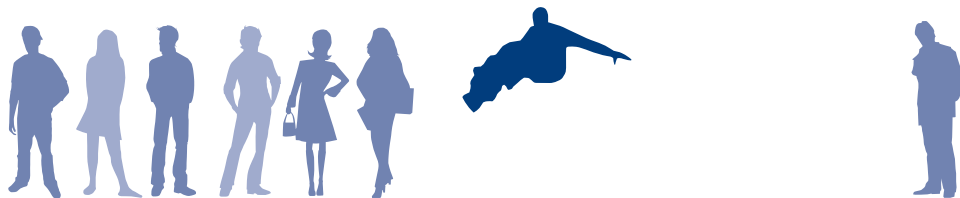
Former Relevant Child: a young person aged 18–21 (or beyond if, being helped with education or training) who, before turning 18 was either an eligible or relevant child, or both.

Person Qualifying for Advice and Assistance: a young person aged under 21 who, after reaching the age of 16, but whilst still under 18, was looked after by an HSS Trust, accommodated in a voluntary children's home or privately fostered.

Responsible HSS Trust: the HSS Trust which last looked after an "eligible" or "relevant" child.

Personal Adviser: a person who is appointed by the responsible HSS Trust for each eligible, relevant and former relevant child. The personal adviser will be responsible for overseeing the pathway plan and ensuring that the young person receives the support to which he or she is entitled in a co-ordinated and easily accessible way. They will be the main point of contact between a young person and his or her responsible HSS Trust.

Pathway Plan: a document drawn up by the responsible HSS Trust along with the young person which sets out: the manner in which the Trust proposes to meet the needs of the young person, when the Trust might cease to look after the young person, and the date by which and by whom the plan will be implemented.



Note on terminology

The Children (Northern Ireland) Order 1995 includes statements as to the powers and duties of Health and Social Services Boards and Trusts. The Children Order uses the term "authority" to refer to an HSS Board or Trust. The powers and duties will be exercised by an HSS Board, except where a function is exercisable by a Trust by virtue of an authorisation for the time being in operation under Article 3(1) of the Health and Personal Social Services (Northern Ireland) Order 1994. In this guidance, references are to a Trust. References made to Article numbers relate to the Children (Northern Ireland) Order 1995 as amended by the 2002 Act. References to the "1995 Order" or the "Children Order" are to the Children (Northern Ireland) Order 1995. References to numbered regulations are, unless the context states otherwise, references to the Children (Leaving Care) Regulations (Northern Ireland) 2005. References to "Regulations" are intended, unless otherwise stated, to be references to the 2005 Regulations mentioned above.

1

INTRODUCTION

Purpose and aims of the legislation

1.1 The purpose of the Children (Leaving Care) Act (Northern Ireland) 2002 ("the Act") is to improve the life chances of young people who are looked after by HSS Trusts as they make the transition to independent living. To achieve this, the Act amends the Children (Northern Ireland) Order 1995 to strengthen the existing duties on HSS Trusts to provide a service to young people leaving care. The main aims of the legislation are to:

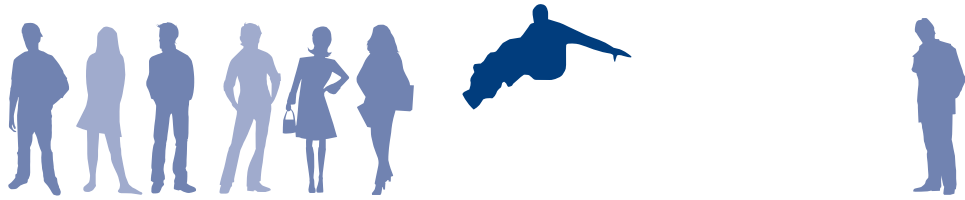
- ensure that young people do not leave care until they are ready to do so;
- improve the assessment, preparation and planning for young people leaving care;
- provide better personal support for young people after they leave care; and
- improve the financial support available to care leavers.

1.2 The Act fulfils a commitment in the Programme for Government to introduce legislation to enhance services for young people leaving care. The legislation is based on the consultation document "Proposals for a Children Leaving Care Bill" published by the Department of Health, Social Services and Public Safety in March 2001.

Policy Context

1.3 Every year around 200 young people aged 16 and 17 leave the substitute homes provided for them by HSS Trusts and, if unable to return to their families, seek a place for themselves as young adults in the community. Concern at the vulnerability of young people leaving care to live independently in the community has grown from the late 1980's. Departmental Strategies from this time included objectives to develop programmes to prepare young people for leaving care and to provide support to young people who had left care.

