

Committee:	Dated:
Safeguarding Sub Committee	08/02/2019
Subject: Leaving Care Guidance for Practitioners	Public
Report of: Andrew Carter, Director of Community and Children's Services	For Information
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Summary

Section 2 of the Children and Social Work Act 2017 requires each local authority to consult on and publish a local offer for its care leavers.

This Leaving Care Guidance for Practitioners was co-produced with our care leavers and comprises the full local offer.

Recommendation

Members are asked to:

- Note the report.

Main Report

Background

1. Our care leavers started this guidance, sharing their views as to what a good offer would look like. Staff then looked at what we, as a whole department, are able to offer care leavers – for example, adult education, public health, tenancy support, adult social care, and so on. The offer was reviewed in light of support provided by our statistical neighbours. The offer then went back to our care leavers for their review and oversight. Changes were made according to their feedback.
2. The report outlines what care leavers can expect at different stages of their lives, with support available until the age of 25. The report details support for education, health, work, housing, immigration, leisure, and family life. The offer is robust, with discretion on a needs-led basis to allow for responsive tailor-made provision.
3. The guidance will be turned into an 'easy read', accessible and reader-friendly document and will be published on the City of London website.

Exceptional in the City

4. The offer to care leavers in the City of London is above the statutory requirements and offers an exceptional service to young people.

Consistent relational support

5. Young people benefit from having long-term working relationships with their social workers. The City of London offers care leavers qualified social workers until the age of 25, with regular face-to-face visits, at least once every six to eight weeks, as agreed in the Pledge. This offers young people an excellent, consistent, quality of support.
6. Care leavers are exempt from council tax wherever they live. They are offered support until age 25, regardless of their immigration status. Tenancy support is guaranteed to all care leavers to at least age 21.

Support from Corporate Parents

7. The City of London is corporate parent to our children in care and care leavers. Care leavers benefit from support across the Department of Community and Children's Services (DCCS), including from adult education with apprenticeships and additional English for Speakers of Other Languages (ESOL) classes, from the Cultural Mile, including the use of Spice Credits to access activities.

Housing

8. After the age of 18, young people are encouraged, where needed, to 'stay put' with their foster carer. This means that young people can stay in a family environment for longer, until they are ready to move into their own tenancy. Young people are also supported with a generous starting home grant that can cover all essentials. Budgetary guidance is also given so that recipients can make the most of the funding.
9. Winter heating money is given for the first year in tenancy to ensure that young people do not suffer from the cold when they are learning financial management skills.

Implications

10. At this time the financial implications are being contained in budget.
11. The Home Office does not provide a grant for Unaccompanied Asylum-Seeking Care Leavers aged 18 or over.
12. This will be an area that is closely monitored on an ongoing basis.

Appendices

- Appendix 1: Local offer
- Appendix 2: Legislation and definitions
- Appendix 3: Universal credit
- Appendix 4: Alternative housing options

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COLC Leaving Care Guidance for Practitioners

Version 5.0 November 2018

Contents

1.	Introduction	2
2.	Social workers, Pathway Plans and contact with young people.....	3
3.	Young people’s health needs	5
4.	Education and training	5
5.	Accommodation	6
6.	Young people in education	7
7.	Young people not in education.....	11
8.	Young parents and pregnant women.....	13
9.	Young people on remand or imprisoned	14
10.	Young people who live at home with parents	14
11.	Unaccompanied asylum-seeking children (UASC).....	15
12.	Council tax.....	17
13.	Payments	18
14.	Identification documents.....	21
15.	Housing.....	21
16.	Preparation for independence.....	24
17.	Preparation for employment.....	24
18.	Risk management.....	24
19.	Comments and complaints.....	24
	Appendix 1: Local offer	25
	Appendix 2: Legislation and definitions	31
	Appendix 3: Universal credit	37
	Appendix 4: Alternative housing options.....	38

1. Introduction

The City of London Corporation (COLC) acts as a corporate parent to children who are looked after. Being a corporate parent means that we provide support, practical advice and assistance to young people as would be expected of a good parent. Employees and carers are trained, qualified and supported to undertake their roles as corporate parents, including their responsibilities to prepare young people for adult life.

The aim of this guidance is to lay out our policies for care leavers who are 16–25 years old so practitioners who work with them know what they are entitled to and how to access it. This is to ensure the consistency and transparency of our work with care leavers.

Our care experienced young people have full access to activities in the Cultural Mile, including museums and libraries. Care leavers have access to: support within the Department of Community and Children’s Services (DCCS); transition support and special educational needs and disability (SEND) support from the Education and Early Years Service; transition support from adult social care; tenancy support to all care leavers from age 16 and 17; and after-tenancy support to age 25 and beyond (Housing Department). Care leavers can also access work experience, additional English for Speakers of Other Languages (ESOL) provision and apprenticeships to age 25, regardless of immigration status (Education and Skills Department), and to the Making Every Contact Count approach in the National Health Service.

This guidance is in line with our Children and Young People’s Plan 2018–21 and assists in ensuring that the five priorities – Safe, Potential, Independence, involvement and choice, Health and wellbeing, and Community – and all the objectives that sit within them, are met for the young people leaving care.

The Children and Social Work Act 2017 increased the age that local authorities are required to provide social work support for care leavers from 21 to 25, regardless if that young person is in education or not. The Children and Social Work Act 2017 also requires all local authorities to publish their local offer to care leavers. Our local offer is attached as Appendix 1, and this policy supplements the local offer and guides practitioners on how it should be implemented.

Our role is to advise, assist and support young people in their transition to adulthood. City of London’s provision of continuing leaving care support must ensure that each care leaver is provided with leaving care services through frequent contact with their social worker, with their needs being subject to ongoing assessment and review.

All young people aged 16 to 25 who are in and leaving the care of the COLC are supported by a qualified social worker. All young people are offered support regardless of immigration status, including those without recourse to public funds.

Young people are supported throughout their care experience by the same team, and most often by the same worker. Young people tell us that this is very important. The Pledge, which was created by and for our young people, sets out our promises to the young people that we care for.

The young people referred to in this document are those young people who are eligible, relevant (see Appendix 2 for definition), former relevant and qualifying young people under the Children (Leaving Care) Act 2000 and the Care Leavers (England) Regulations 2010. Please see Appendix 2 (Legislation and definitions) for an explanation of these categories of care leavers. Please note that a full looked-after child service is offered to age 18, and as such, there are no young people in the 'relevant' category.

Universal credit has replaced a number of welfare benefits in the City of London. It is being rolled out across London, but some boroughs have not adopted it yet and will still have welfare benefits in place. Where this document identifies a possible benefit entitlement, this is for signposting purposes only. Universal Credit legislation is complex, and no person has an absolute guarantee that they will receive Universal credit, even where they have an underlying entitlement. City Advice (T: 020 7392 2919) and the COLC Benefits Section (T: 020 7332 1622/ E: benefits@cityoflondon.gov.uk) can provide further advice and information on all benefit-related matters. Please see Appendix 3 for more information.

2. Social workers, Pathway Plans and contact with young people

2.1. Social worker support and staying in touch

- The COLC has a duty to promote contact with all care leavers aged 16–25 years old.
- Local authorities have a proactive duty to keep in touch with care leavers aged 18–20 and to provide social worker (SW) support.
- From the age of 21–25 the proactive contact duty does not apply, but SW support must be provided when requested. The COLC must make care leavers aware that they can continue to request SW support when they turn 21, and at least on an annual basis thereafter until they reach 25. Any care leaver who is not aware that they can receive support until the age of 25 should be contacted and informed of this (social workers are not expected to spend a disproportionate amount of time tracking care leavers down).
- The frequency of social work visits for a looked-after child aged 16–17 is within one week of first moving in, and then every week for the first four weeks, and subsequently every four weeks (six with agreement of team manager). If more frequent visits are required, dependent on need, this

can be requested. After one year, visits can be reduced to no less than one visit every three months if the young person, social worker and team manager are in agreement.

