

Introduction

- 9.1** The Children Order, as amended by the Children (Leaving Care) Act, requires the responsible HSS Trust to continue to provide various forms of assistance to care leavers from the age of 18, if they have previously been eligible or relevant children. They are described as **former relevant children**.¹ The aim is to strengthen the financial and social support arrangements for young people in education, training or employment. The duties on HSS Trusts run until the young person reaches the age of 21, except for the duty to assist with education and training, which carries on to the end of the programme agreed and set out in the pathway plan.
- 9.2** Article 35B(2) of the Children Order also gives HSS Trusts a power to assist with the expenses associated with education and training up to the age of 24. For the most part, this will apply to young people who do not qualify as former relevant children. However, if a young person who had been a former relevant child decided after the age of 21 that they now wished to take up educational opportunities, the HSS Trust which had been their responsible HSS Trust, would have discretion to provide assistance until that young person reached the age of 24, though it would not be under a duty so to do.

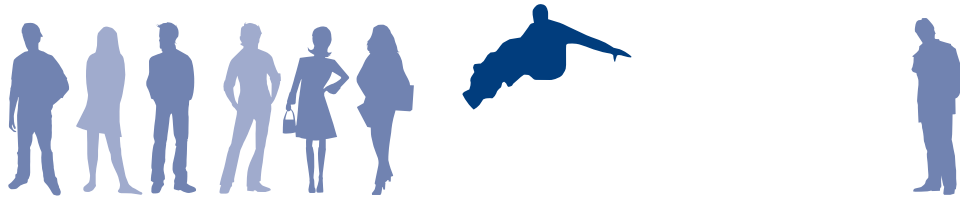
Duties to former relevant children

- 9.3** The responsible HSS Trust will continue:
- to provide the young person with a personal adviser;²
 - to review and revise the pathway plan regularly;³ and
 - to keep in touch.⁴
- 9.4** A responsible HSS Trust's duty to provide accommodation and maintenance for a relevant child ends when they reach age 18. However they have continuing duties to provide:
- general assistance;⁵
 - assistance with the expenses associated with employment;⁶
 - assistance with the expenses associated with education and training;⁷ and
 - vacation accommodation, or the funds to secure it, to care leavers in Higher Education or in full-time residential Further Education.⁸

1 Article 34D of the Children Order
 2 Article 34D(3)(a) of the Children Order
 3 Article 34D(3)(b) of the Children Order
 4 Article 34D(2) of the Children Order

5 Article 34D(4)(c) of the Children Order
 6 Article 34D(4)(a) of the Children Order
 7 Article 34D(4)(b) of the Children Order
 8 Article 35B(5) of the Children Order

9



CARE LEAVERS AGED 18-21

- 9.5** HSS Trusts also have a power under Article 21(5) of the Children Order to accommodate young people over the age of 16 up to age 21 in a statutory children's home.
- 9.6** Each of the duties owed to former relevant children is dependent on the young person needing the assistance. It will normally be linked to the pathway plan and to the young person's educational or welfare needs.
- 9.7** The duty to provide vacation accommodation applies to all care leavers aged 16 and over, not just to former relevant children.

The personal adviser

- 9.8** A former relevant child will continue to need a personal adviser until they are at least 21, and possibly for longer if they are still being helped with education or training. The functions of the personal adviser will be the same for this older group as for those aged 16-17, except for those functions which only apply for eligible or relevant children (i.e. needs assessment and preparation of the pathway plan).

The pathway plan

- 9.9** These young people will continue to have a pathway plan which will cover the same topics and fulfil the same function as described in Chapter 5 of this guidance. Since this group will normally be significantly more mature, confident and independent than the younger care leavers, HSS Trusts should be sensitive to their increasing need to take control in matters such as who should be consulted, when the plan is to be reviewed, and what the plan is to cover. Where the responsible HSS Trust is continuing to provide assistance, the plan will need to be clear on what that assistance consists of and what goals it supports.
- 9.10** The pathway plan must still be reviewed and revised as necessary at least every six months. This duty continues to apply until the young person reaches 21 and ceases to be a former relevant child, even if the responsible HSS Trust has lost contact with the young person. Under such circumstances, the HSS Trust will not be able to do more than record what steps they have taken to try to get in touch with him or her.

9



CARE LEAVERS AGED 18-21

9.11 As for eligible and relevant children, the purpose of regular reviews is to check that the goals and milestones are still relevant for the young person, and that they are being met. It will make sure that any assistance due from the responsible HSS Trust, whether financial or other, is being delivered according to the pathway plan. It will take account of any unexpected developments and will revise the plan accordingly.

Keeping in touch

9.12 The responsible HSS Trust must keep in touch with the young person. This contact should take place at least once every six months, linked to the review of the pathway plan. Normally this task will fall to the personal adviser.