1



INTRODUCTION

- 1.4** Research has also shown that the outcomes for young people leaving care are poor and that more needs to be done to provide support during this critical time. "Meeting the Challenge," (1996), the Report of the Northern Ireland Leaving Care Research Project, provided information on the care career and leaving care experiences of all young people over school age who left care during a six-month period in 1992. It found that as few as 40% of care leavers received formal preparation for leaving care and that once young people had left care, aftercare support tended to be limited and faded quickly.
- 1.5** The introduction of the Children (NI) Order 1995 helped to focus attention on the problems associated with leaving care and it sought to stimulate the further development of leaving and aftercare services. The Order placed a requirement on HSS Trusts to advise, assist and befriend young people with a view to promoting their welfare when they leave care. However, the Children Order Report 1999 noted that "eighteen months after the Children Order had been commenced, nearly half of the HSS Trusts did not have a framework for developing their leaving and aftercare programmes."
- 1.6** In 2000, the Social Services Inspectorate published the report, "Promoting Independence: A Review of Leaving and After Care Services". The main finding of the "Promoting Independence," was that young people leaving care experience a range of disadvantages in terms of education, employment, housing and family support. The report concluded that there was a need for a better level of co-ordinated support from public sector agencies.
- 1.7** "Promoting Independence" noted that between 1996 and 1999, around 670 young people aged between 16 and 18 were care leavers. Approximately a quarter of these young people were only 16 when they left care compared to an average of 22 years old for other young people starting to live independently. While some young people are attracted to the idea of independence and will push to leave care, moving on is also influenced by a number of other factors, including placement breakdown, limitations in the supply of placements, problems in managing challenging behaviour and traditional expectations. Consequently, an explicit aim of the Act is to prevent young people from prematurely leaving care.

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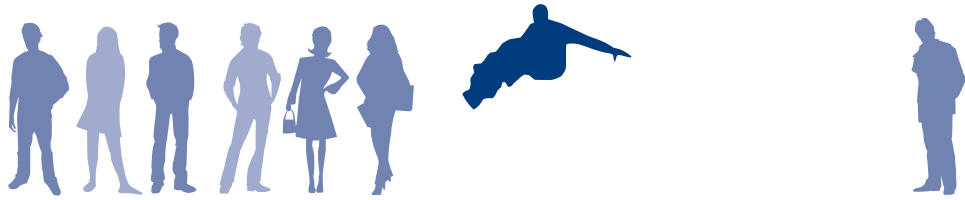


INTRODUCTION

- 1.8** Not only do young people leave care prematurely, the main elements of transition to adulthood tend to be compressed. Learning to manage a home, gaining a career foothold and starting a family tend to overlap in the immediate period after leaving care. Many young people will also have received inconsistent preparation for adulthood. It should not therefore be surprising to find that while some young people have positive experiences of the care system and go on to do well, others experience considerable difficulty, including a high risk of homelessness.
- 1.9** The range of accommodation to which young people move on leaving care is varied and provides differing levels of support and supervision. "Promoting Independence" found that on leaving care, 35% of young people returned home (however, most of these placements break down within 6 months), 22% moved to their own accommodation, 8% were discharged to semi-independent living, and 4% were admitted to hostels for the homeless. The remaining 30% either went to other unspecified accommodation (18%), or were not accounted for, by the Trust which had been looking after them (12%). Young people are unlikely to manage in adversity without a network of formal and informal support. However, there is a tendency for support from social workers and past carers to fall away soon after leaving care. Consequently, the Act seeks to ensure that HSS Trusts remain in contact with care leavers.¹ Preparation for leaving care should reflect good child care practice and follow the principles set out in the Children Order.
- 1.10** Given the difficulties faced by care leavers, it is again not surprising to find that young people in care tend to do poorly at school and lack the qualifications they need for later life. The underachievement of care leavers has been well documented, and studies carried out in Northern Ireland indicate that young people in care here are less likely (on average) than other school children, to succeed educationally. For example more than half (53.2%) of young people who left care in 2001/02 had no formal qualifications, more than 10 times the proportion of all school leavers who had no formal qualifications (5.2%). Educational success is key to improving the life chances of young people in care and in recognition of this, the Programme for Government (2002-2005) included a commitment to increase by 15% the number of

¹ Article 34C(1) Children (Leaving Care) Act (NI) 2002

1



INTRODUCTION

children leaving care with recognised educational and vocational qualifications. In addition, the Department of Health, Social Services and Public Safety's Public Service Agreement has set a target that by September 2007, children who are looked after by social services should attend school for at least 85% of the days they are required to attend.

- 1.11** Young people need to be assisted in realising their aspirations and should have the same life chances as their peers who have not been in care. The provisions of the Children (Leaving Care) Act seek to close the opportunity gap for young care leavers. What happens while young people are looked after in the care system and the quality of their experiences is closely related to what can be achieved once they leave.

The Guidance

- 1.12** This guidance is designed to help HSS Trusts provide integrated services for young people. HSS Trusts have a duty to prepare young people for the time when they cease to be looked after and a duty to provide them with advice, guidance and assistance after they have ceased to be looked after. It is of vital importance that young people are properly prepared for this stage of their life and that they have access to full support on leaving care.
- 1.13** Young people approaching the time when they will leave care, do so from a wide variety of backgrounds and circumstances, at various ages and with differing levels of support available to them from family and friends. The quality of preparation for leaving care, and of the aftercare subsequently provided, will profoundly affect the successful transition of the young person to independent living and potentially affect the quality of the rest of a young person's life. The following guidance should be used to provide a flexible service to meet the wide range of potentially differing experiences and needs of young people.