- For care leavers aged 18 and over, the frequency of visits should be determined based on the care leaver's wishes and feelings, alongside their needs. The Pledge offers social visits at least every six to eight weeks until age 25. Methods and frequency of keeping in touch should have some flexibility.
- It is important that contact is at agreed, regular intervals. This allows the social worker and young person the opportunity to establish a close, trusting relationship within which the social worker can provide advice, support and guidance based on the wishes and needs of the young person.

2.2. Standards of contact

- It is important to visit a young person in their home environment to assess their living conditions.
- If attempts to contact a young person prove unsuccessful, the social worker must inform their team manager. The team manager will decide whether the social worker should proceed with an unannounced visit.
- If no contact is made after an unannounced visit, and this is out of character, and if the young person is considered vulnerable or under stress, then consideration must be given to reporting the young person to the police as missing. The social worker should consult with the team manager who will decide whether the police should be contacted.
- All unaccompanied asylum-seeking children (UASC) care leavers who go missing must be reported to the Home Office.

2.3. Monitoring and recording of contact

- All contact with young people must be recorded on Mosaic.
- Contact will be monitored via supervision, file audits and at Pathway Plan review meetings.
- If a care leaver has refused the offer of continued support but the social worker is concerned that they are at risk of harm, they should try and continue to monitor the welfare of the care leaver and take appropriate action if necessary.

2.4. Pathway Plans

- Each care leaver will have a Pathway Plan that will be reviewed, at a minimum, on a six-monthly basis. They must also be reviewed whenever the care leaver requests it.
- Care leavers aged 16 to 20 must have a full Pathway Plan. For care leavers aged 21 or over, the duties to assess care leavers' needs, and develop and keep under review a Pathway Plan, apply only where the young person requests support. The Pathway Plan may be partially updated after the age of 21 to reflect only the area in which the young person requires ongoing support, unless the person is experiencing numerous or complex difficulties.

3. Young people's health needs

Every six months as part of young people's Pathway Plan assessments, the COLC Social Care team will assess physical and emotional health needs and how these needs will be met.

The young person's social worker will advise and encourage them to have regular health, dental and optical check-ups, and accompany them to appointments if requested by the young person.

Young people will be advised and signposted to health and support services as needed. They will be assisted to apply for reduced cost or free health care through the NHS. Counselling and therapeutic support will be accessed through mainstream services and, where specialist services are deemed necessary, funding can be considered. They will be supported in their transition from children to adult health services.

If a young person has no leave to remain, the COLC should cover their health costs (prescriptions and essential dentistry).

4. Education and training

The COLC has a comprehensive Adult Education and Skills offer that can benefit care leavers. There are three types of courses offered by the Adult Education and Skills team.

1) Adult education offer

These accredited and non-accredited education courses, including GCSE qualifications and ESOL courses, usually have a cost attached, but there are grants available for care leavers.

2) Training

These accredited industry-specific courses for local residents, such as food hygiene training, introduction to business and teacher training, are particularly useful for people considering starting their own business.

3) Apprenticeships

Apprenticeships combine working and practical training in a job with studying to gain skills, knowledge and a recognised qualification. The Corporation offers a wide range of apprenticeships which are available to anyone aged 16 or over.

For more information about these courses and how the Corporation can support care leavers with education and training, please contact the Adult Education and Skills team on 020 7608 2753 or 020 7332 3918 or email adulthoodeducation@cityoflondon.gov.uk.

5. Accommodation

In deciding whether accommodation is suitable to meet a care leaver's needs, the COLC must listen to their views about the accommodation they want.

The Care Leavers Housing Forum is a meeting between the Social Care team and housing managers to discuss and find housing for eligible current care leavers .

The social worker must review a care leaver's accommodation after 28 days – and at least every three months after that. The care leaver's social worker must visit them within the first week in a new accommodation, and at least every two months after that.

5.1. Age 16–17

For young people aged 16–17, the COLC has an absolute duty to accommodate them and ensure that they have a suitable care placement.

The COLC does not encourage anyone under the age of 18 to apply for social housing. The social worker should encourage young people to stay in care up to the age of 18 at least, and then have a period of semi-independent living to develop independence skills before considering a social housing application. However, if they choose to leave care, the social worker will work with the young person to ensure that they have suitable accommodation and support.

5.2. Over 18

As part of their assessment and Pathway Plan, a young person's plans for post-18 accommodation must be considered. Discussions with young people and foster carers should take place to establish their wishes and feelings regarding post-18 accommodation. A record should be produced, setting out all the issues discussed and tracking progress bi-annually. Post-18 placements are not foster

care placements; they are supported lodging placements, or can also be on a room-only basis.

Social workers should help young people find suitable accommodation. There are several suitable accommodation options, including:

- remaining with foster carers (see more information on this below)
- semi-independent accommodation
- COLC housing tenancy.

Private rental is generally not considered for care leavers; they should remain in semi-independent accommodation until a social tenancy becomes available. See section 15 for more information on the housing process for care leavers.

5.3. Young people who wish to remain with their foster carer beyond age 18

If a young person wishes to remain in their foster placement beyond 18 years of age, arrangements can be made as long as this is deemed to be in their best interest, it is specified in their Pathway Plan, and the foster carer is in agreement. This is reflecting the Staying Put Guidance – a framework of best practice to assist all parties involved in an arrangement where a young person stays with their foster family beyond the age of 18.

Staying in foster care will allow stability if the young person is undertaking an educational course. It will also give time to make a transition into independent living. Young people Not in Education, Employment or Training (NEET) can also remain with their foster carers, provided this is agreed as part of their Pathway Plan.

The rate will be negotiated with the foster carer and their fostering agency as a supported living or tenancy rate. Young people over 18 can claim universal credit to cover housing and subsistence and will be expected to do so. Payment of any universal credit to the young person will affect the rate that will be paid to the foster carer by City of London.

This arrangement will continue for the specified duration in the young person's Pathway Plan, as in their best interests.

For more information on universal credit and how to apply see Appendix 3.

6. Young people in education

A young person can leave school on the last Friday in June if they will be 16 by the end of the summer holidays. They must do one of the following until they are 18:

- stay in full-time education, for example, at a college
- start an apprenticeship (www.gov.uk/apprenticeships-guide) or traineeship (www.gov.uk/find-traineeship)

- spend 20 hours or more a week working or volunteering, while in part-time education or training.

6.1. Aged 16–17

Personal allowance

COLC has a duty to provide for the maintenance of young people who are eligible and relevant at the minimum in line with universal credit rates. If they are living independently, the allowance is to cover food, household bills, toiletries and clothes. Other personal expenditure will be considered, for example, travel expenses.

Those in foster care aged 16 and 17 years old receive an allowance through their foster carer, which is paid by COLC to the foster care agency.

Rent

The COLC generally meets accommodation costs associated with provision of foster care placements. Where young people have a liability to pay rent, it is the duty of the COLC to pay this.

16–19 Bursary Fund

The 16–19 bursary fund entitles young people in care and care leavers in further education to receive a bursary of £1,200 per year if they stay in full-time education. The bursary is managed by the education provider (school/college). Larger bursaries can be paid if the provider considers this necessary to enable the young person to continue in education or training.

To be eligible, the young person must be aged under 19 on 31 August in the academic year in which they start their programme of study. Where a young person turns 19 during their programme of study, they can continue to be supported until the end of the academic year in which they turn 19, or to the end of the programme of study, whichever is sooner.

Young people must also satisfy the residency criteria:

- Must have the legal right to be resident in the UK at the start of their programme.
- Any person subject to a Home Office Deportation Order will ordinarily be ineligible for funding until their situation has been resolved to the satisfaction of the Home Office, as funding should only be claimed for learners who can complete their programmes.
- The person must have been ordinarily resident in the UK for the three years preceding the ‘relevant date’ (the first day of the first academic year of the course).

- The person must be ‘settled’ in the UK – this means having either indefinite leave to enter or remain, or having the right of abode in the UK, and aged 18 years and older.

For further information and the most up-to-date information on the 16–19 bursary, please see the Department for Education’s website at www.education.gov.uk/childrenandyoungpeople/youngpeople/studentsupport/funding/a00203061/16-19-bursaries.