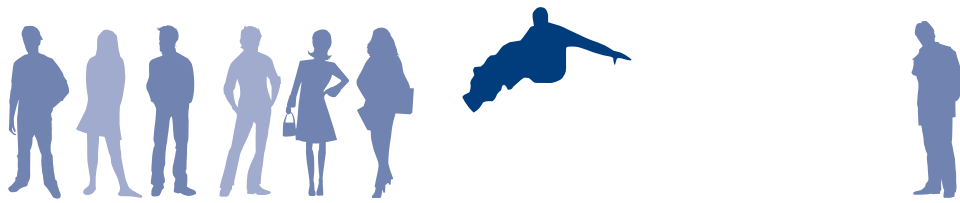
9.13 The responsible HSS Trust must be sensitive to the needs and wishes of the young person about keeping in touch. It is important to remember that these care leavers have reached the age of majority and are adults. They have a right to privacy, if they wish it. This means that the responsible HSS Trust must not insist on a face-to-face meeting against the young person's wishes, although this would be the preferred means of contact. If this means that the young person has to travel, the HSS Trust should meet reasonable travel and subsistence costs.

9.14 However, if the young person prefers it, contact may be made by other means such as telephone or in extreme cases by letter, text messaging, or by e-mail. Contact may also be as brief as the young person wishes. In this, as in the rest of the amendments made to the Children Order by the Children (Leaving Care) Act, the responsible HSS Trust should take the good parent as its model.

General assistance

9.15 The responsible HSS Trust does not have a primary role in providing income for this age group. Former relevant children should derive their income from the same sources as their peers, through employment, student loans, welfare benefits and so on. However, HSS Trusts have a duty to provide assistance in kind or, in exceptional circumstances, in cash in respect of former relevant children.⁹

9



CARE LEAVERS AGED 18-21

- 9.16** Many young people leaving care, particularly those who are required to live independently, can face very severe financial difficulties, both immediately and during their transition to full independence. It should be borne in mind that the HSS Trust's duty to provide assistance to former relevant children extends until the young person reaches the age of 21.¹⁰ Where a young person has no parent to turn to for help, or where a parent does not have the capacity to provide assistance, it is to be expected that the young person will turn to the responsible HSS Trust for help and support.
- 9.17** HSS Trusts are encouraged to be pro-active in advising former relevant children of the circumstances in which assistance can be provided. In this regard, HSS Trusts should take into account the fact that the reference to the provision of financial assistance "in exceptional circumstances"¹¹ refers to that of the individual young person rather than the general policy of an HSS Trust. It will be for an HSS Trust to decide in each individual's situation whether the provision of financial assistance would be appropriate, but the presumption should be that such assistance should be provided where this is necessary to protect the young person's welfare and it cannot be made available by any other agency.
- 9.18** In the same way that the Social Security Agency disregards payments made to young people under Article 35 of the Children Order, the Agency will also disregard payments made under Article 34D of the Order. Assistance from the responsible HSS Trust will, therefore, not affect a young person's claim for benefits.

Assistance with employment

- 9.19** HSS Trusts have a duty to provide assistance to former relevant children with the expenses associated with employment. This provision covers contributions towards the cost of accommodation, which enables the young person to live, near the place where he or she is employed or seeking employment.

Assistance with education and training

- 9.20** HSS Trusts have a duty to assist former relevant children with the expenses associated with education and training. Unlike the other duties which cease when the young person reaches 21, this duty

¹⁰ Article 34D(6) of the Children Order

¹¹ Article 34D(5) of the Children Order

9



CARE LEAVERS AGED 18-21

runs until the young person has completed the programme of education or training agreed with the responsible HSS Trust and set out in the pathway plan.

- 9.21** Given that the pathway plan must be reviewed and revised at least every six months, there is scope to take account of a former relevant child's educational achievement should this qualify them, say, to undertake a degree course and then postgraduate work. The responsible HSS Trust would not be expected to provide accommodation and maintenance for those in **higher** education; under such circumstances the prime funding must come from whatever mainstream sources would be available to support other students. However, should the young person's welfare or educational or training needs require it, the responsible HSS Trust would be under a duty to provide assistance such as travel or equipment costs, as well as contributing to the expenses incurred by the young person in living near the place where he or she is, or will be, receiving education or training.
- 9.22** Former relevant children in **further** education may not have access to any help – Income Support and Housing Benefit are not available to those aged 19 and over in full-time further education – and in such circumstances the responsible HSS Trust would need to provide them with maintenance and accommodation.
- 9.23** In addition, HSS Trusts are under a duty to provide vacation accommodation, or funds to secure it, to all care leavers in higher education who need it. The duty also extends to further education courses which require a student to live away from home. The duty applies in relation to all vacations within a course, but not any time immediately preceding the first term or after the final term.