Clothing allowance

Where an eligible or relevant young person is living independently, semi-independent or in supported lodgings and is in education, they will receive a clothing allowance of £150 a year. There will be an additional £50 available once a year to buy clothing for festivals or special occasions at a time the young person chooses.

6.2. Aged 18 and over

Course fees

Where all avenues for the funding of course fees have been explored, but the young person has been unsuccessful, the COLC may provide some discretionary financial support. This will be based on the assessed needs of the young person, including the appropriateness of the course, whether the course that meets the young person’s educational need is the closest to their home, how it will help them to achieve their ambitions, immigration status and what other options are available to that young person to help them attain their long-term goals. These details will be agreed by the team manager and recorded in the young person’s Pathway Plan.

Education-related costs – books/materials/laptops

Once other sources have been exhausted, young people in further education can request discretionary financial assistance to purchase essential reading materials, uniforms and equipment necessary to support the successful completion of the course. These details will be agreed by the team manager and recorded and agreed on in the young person’s Pathway Plan.

Travel

Where a young person remains in further education post 18 and is living independently, the COLC will provide the young person with the cost of a weekly bus pass to support the continuation of their course of study/training. In the event that the young person’s travel costs are more than the weekly bus pass, additional finance will be considered. This will include details of how far they live from the college, current financial circumstances, what other means of transport are available. These details will be agreed by the team manager and recorded in the young person’s Pathway Plan.

6.3. Education/university

Planning

As part of the ongoing support offered to young people by the COLC Social Care team in relation to their education, students completing A levels or equivalent courses should be signposted to information about bursaries and support available. They will also be given details of Buttle UK and Article 26 (Helena Kennedy Foundation) who provide grants and other support and information about continuing education for care leavers.

Student loans/grants/bursaries

Young people will be entitled to claim a range of student loans, grants and bursaries while they are studying full-time at an advanced level. Students can apply for the following:

	Repayable
• Maintenance grant	No
• Loan for tuition fees	Yes
• Loan for maintenance	Yes
• Local authority higher education bursary	No
• University bursary	No

To qualify for the university bursary, young people must identify themselves as a care leaver to the university to ensure that they access the full range of funds.

The Virtual School Headteacher and the Information, Advice, Guidance and Resilience Practitioner can help care leavers with the process of claiming a bursary.

The COLC higher education bursary

COLC has a duty to provide a bursary to young people at university, as required within The Children Act 1989 (Higher Education Bursary) (England) Regulations 2009. The bursary offered by COLC is £2,000 per year. This bursary will be paid in weekly or monthly instalments into the young person's bank account.

This bursary is dependent on the young person maintaining satisfactory attendance and having acceptable reports from the university. This will be monitored by the young person's social worker.

A bursary will also be considered for those in further education as part of their Pathway Plan.

Travel

The COLC will pay for the travel expenses for young people to visit prospective universities. The Social Care team will purchase a travel card to enable cheaper travel. In the event that the young person's travel costs are more than the weekly bus pass, additional finance will be considered.

Accommodation

The Social Care team will explore accommodation options with all young people. They will support young people to apply for social housing through the COLC Housing Department. If a young person is not entitled to public funds, the COLC will consider meeting accommodation costs up to the shared local housing allowance but only on a case-by-case basis, dependent on the immigration situation. The Assistant Director's approval will be needed.

Vacation accommodation

If a young person is in university accommodation, it is important that they have somewhere that offers the stability of 'home' to which they can return during vacations. Where possible, young people should be aware of their vacation accommodation prior to starting their course and, wherever possible, this should be somewhere they are familiar with.

Financial support will be provided for vacation accommodation for care leavers in higher education. This will be to a maximum of the single person's rent level for the area where the young person wishes to spend their vacation.

Treatment of earnings

Young people are encouraged to participate in part-time work while studying at university, as their student loans, grants and bursaries are not affected by any earnings.

Postgraduate study (e.g. Masters / PhD/ Teaching Qualification)

For any young person who would like to go on to postgraduate study, their social worker will help them to explore their options. This will be recorded within the young person's Pathway Plan, including details of any discretionary financial support that may be offered to them, based on their individual circumstances.

7. Young people not in education

The following section applies to care leavers who are not in education. This includes care leavers in training, in work and NEET.

7.1. Aged 16–17

Personal allowance

The COLC has a duty to provide for the maintenance of young people who are eligible or relevant (see Appendix 2 for definitions). This maintenance will be included in fees paid to the foster carer, or if in independent living, in line with universal credit rates.

If the young person has a sickness or disability and is not entitled to the work capability component of universal credit, the City has a duty to pay them a personal allowance in line with universal credit rates.

Travel

The COLC will support 16- and 17-year-olds in training with travel expenses through the fostering allowance, or for young people living independently, directly in the form of a weekly bus pass. Where a young person is living independently and is NEET, the COLC will provide a weekly bus pass (or equivalent) if they are attending appointments and interviews and for their first month in employment. In the event that the young person's travel costs are more than the weekly bus pass, additional finance will be considered.

Rent

Eligible and relevant 16- and 17-year-olds are unable to claim universal credit until they are 18 years old. Where they have a liability to pay rent, it is the duty of the COLC to pay this. Any earnings will not affect these rental payments.

Clothing allowance

Where an eligible or relevant young person (under 18) is living independently, semi-independent or in supported lodgings and is in training, they will receive a clothing allowance of £150 twice a year. There will be an additional £50 available once a year to buy clothing for festivals or special occasions at a time the young person chooses.

7.2. 18 years and over

Rent

Young people who are over 18 years old and attending training courses, working or unemployed may be able to claim universal credit to help them to pay their rent (see Appendix 3).

Treatment of earnings/universal credit entitlement

A young person who is working for less than 16 hours per week or is NEET could claim universal credit if they are on a low wage (see Appendix 3).

7.3. Young people in training (including apprenticeships)

Training-related costs – books/ materials/equipment

Once other sources have been exhausted, the COLC may provide young people with discretionary finance to purchase essential reading materials, uniforms and equipment necessary to support the successful completion of their training course. This will be based on the assessed needs of the young person, including the appropriateness of the training course, how it will help them to achieve their ambitions, and what other options are available to them. These

details will be agreed by the team manager, recorded and agreed on in the young person's Pathway Plan.

7.4. Young people unable to work due to sickness/disability

Universal credit entitlement

If a young person is deemed as not capable of working due to sickness or disability, they may be eligible to claim the work capability component of universal credit. If they are over 18, they may also be able to claim universal credit to help them pay rent.

Additionally, if a young person has an ongoing disability or a condition that affects their daily life, they should consider making a claim for personal independence payments.

For more information on universal credit/personal independence payments and how to claim them, see Appendix 3.

8. Young parents and pregnant women

Healthy Start scheme

Health experts recommend Healthy Start vitamins for pregnant woman. In the City, Healthy Start vitamins are provided free of charge to all pregnant women, mums who have had a baby in the last year, and babies and children from four weeks until their fourth birthday. For information on how to claim the vitamins, see the Hackney Council website's Healthy Start page: <https://hackney.gov.uk/healthy-start>.

Healthy Start vouchers can be exchanged for milk, fresh fruit, fresh vegetables and infant formula at Healthy Start registered retailers. Pregnant women and mothers qualify for vouchers if they or their partner are on certain benefits, or if they are under 18. For more information about the Healthy Start vouchers, please visit the City of London Corporation website's Healthy Start page: <http://fyi.cityoflondon.gov.uk/kb5/cityoflondon/fyi/service.page?id=BnYJe-9t4Rc>

Maternity grant

Young people who are eligible or relevant are able to access the Sure Start Maternity Grant of £500 from 11 weeks before the baby is due until the baby is three months old. Usually to qualify for a Sure Start Maternity Grant there must be no other children in the family and the parent or their partner must receive one of these benefits:

- income support
- income-based jobseeker's allowance
- income-related employment and support allowance
- pension credit
- child tax credit

- working tax credit that includes a disability or severe disability element
- universal credit

The Sure Start Maternity Grant comes from Social Care via Section 17 (child in need) of the Children Act 1989 budget. This is discretionary financial support and will be spent with the young person's social worker on essential items.

For further information visit the Gov.uk website: www.gov.uk.

Baby grant

The COLC will provide a one-off grant of £200 just prior to or subsequent to the birth of a baby to a care leaver. If a care leaver is not eligible for the maternity grant, the COLC will also match the maternity grant (currently £500) and provide the additional £200.

Universal credit

There are a number of benefits that young parents and pregnant women may be entitled to under universal credit. See Appendix 3 for more information.

Care to Learn

Young parents who are under 20 years old and in education may be able to get help with childcare costs via the Care to Learn scheme. Further information is available from the GOV.uk website: www.gov.uk/care-to-learn.

9. Young people on remand or imprisoned

9.1. Aged 16–17

Young people on remand or imprisoned are considered to be looked-after children. They are under the responsibility of the Social Care team and will be given support identified in their Pathway Plan.

9.2. 18 years and older

The universal credit rules connected to young people who are detained in custody awaiting trial or sentence, or who are serving a custodial sentence, are complex. Advice should be sought from City Advice for young people in these circumstances.

10. Young people who live at home with parents

10.1. Aged 16–17

Young people who were previously accommodated under Section 20 of the Children Act 1989, and have had a successful return home for six months or more, revert to legal status Section 24 of the Children Act 1989 (Qualifying Child). This means that they are then able to access the universal credit system

(or their parents can claim for them). The COLC will not pay a personal allowance or accommodation costs for these young people once they have been at home for six months and have reverted to legal status Section 24.

Young people who are subject to a Care Order under Section 31 of the Children Act 1989 are not able to access the universal credit system, nor can their family claim benefits for them, (with the exception of the child benefit that the parent can claim for the young person if they are in education).

Social Care has a duty to pay a personal allowance to those 16- and 17-year-olds living at home who are Section 23a (for the first six months) or Section 31, but not rent. This is in line with the universal credit rate.

10.2. 18 years and older

In most circumstances, young people who are over 18 years old and living with their parents will have full access to universal credit if they are not in employment.

They can claim universal credit if they are unemployed and available for and actively seeking employment.

If the young person is in education, their parents will be eligible to continue to claim child tax credits and child benefit for them until their 21st birthday.

Young people will not be eligible to claim universal credit to help them pay rent where they are living with their parents or another close relative.

11. Unaccompanied asylum-seeking children (UASC)

Asylum-seeking young people within the City of London usually have equal access to financial support from social care as detailed within this document. However, depending on their immigration status, they may have differing entitlements to public funds that could affect their entitlement to claim universal credit and to access education-related funding.

Most asylum-seeking children who arrive in the UK without a parent or guardian make an application to the Home Office, and are granted Discretionary Leave for three years, or until they are 17-and-a-half years old, whichever comes first. They then have the opportunity to make an 'in-time application' for this leave to be extended. As long as they do this before their original leave has expired, they will usually have access to public funds, which includes entitlement to welfare benefits, while they are awaiting a decision from the UK Border Agency.

If the decision on their asylum claim is negative, but they make an 'in-time' appeal, they still have access to public funds until all of their asylum appeal rights have been exhausted.

For those young people who are refused asylum and have exhausted all of their appeal rights, their entitlement to public funds, including welfare benefits, would usually end. At this point, Children's Social Care will liaise with the Home Office to provide financial support to these young people while they are waiting for instructions and assistance in leaving the country, until they reach the age of 21. After the age of 21, the COLC will provide support to the young person until they turn 25, including accommodation and subsistence, on the basis that to remove accommodation/support would be to breach their human rights, given their express wish to claim asylum in the UK. The COLC will support the young person as a care leaver first.

- This is the most common route for UASC entering the UK, but there are other possible outcomes of the asylum claim.
- The young person could be granted refugee status (i.e. granted asylum), they would have leave to remain and access to public funds for five years.
- The young person could be refused asylum but granted Humanitarian Protection (HP) with leave to remain for five years, again usually with access to public funds. HP is most commonly granted when the person is at some risk of 'ill treatment' in the particular country they left but does not meet the criteria of the Refugee Convention. This is a rare category for UASC.
- There is also the possibility that the Home Office could refuse asylum with no grant of leave. In this case the UASC would be returned to his/her country of origin. Social workers will always consider returning home with young people in pathway planning as a parallel plan.

On 9 February 2011 new rules were announced concerning asylum seekers' access to higher education. From this date only those with a settled status and right of permanent residence will be eligible to home fees and student support for a higher education course in England. This does not affect UASC who:

- are studying in Wales, Scotland or Northern Ireland, or apply for student support in one of those countries
- are studying in England and their course began before 1 April 2011
- applied for student support before 9 February 2011
- are taking a further education course in England.

Plans for transition to adulthood must be in place for all looked-after children aged 16 and 17 who have been looked after for at least 13 weeks after they reached the age of 14. The 13 weeks can be continuous or made up of separate episodes of care; they exclude short-term placements made by way of respite care, but must include a period of time (at least 24 hours) after reaching the age of 16.

Young people who were previously eligible and have returned home and become relevant and subsequently qualifying, will revert to being relevant if this arrangement breaks down before their 18th birthday.

11.1. Former UASC

If a former UASC care leaver has not been recognised as a refugee or been granted any other valid form of leave to remain and becomes 'appeal rights exhausted' (ARE), the Home Office ceases to provide leaving care funding to the local authority within three months. The COLC will provide support to the young person until they turn 25, including accommodation and subsistence, on the basis that to remove accommodation/support would be to breach their human rights, given their express wish to claim asylum in the UK. The COLC will support the young person as a care leaver first.

12. Council tax

From 1 April 2018 all City of London care leavers are exempt from paying council tax. The COLC will exempt care leavers who are resident in the Square Mile from paying council tax and will fund the balance of any council tax payable by care leavers in accommodation outside the Square Mile.

12.1. Care leavers living within the City of London

Social workers should advise the City of London's Council Tax Manager of a new care leaver by emailing counciltax@cityoflondon.gov.uk. They should provide the following information:

- Full name of care leaver
- Proof of age (they have to be under 25)
- Address within the City of London
- Written statement from the DCCS by email that the individual is a care leaver under 25 supported by the City of London
- Confirmation that they live alone at the address if known. This exemption will only apply to accommodation occupied solely by care leavers, but the Council Tax team should be notified of all occupation by any care leaver, even if a joint council tax liability applies. The team will review each on a case-by-case basis and may direct the care leaver to the Council Tax Reduction Scheme, if relevant.

The Council Tax team will assess entitlement to statutory discounts, single occupier discount and student status first. Any resulting charge will be reviewed for a care leavers' discretionary discount. The Council Tax team will make necessary changes as part of their annual billing and will confirm to the DCCS when confirmation has been issued to the relevant individuals.

It is unlikely, but not impossible, that a care leaver under 18 is living alone in unsupervised accommodation. In these circumstances, they cannot be held liable for council tax. The Council Tax team should still be notified if this occurs.

12.2. Care leavers living in other boroughs

The social worker will determine which borough the care leaver lives in. If the borough offers exemptions to all care leavers in their borough then the care

leaver should make an application for exemption, with support from their social worker when needed.

If the borough doesn't offer the exemption to City clients, then the cost will come from the child social care or asylum seekers budget. The social worker should liaise with the borough to raise an invoice to pay the council tax (after application of any financial assistance to which they may be entitled under the Local Council Tax Support Scheme of the borough in which they reside).

13. Payments

13.1. Health costs

The NHS Health Costs Scheme helps people who are on a low income to pay for the following chargeable NHS services:

- NHS prescriptions
- NHS dental treatment
- NHS sight tests
- glasses and contact lenses
- necessary costs of travel to receive NHS treatment under the care of a consultant, or through a referral by a doctor or dentist
- NHS wigs and fabric supports.

If the young person is a student or in receipt of certain universal credit, they can provide evidence of this to claim funds to help with these health costs. Eligible and relevant young people who receive a personal allowance from social care will need to complete a HC1 form to claim help with these costs, as will those over 18 who are working and on a low income.

HC1 forms can be obtained from Jobcentre Plus offices, NHS hospitals and from some doctors, dentists and opticians. A form can also be found on the NHS website at: www.nhs.uk/NHSEngland/Healthcosts/Documents/2016/HC1-April-2016.pdf.

13.2. Setting Up Home grant

Social Care have a duty to provide eligible and relevant young people a Setting Up Home Grant when they leave care and move into independent or semi-independent accommodation. This grant will be based on the young person's assessed needs, and will be up to a maximum amount of £3,000.

The grant will be administered by the young person's social worker, and will be used to ensure that the young person has the appropriate equipment and household items to set up safe, secure and stable accommodation. The young person will be able to choose the essential items that they need within this overall budget. These will include essential items of furniture, furnishings,

bedding, and kitchen equipment, installation of gas and electrical appliances as necessary, and removal costs.

Decorating Allowance – New COLC social housing tenants may be entitled to a decorating allowance. This amount will vary, depending on the condition and size of the property. The COLC Rents team, who sit within the Housing Department, can advise further. It is expected that social workers support their young people to claim the decorating grant, particularly for goods such as carpet or decoration which a young person may not be able to take with them to subsequent properties.

In addition, the COLC Housing Needs team has access to various furniture projects which are available for care leavers to access.

13.3. Discretionary £250 settling in allowance

If a young person does not qualify for a Setting Up Home Grant and is required to move into new accommodation at short notice, the COLC may provide financial support by way of a £250 allowance to assist them to purchase the following items, should they need them:

- basic food supplies
- cleaning materials
- light bulbs
- essential toiletries.

13.4. Other payments

TV licences

The first television licence fee required for eligible, relevant and former relevant young people will be purchased by the COLC. The young person will then be expected to budget for subsequent licences, unless there are exceptional circumstances.

Winter heating allowance

During their first winter of independent living, the COLC will give care leavers £10 per month from October to March. This will be paid directly to the young person who will need to budget.

Birthdays/ religious festivals

All eligible, relevant and former relevant young people will receive a birthday card and £50 from the COLC annually around their birthday, up until they are 25. This is the responsibility of the young person's social worker.

Support for 16- and 17-year-olds living independently with cultural and leisure activities

Young people are encouraged to make use of leisure facilities and to pursue sports and hobbies and cultural activities. Where the Pathway Plan identifies these activities and the young person shows a continued commitment, the COLC may provide financial support, depending on the need identified, and contribute towards related costs for eligible and relevant young people who are

living independently (i.e. not in foster care or residential care) such as membership fees for clubs, purchasing sports equipment.

Visits to friends/family

The Social Care team will consider requests in relation to financial support to visit friends and family and will make a decision based on individual circumstances.

Payments and emergencies

The COLC can provide discretionary financial support if the young person has no other resources while waiting for their universal credit claim to be processed once they turn 18. The Social Care team can also consider an emergency payment if a young person requests this for essential items and has no other means of paying for them.

Clothing

The COLC will provide one payment of £150 per year to care leavers over the age of 18 for winter clothing. Any additional provision will be needs assessed. There will be an additional £30 available once a year to buy clothing for festivals or special occasions at a time they choose.

Emergencies

In an emergency, the young person should initially contact their social worker or, in their absence, the duty worker.

If an emergency occurs out of office hours then the Emergency Duty Service can be contacted on 020 8356 2710. The service is open 365 days a year, Monday to Friday 5:00pm to 9:00am hrs and 24 hours Saturday and Sunday.

Other items

The COLC Social Care team will be flexible at administering the payments to, or on behalf of, young people. Where possible, the payment will be made directly to the provider or supplier of goods or services. In some cases, where this is not possible, the young person can purchase the items themselves and provide receipts for reimbursement.

13.5. Payments to young people – grants and loans

The Children (Leaving Care) Act 2000 Regulations and Guidance states that:

“No young person should receive a package for their accommodation and maintenance which comes to a value less than they would have received if they had been entitled to claim universal credit, and housing benefit. A relevant child has an absolute right that accommodation and maintenance should be provided by his or her responsible authority so long as his or her welfare requires it. This duty on the responsible authority is not qualified by any requirements on the young person.”

The Children Act 1989 states that no one on: income support; any element of child tax credit other than the family element of working tax credit; or income-based jobseeker's allowance is liable to repay any assistance that is paid to them [from ss.17, 23, 23 A-D, 24A, 24B].

Payments should therefore, be grants not loans

In view of the above legislation, it is not possible for Social Care to make payments to young people in the form of a loan. Any payments that are made would be a grant, and the young person should not be asked to repay them.

14. Identification documents

Discretionary financial support for passports and travel documents (that may be required by UASC) will be considered.

14.1. Birth certificate

Social Care will ensure that all young people have a copy of their birth certificate, paying the fees to obtain a new one where necessary.

14.2. Provisional driving licence

The COLC will not provide financial support for a provisional driving licence as public transport is very accessible in London and assistance with travel expenses will be provided as detailed above. However, the COLC will cover the cost of a provisional driving licence for young people who don't have UK citizenship or indefinite leave to remain, as it is a useful ID.

14.3. Passports

Social Care will apply for a passport for young people if a passport is required and agreed in the Pathway Plan. Social Care may provide discretionary financial support to purchase a passport should the young person require one. If the young person had a passport that expired before the age of 21, one renewal may be paid for by Social Care.

15. Housing

15.1. The process for housing care leavers

As soon as possible after a looked-after child's 16th birthday, a meeting will be arranged between the child, the social worker, a Housing Needs Officer and a Tenancy Support Officer, to discuss housing need for when the child leaves care, outlining all the options and potential housing routes. The COLC Social Care team do not encourage anyone under the age of 18 to apply for social housing and encourage young people to stay in care up until the age of 18 at least.

A housing application form will be completed with the care leaver and submitted to the Housing Needs team in addition to the Pathway Plan, which will be signed by the child's social worker and care leaver. These documents will also include confirmation of eligibility of recourse to public funds and other necessary information, such as medical forms. The care leaver should submit a 'top three' choices from the available estates that contain appropriate accommodation.

- The Housing Needs team processes the application and creates a housing file. They may request an additional risk assessment or extra information regarding support needs or special requirements.
- A package of information, advice, training and support for the next two years will be agreed to make sure that care leavers are prepared to become tenants and can sustain their tenancy. This will include money management and budgeting training and information on tenants' rights and responsibilities.
- The Housing Needs team should be notified that the care leaver will need accommodation at least three months in advance. The housing application will then be updated and activated.
- The care leaver will be placed on a priority list for the next allocated and suitable property, in accordance with the Housing Needs' Lettings Plan. If there is no suitable accommodation likely to be available immediately, then alternative accommodation such as private rental may need to be found in the interim. The Housing Needs team will endeavour to make a suitable offer of a property on one of the 'top three' estates selected by the care leaver. If the need to house is urgent, this may not always be possible.
- The Housing Needs team will notify Social Care of the upcoming void prior to advertising the property. Social Care will then inform the Housing Needs team of the care leaver they wish to be nominated for the upcoming property.
- Regarding length of priority, care leavers will remain on the priority list until offered social housing, unless they get permanent social housing from another provider, in which case they would no longer qualify for housing via the COLC and would be removed from the register. Furthermore, if a care leaver becomes an ordinarily resident out of London, they may no longer remain a priority and could be placed in an alternative allocations banding. However, they will remain on the social housing waiting list unless they are housed in social housing by another provider.
- The offer of priority for social housing will be a 'one-off offer'. The care leaver will be taken off the priority list if the social housing property is turned down, unless there is reasonable cause – for example, poor health, or social factors.
- Once an offer of a property has been made and accepted, a sign-up meeting will be held. This will involve the care leaver, the social worker, the Estate Manager, and a Tenancy Support Officer. The care leaver should also be introduced to the Income Recovery Officer and other estate staff. This

meeting will be used to welcome the care leaver to the estate, to provide information to help them settle in, and to make sure they understand the terms of the tenancy agreement, their responsibilities and the support that will be available to them.

- Social Care will work alongside the Tenancy Support Officer and the Estate Manager to maintain support after the care leaver has been allocated a property for a minimum of six months, unless the care leaver has been closed to social care. After this, if required, the Tenancy Support Officer and Estate Manager will provide ongoing support.
- If a care leaver who has limited leave to remain is allocated a property, they will remain on an introductory tenancy until indefinite leave to remain has been granted. An introductory tenancy would normally last 12 months but may be extended if Housing staff have any concerns about the future sustainability of the tenancy. Any serious or continuous breaches of the tenancy agreement would result in the tenancy being withdrawn.

If the tenancy is relinquished (for example, due to rent arrears) it is the duty of Children's Social Care to support the care leaver to help find an appropriate alternative if they are still open to Social Care.

15.2. For those who require tenancy support or are not ready for independent living

Some young people leaving care may not be ready to live independently. Social Care has a service level agreement in place for the supply of housing-related floating support provided internally or by an approved organisation.

Six months of tenancy support will be provided as standard for all rehoused care leavers. A referral will be made for ongoing support if required.

The COLC Social Care team will seek accommodation appropriate to the care leaver's needs in conjunction with the care leaver. For example, if the young person leaving care requires higher support than that offered by the floating support service, the Social Care team will aim to accommodate the care leaver in specialist accommodation for young people, such as a foyer, where possible.

Social housing is a desired outcome for all care leavers due to the security of tenure and comparatively low rent. Some care leavers, however, wish to remain in the borough in which they have grown up in care. In such cases, COLC social care will liaise with the host borough to discuss other possible housing options. Where possible, the care leaver will be placed on the social housing waiting list. However, given the length of the list and that the young person may not be deemed a priority by the host borough, alternative options will also be sought. The COLC Housing Needs team will be available to meet the young person leaving care to discuss alternative housing options.

For information on alternative housing options please see Appendix 4.

16. Preparation for Independence

The COLC offers a bespoke and tailored offer to support care leavers towards independence. Social workers work together with foster carers and their agencies to create bespoke plans for young people. Social workers work with My Life (a service for people with learning disabilities and mental health needs) to create bespoke plans for young people in supported lodgings. To add to our offer, social workers are able to refer to MyBnk (a charity that delivers financial education) to provide a mock week of independent living with training, which can be accessed on more than one occasion.

17. Preparation for employment

All care leavers have access to the Information, Advice, Guidance and Resilience Practitioner (IAGRP), alongside the Virtual School Headteacher. Help is available for interview practice, support with application forms and careers guidance. Young people are encouraged to access career support in their colleges and universities.

The Children in Care Council (CiCC) looks at employment options alongside the Virtual School Headteacher, and offers interview practice in groups and with senior managers across the DCCS.

18. Risk management

We are aspirational for our care leavers. Risk management is an important part of enabling care leavers to thrive. The practice standards set out the requirements for regular risk assessments for care leavers, in order to safety plan where needed. Social workers are able to use a generic, stand-alone risk assessment tool. Social workers have access to specific risk assessment tools where needed.

Risk management is best shared. Social workers should:

- use supervision to explore and respond to risk, and to consider the use of professional or strategy meetings
- refer cases to 'Top 3' for rigour and challenge by the People Senior Management team, chaired by the Assistant Director
- use the Multi-agency Sexual Exploitation and Vulnerable Adolescent Forum to support safety planning and risk management.

19. Comments and complaints

Young people are offered advocates to help them express their comments and complaints. Young people are given details of how to complain or provide feedback on the service when entering care and on their looked-after children reviews. Social workers are able to support young people to make complaints and can also refer young people to their managers.

Appendix 1: Local Offer

What are care leavers supported by the COLC entitled to?

Please note that financial support over and above the following must be agreed in advance with the budget-holding Service Manager.

Social worker (SW) support*	Comments
<p>Offer of SW support to all care leavers who the local authority had duties towards under section 23C of the Children Act 1989, up to age 25, irrespective of whether they are engaged in education or training. *subject to a human rights assessment where a young person has all rights exhausted.</p>	<p>This includes care leavers who return to the local authority at any point after the age of 21 up to age 25 and request SW support. When a care leaver is approaching 21, their social worker will discuss with them whether they want SW support to continue.</p> <p>The social worker ensures that the young person is provided with the practical and emotional support they need to make a successful transition to adulthood, either directly or through helping the young person to build a positive social network around them.</p>
<p>Each care leaver will have a Pathway Plan which will be reviewed at minimum every six months.</p>	<p>For care leavers aged 21 or over, the duties in the Children Act 1989 introduced through the Children and Social Work Act 2017 – to assess care leavers’ needs, and develop and keep their Pathway Plan under review – apply only where the young person requests support.</p> <p>The Pathway Plan may be partially completed after the age of 21 to reflect only the area where the young person requires ongoing support, unless the person is experiencing numerous or complex difficulties.</p>
<p>Frequency of visits</p>	<p>This will vary, dependant on need. A young person aged 16–17 who has moved into a foster placement or into independent or semi-independent accommodation is visited by a social worker within one week on first moving in and then every week for the first four weeks and subsequently every four weeks (six with agreement of the Team Manager). If more frequent (or less frequent) visits are required, this can be agreed by the young person, social worker and Team Manager to no less than one visit every three months.</p> <p>For care leavers aged 18 and over, the frequency of visits should be determined based on the care leaver’s wishes and feelings, alongside their needs. They should be offered visits every six to eight weeks in line with the Pledge. Methods and frequency of keeping in touch should have some flexibility.</p>
<p>Keeping in touch</p>	<p>The COLC will proactively keep in touch with all care leavers until they reach age 21. Where contact has been lost, they will take reasonable steps to re-</p>

	establish contact until age 25.
Offering local authority support to every care leaver on an annual basis	The COLC will make care leavers aware that they can continue to request SW support when they turn 21, and at least on an annual basis thereafter to age 26.
Former unaccompanied asylum-seeking children (UASC)	If a former UASC care leaver has not been recognised as a refugee, or been granted any other valid form of leave to remain, and becomes 'appeal rights exhausted' (ARE), the Home Office ceases to provide leaving care funding to the local authority within three months. The COLC will provide support to age 25, including accommodation and subsistence.

Accommodation	Payment	Comments
Accommodation	Dependent on need and recourse to public funding. Options are foster care (under 18/staying put), semi-independent accommodation, private rented or COLC housing tenancy.	Eligible young people must apply for universal credit, including the housing component, with the support of the City of London. Young people will be assisted to apply for COLC housing tenancy if eligible. If young people request private rented accommodation, this will be explored as part of their Pathway Plan.
Setting Up Home Grant (furnishings, equipment) for independent accommodation	Up to £3,000 (depending on condition of the property)	The young person does not get this in a lump sum. It must be spent on accommodation, agreed and allocated with the social worker.
TV	Up to £250	This comes from the Setting Up Home Grant but can be allocated in semi-independent accommodation.
Winter heating allowance for first winter of independent living only	£10 per month from October–March	This will be paid directly to the young person who will need to budget.
Clothing	Young people in care receive an allowance through their foster carer. Care leavers may get one £150 payment per year, depending on means.	Needs are assessed as part of the Pathway Plan.
Removal expenses	Up to full amount	One-off payment of removal expenses and associated expenses. Contribution towards removal expenses for subsequent or additional removals may be made with the agreement of the budget-holding service manager.
TV licence	First year paid in full	Young people will then be encouraged to pay in instalments towards the following year's licence unless there are exceptional circumstances.

Education	Payment	Comments
Part or full-time further/higher education course fees	Only in exceptional circumstances	<p>Care leavers are expected to claim from loans and grants to cover their tuition fees, accommodation and maintenance.</p> <p>If they are unable to claim grants and loans, young people will be advised to contact Buttle UK.</p> <p>Advice to be sought from the Virtual School Headteacher.</p>
University payment	£2,000 per year of course (paid in instalments termly)	The higher education grant will continue to be paid for four weeks after the completion of a higher education course in order to assist the young people to make a transition.
Registration, examination and other miscellaneous fees (if required to meet curriculum)	Up to full amount	
Activities (e.g. school trips) and equipment required to meet curriculum (e.g. specified specialist clothing and essential textbooks/stationery) and computer	<p>Per academic year, the following will be needs assessed:</p> <p>Stationery grant</p> <p>Educational trips grant</p> <p>Books and equipment</p> <p>Up to £300 computer grant – one-off between age 16 and 21–25</p>	<p>Activities required to meet curriculum (e.g. outings) are to be paid directly to the education provision.</p> <p>Computer grant to be paid directly to the shop.</p>
Education-related travel (public transport to and from education provision)	<p>All students up to the age of 19 are entitled to travel free.</p> <p>We will cover education travel costs for students over 18.</p>	Students must apply for subsidised travel card if appropriate.
Graduation	Up to £100 for robes, tickets and photographs.	

Employment	Payment	Comments
Specified clothing/ uniform required	Needs assessed	
Specified equipment required	Needs assessed	This is usually a one-off payment, although the purchase of consumables should be considered.
Travel costs (for interviews and first month in employment)	Up to full amount	Young people should plan for costs of travel from their salary or wages after the first month in employment.

Leisure and wellbeing	Payment	Comments
Leisure, religious and cultural activities	Social Care will assist young people to access services aimed at meeting their leisure, cultural and religious needs where appropriate.	Leisure, religious and cultural activities should be identified in the Pathway Plan.
Eye and dental treatment, including glasses	Social Care will assist young people to access services to meet their needs. They will be assisted to complete the HC1 form, if applicable, which enables young people to get free or reduced-cost dental, optician and prescription services.	In exceptional circumstances, dependent on an assessment of need, Social Care may provide funds to secure health services.
Counselling and therapeutic needs	Social Care will assist young people to access counselling and/or therapeutic services via universal health services.	
Baby grant	One-off £200 just prior or subsequent to the birth of a baby. If a young person is not eligible for the maternity grant, we will also match the maternity grant (currently £500) and give the additional £200.	Assistance to apply for maternity grant if eligible. Items for baby to be agreed between social worker and young person.

Driving	No support provided apart from exceptional circumstances, i.e. when required for identification, employment or training.	
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Personal allowances	Payment	Comments
Celebration allowances (birthday and festivals)	£50 to be paid yearly around the young person's birthday	
Laptop	Up to £300 for children in care – so young people leaving care should have received a laptop. (If a young person has not received a laptop they will be given one as a care leaver.) Maintenance/replacement costs will be considered on an exceptional basis.	
Essential travel to maintain contact with family or significant others	At the discretion of the Team Manager.	
Wedding gift	£100	One-off payment
Emergency payment	At the discretion of the Team Manager.	Payment made when the young person requests emergency payment due to budgeting difficulties for food or essentials, i.e. energy payments. The social worker will pay for these directly if possible.
Birth certificate	Payment for one birth certificate.	
Passport	Payment for one passport in full.	This will include checking and sending.
Citizenship	Up to £400 towards costs.	This is a discretionary payment.

Appendix 2: Legislation and definitions

Legislation

These pieces of legislation created four categories of young people and care leavers who are entitled to support from the local authority after their 16th birthday:

- Children Act 1989
- Children (Leaving Care) Act 2000
- Children and Young Persons Act 2008
- Higher Education Bursary Regulations 2009
- Care Leavers (England) Regulations 2010
- Care Planning, Placement and Case Review (England) Regulations 2010
- The Children Act 1989 Guidance and Regulations Volume 2: Care Planning, Placement and Case Review (March 2010)
- The Children Act 1989 Guidance and Regulations Volume 3: Planning Transition to Adulthood for Care Leavers (Oct 2010)
- The Children and Social Work Act 2017

Definitions

The following definitions are taken from The Children Act 1989 Guidance and Regulations Volume 3: Planning Transition to Adulthood for Care Leavers (Oct 2010) and the Children and Social Work Act 2017.

All children who are over 16 and leaving care fall within one of the following categories.

Eligible child

Defined in paragraph 19B of Schedule 2 to the 1989 Act, and regulation 40 of the Care Planning Regulations as a child who is:

- (a) looked after
- (b) aged 16 or 17; and
- (c) has been looked after by a local authority for a period of 13 weeks, or periods amounting in total to 13 weeks, which began after they reached 14 and ended after they reached 16.

The main statutory obligations in relation to 'eligible children' include:

The local authority has the same statutory obligations to eligible children as they do towards other children looked after by them, including a duty to maintain their care plan, carry out regular reviews of their case and appoint an independent reviewing officer for the child.

In addition they must:

- prepare an assessment of the eligible child's needs with a view to determining what advice, assistance and support would be appropriate to provide them (while they are being looked after and post their looked-after period) [paragraph 19B (4) of Schedule 2 to the 1989 Act; the requirements for carrying out the assessment are set out in regulation 42 of the Care Planning Regulations]
- prepare a Pathway Plan (which includes the child's care plan) as soon as possible after the assessment of needs is completed [paragraph 19B(4) of Schedule 2 to the 1989 Act; the requirements for preparing the Pathway Plan are set out in regulation 43 of the Care Planning Regulations]
- keep the Pathway Plan under regular review [paragraph 19B(5) of Schedule 2 to the 1989 Act]
- appoint a social worker for the child.

Relevant child

Defined in section 23A(2) of the 1989 Act as a child who is:

- (a) not looked after
- (b) aged 16 or 17; and
- (c) was, before he last ceased to be looked after, an eligible child.

Regulation 3 of the Care Leavers Regulations prescribes a further category of relevant child who is:

- (a) not looked after
- (b) aged 16 or 17; and
- (c) at the time he attained the age of 16 was detained (i.e. detained in a remand centre, a young offenders institution or a secure training centre, or any other centre pursuant to a court order), or in a hospital, and immediately before he was detained or in hospital he had been looked after by a local authority for a period or periods amounting in all to at least 13 weeks which began after he reached the age of 14.

Regulation 3 of the Care Leavers Regulations also provides that a child who has lived for a continuous period of six months or more with:

- (a) his parent
- (b) someone who is not his parent but who has parental responsibility for him
- (c) where he is in care and there was a residence order in force immediately before the care order was made, a person in whose favour the residence order was made then that child is not a relevant child despite falling within section 23A(2). Where those living arrangements break down and the child ceases to live with the person concerned, the child is to be treated as a relevant child.

The main statutory obligations of the local authority that last looked after the 'relevant' children are:

- take reasonable steps to **keep in touch** with the relevant child [section 23B(1) of the 1989 Act]
- prepare an **assessment** of the relevant child's needs with a view to determining what advice, assistance and support it would be appropriate to provide (unless they already did so when the young person was an eligible child) [section 23B(3)(a) of the 1989 Act; the requirements for carrying out the assessment are set out in regulations 4 and 5 of the Care Leavers Regulations]
- as soon as possible after any assessment of needs is completed, prepare a **Pathway Plan** [section 23B(3)(b) of the 1989 Act; the requirements for preparing the Pathway Plan are set out in regulation 6 of the Care Leavers Regulations]
- keep the Pathway Plan under **regular review** [section 23E(1D) of the 1989 Act; the requirements for carrying out reviews are set out in regulation 7 of the Care Leavers Regulations]
- appoint a **personal advisor** for the child (unless they already did so when the young person was an eligible child) [section 23B(2) of the 1989 Act; the functions of the personal advisor are set out in regulation 8 of the Care Leavers Regulations]
- safeguard and promote the relevant child's welfare by **maintaining** them, providing them with or maintaining **suitable accommodation** and providing **assistance in order to meet their needs in relation to education, training or employment** as provided for in the Pathway Plan [section 23B(8) of the 1989 Act and regulation 9 of the Care Leavers Regulations; regulation 9 also makes provision about the meaning of "suitable accommodation"].

Former relevant child

Defined in section 23C(1) of the 1989 Act as a young person who is:

- aged 18-25, and either
- has been a relevant child and would be one if he were under 18, or
- immediately before he ceased to be looked after at age 18, was an eligible child.

The local authority that last looked after the former relevant child must:

- take reasonable steps to **keep in touch** with the former relevant child, and if they lose touch, to re-establish contact [section 23C(2) of the 1989 Act]
- continue to keep the **Pathway Plan** under **regular review** [section 23C(3)(b) of the 1989 Act; the requirements for carrying out reviews are set out in regulation 7 of the Care Leavers Regulations]
- continue the appointment of the **personal advisor** for the child [section 23C(3)(a) of the 1989 Act; the functions of the personal advisor are set out in regulation 8 of the Care Leavers Regulations]
- if the child's welfare requires it, provide **financial assistance** by contributing to the former relevant child's expenses in living near the place where they are, or will be, employed or seeking employment [sections 23C(4)(a) and 24B(1) of the 1989 Act]

- if the child's welfare and educational and training needs require it, provide **financial assistance** to enable them to pursue education or training [sections 23C(4)(b) and 24B(2) of the 1989 Act]
- if the former relevant child pursues higher education in accordance with their Pathway Plan, to pay them the higher education bursary [section 23C(5A) and the Children Act 1989 (Higher Education Bursary) (England) Regulations 2009]
- continue the duties in section 23C(2), (3) and (4)(b) until the former relevant child reaches the age of 25.

The new duty to extend personal advisor support to all care leavers up to age 25 means that they will be able to continue to receive support when they reach age 21 or request personal advisor support at any point after age 21 up to age 25, even if they had previously indicated that they did not want the support. Any financial support that is agreed on and provided to the young person will be detailed in their Pathway Plan.

Persons qualifying for advice and assistance

Defined in section 24 of the 1989 Act as a person who is:

- (a) aged at least 16 but is under 25
- (b) with respect to whom a special guardianship order is in force (or was in force when they reached 18) and was looked after immediately before the making of that order
- (c) at any time after reaching the age of 16 but while still a child was, but is no longer, looked after, accommodated or fostered.

The relevant local authority (as defined in section 24(5) of the 1989 Act) must consider whether the person needs the kind of help the local authority can give:

- under section 24A – to **advise and befriend** and give **assistance**
- under section 24B – to give **financial assistance** – see above; or where the person is under the age of 25 and qualifies for advice and assistance, or would have done if under 21, assistance in relation to securing vacation accommodation [sections 24A(2) and (3), and 24B of the 1989 Act].

A qualifying child who is 16–17 years old and has previously been looked after, but ceased to be looked after before their 18th birthday, does not have the same restrictions to claiming welfare benefits as eligible and relevant young people do. Because of this, COLC will not pay a personal allowance or pay for the accommodation costs for these young people.

All qualifying children aged 16 and over who would like a service from COLC will have their needs assessed. Where, following the initial assessment, it is concluded that support will be necessary over a period of time, a plan will be drawn up with the young person. The plan will outline the support to be provided to the young person, including any financial support, if appropriate. A social worker or suitably qualified person will draw up the plan.

Unaccompanied asylum-seeking children (UASC)

Asylum seeking young people within City of London usually have equal access to financial support from social care, as detailed within this document. However, depending on their immigration status, they may have differing entitlements to public funds, which could affect their entitlement to claim welfare benefits and to accessing education-related funding.

Most asylum-seeking children who arrive in the UK without a parent or guardian make an application to the Home Office and are granted Discretionary Leave for three years, or until they are 17-and-a-half years old, whichever comes first. They then have the opportunity to make an 'in-time application' for this leave to be extended. As long as they do this before their original leave has expired, they will usually have access to public funds, which includes entitlement to welfare benefits, while they are awaiting a decision from the UK Border Agency.

If the decision on their asylum claim is negative, but they make an 'in-time' appeal, they still have access to public funds until all of their asylum appeal rights have been exhausted.

For those young people who are refused asylum and have exhausted all of their appeal rights, their entitlement to public funds, including welfare benefits, would usually end. At this point, Social Care will liaise with the UK Border Agency to provide financial support to these young people while they are waiting for instructions and assistance in leaving the country. Social care will consider a Human Rights Assessment after the young person turns 21 to consider if financial and practical support should continue or if National Asylum Support Service (NASS) help is sufficient.

- This is the most common route for UASC entering the UK, but there are other possible outcomes of the asylum claim.
- The young person could be granted refugee status (i.e. granted asylum), they would have leave to remain and access to public funds for five years.
- The young person could be refused asylum but granted Humanitarian Protection (HP) with leave to remain for five years, again usually with access to public funds. HP is most commonly granted when the person is at some risk of 'ill treatment' in the particular country they left, but does not meet the criteria of the Refugee Convention. This is a rare category for UASC.
- There is also the possibility that the Home Office could refuse asylum with no grant of leave. In this case the UASC would be returned to his/her country of origin.

On 9 February 2011 new rules were announced concerning asylum seekers' access to higher education. From this date, only those with a settled status and right of permanent residence will be eligible to home fees and student support for a higher education course in England. This does not affect UASC who:

- are studying in Wales, Scotland or Northern Ireland, or apply for student support in one of those countries
- are studying in England and their course began before 1 April 2011
- applied for Student Support before 9 February 2011
- are taking a further education course in England.

Plans for transition to adulthood must be in place for all looked-after children aged 16 and 17 who have been looked after for at least 13 weeks after they reached the age of 14. The 13 weeks can be continuous or made up of separate episodes of care; they exclude short-term placements made by way of respite care, but must include a period of time (at least 24 hours) after reaching the age of 16.

Young people who were previously eligible and have returned home and become relevant and are subsequently qualifying, will revert to being relevant if this arrangement breaks down before their 18th birthday.

Appendix 3: Universal credit

Universal credit

Universal credit is a new benefit being rolled out across the UK. It is administered by the Department for Work and Pensions and is now live in the COLC and the surrounding boroughs. It replaces housing benefit in most circumstances for working-age people. Whether you claim universal credit or housing benefit will depend on your postcode and your personal circumstances. For more information about universal credit, see the GOV.UK website: www.gov.uk/universal-credit.

If you have any questions on which benefit should be claimed, please contact the COLC Benefits Section on T: 020 7332 1622 or email: benefits@cityoflondon.gov.uk.

For advice on universal credit, please contact City Advice at Toynbee Hall on T: 020 7392 2919 or email: city.advice@toynbeehall.org.uk.

Appendix 4: Alternative housing options

Private Rented Sector (PRS) and Rent Deposit – Due to the shortage of social housing, the PRS is increasingly becoming a preferred housing solution. This is a quicker solution to accommodation and offers more flexibility of choice of area, however, there are drawbacks. First, the rent – which is particularly high in central London – may not be affordable for care leavers. Those on housing benefit need to develop a relationship with landlords who are willing to accept benefits. This will be explored further by Social Care and Housing Options. Also, in contrast to social housing, this option offers a less secure tenancy, and possible annual rent increments.

Where a young person's accommodation needs have been identified within the Pathway Plan as private rented accommodation, the COLC will consider paying the deposit for the rent if the property fulfils standard requirements in accordance to the City of London's Rent Deposit Scheme. Where possible, a minimum contract of two years may be negotiated.

Social Housing in host borough and Homeswapper – Some care leavers wish to remain in the borough they currently reside in. In this case, Social Care will work with the care leaver to apply for social housing in the borough. However, as the young person would not be a priority, they will be encouraged to access COLC housing stock with the long-term aim to use the Homeswapper scheme¹ to 'swap' with a social housing resident in another borough. In London, this could be a quicker process for the care leaver to access social housing in their desired borough. It is also possible to apply for mutual exchange with other local authorities directly in addition to the Homeswapper scheme.

Real Lettings – An alternative option may be Real Lettings, a specialist lettings agency set up in 2005 by the London charity Broadway,² giving people the opportunity to secure quality and affordable accommodation. Properties are sourced from private sector landlords and leased on long contracts. These properties are let to tenants on assured shorthold tenancies. This will be an option for those care leavers who are exempt from the single room rate allowance (e.g. those with a child) as currently houses in multiple occupancy (HMOs) are not considered. The COLC can refer clients to this service, but it would be subject to a placement fee of £4,000 per tenancy.

¹ www.homeswapper.co.uk/

² www.reallettings.com/page/guaranteed-rent-letting-agent-london-home/1/3