

Pan London Care Leavers Compact Local Authority Commitments



The London Children in Care Council and Directors of Children's Services meet Joanne McCartney, Deputy Mayor for Children and Young People, Sept '23

“The disadvantage faced by our care experienced community should be the civil rights issue of our time. Children in care are powerless, they are often invisible to society and face some of the greatest inequalities that exist in England today”

‘A recent All Party Parliamentary Group report found that a third of care leavers became homeless in the first two years after leaving care (Miller, 2018), and research conducted by Centrepoin found that 26% of care leavers had sofa surfed, while 14% were sleeping on the streets (Gill & Daw, 2017).’

(Independent Review of Children’s Social Care, 2022)

Introduction

This paper asks London's Local Authorities to make six commitments to London's Care Leavers as part of a Pan London Care Leavers Compact. There are five housing related positions and an additional commitment relating to whole council support of Care Leavers through membership of the Care Leavers Covenant. The Compact aims to maximise consistency and quality in the 'local offers' of support to Care Leavers by Local Authorities and their partners. It is important to note that whilst this paper focusses on the Local Authority offer, we are concurrently developing partner offers, for example around free prescriptions with Health partners and transport with TFL. Please refer to the Care Leavers Compact briefing for a fuller description of this work and 'community parenting' principles of broadening the support offered to Care Leavers beyond Local Authorities.

<https://www.liia.london/wp-content/uploads/2023/04/The-Pan-London-Care-Leavers-Compact-Briefing-February-23-FINAL.pdf>

Background

Multiple sources reference the poor outcomes of children who leave the care of local authorities as opposed to those who live with their families. These young adults are required to live independently earlier than their peers, often at a distance from 'home', with less support and intersecting disadvantages.

There has been a common set of recommendations, made over several years, to improve outcomes for this cohort. In the context of Housing and Care Leavers, the 2015 Children's Society report, *The Wolf at the Door*, assesses the impact of Council Tax debt and recommended an exemption for Care Leavers. This was again recommended in their 2021 report, *Towards a London-Wide Care Offer*. Barnado's 2021 report, *No Place Like Home* is one of multiple voices to call for the removal of the 'unintentionality' requirement and the extension of 'priority need' for Care Leavers until the age of 25.

More recently, the government's Independent Review of Children's Social Care (March/April 2022), a key policy driver in children's social care, makes recommendations regarding housing and Care Leavers as follows:

"Recommendation 2: Introduce a stronger safety net against care leaver homelessness by removing the local area connection test, ending intentionally homelessness practice, providing a rent guarantor scheme and increasing the leaving care grant to £2,438 for care experienced people.

There will be no situation where any local authority discharges their corporate parenting responsibilities or housing duty to care leavers by deeming them intentionally homeless."

(Independent Care Review Recommendations Annexe, Chapter 6, pg. 133-142)

Recent legislative change is also relevant to Care Leavers and their housing. The 2017 Children and Social Work Act extends the support duty of local authorities towards Care Leavers who request it until the age of 25 (from 21 previously). This change reflects the extended nature of adolescence and the specific vulnerabilities and support needs of this cohort. It is also consistent with Local Authorities' responsibilities as corporate parents who are committed to providing 'what we would want for our own children'.

London Local Authority Commitments

The following commitments cover areas that have been identified as important by a variety of research bodies. The same areas have also been flagged by the London Children in Care Council and by Leaving Care and Housing Service Managers. Many authorities have already adopted these approaches, as shown by mapping of London offers and Greater Manchester's adoption of a common offer to Care Leavers. Whilst they can be hard to predict, for most LA's costs have not been a prohibitive factor. Further detail around the rationale and business case for each commitment is provided in Annexe A below and in the attached case studies/mapping.

- 1. London Local Authorities offer a full council tax exemption for their Care Leavers (18-25) that live within the borough. (Note: We strongly encourage LA's to also fund the council tax of their Care Leavers living outside of the authority)**
- 2. London Local Authorities adopt the principle that no Care Leaver (18-25) should be found intentionally homeless.**
- 3. London Local Authorities adopt the principle that their Care Leavers up to the age of 25 are to be found as being in 'priority need' under homelessness legislation.**
- 4. London Local Authorities offer a rent deposit scheme for their Care Leavers (18-25) for whom private rented accommodation is assessed as a suitable option.**
- 5. London Local Authorities have a joint protocol between Housing and Children's Services for Care Leavers in line with good practice advice (<https://www.gov.uk/government/publications/joint-housing-protocols-for-care-leavers/joint-housing-protocols-for-care-leavers-good-practice-advice>)**
- 6. London Local Authorities become signatories to the Care Leavers Covenant**

A note on Care Experience as a Protected Characteristic

Care Leavers and those who support them have advocated for some time that care experience should be recognised as a 'protected characteristic'. This gained further traction through the Independent Review of Children's Social Care. The Review discusses the stigma and discrimination that people experience as a result of being in care or care experienced and argues that it is similar in nature to other groups that have a legally protected characteristic under the Equality Act (2021). It recommends that care experience should be made a protected characteristic to give employers, public services etc greater authority to put in place programmes to promote better outcomes for care experienced people.

Despite the Review's position, Stable Homes Build on Love does not follow through with a related proposal. Various Local Authorities have therefore decided to adopt this position themselves, with Lambeth, Waltham Forest, Merton, Ealing, Hammersmith and Fulham and Sutton passing resolutions in short succession this year. The implications of such a position are still to be fully understood; whilst the position is not binding in law, it will likely make a difference to the development of new council policy (through EDI assessments) and of whole council approaches to support Care Leavers.

As this is such a recent area of development, around which we are still learning, we are not making a recommendation, but flagging it as a topic that features strongly in many LA's thinking about their care leaver support.

Case Studies and London Mapping

Oldham is one of the 10 Greater Manchester Local Authorities who in 2019 adopted a common offer for their Care Leavers in several areas, including around Council Tax Exemption, Intentional Homelessness and Priority Need. This was enacted within a wider commitment to effective communication and joint working across children's and housing departments.

We attach the full Oldham cabinet paper and a shorter format version to explain why, along with the rest of Manchester, they decided to take this path. Key factors included the support of both Childrens and Housing departments, an assessment that the cost implications were negligible, and the rationale that doing so was an important part of both the councils' homelessness and corporate parenting responsibilities.

We are also sharing summary case studies on the Kensington and Chelsea and London Borough of Barking and Dagenham council tax positions.

We are also sharing mapping, completed by leaving care services, on each London LA's current position against the commitments in this paper. As indicated, many authorities already adopt these practices.

Development and progression of the Commitments

We have undertaken a wide range of regional and national consultation in developing these commitments, including securing endorsement from ALDCS, Lead Members for Children and London's Housing Directors. This activity has included:

- Developing proposals with stakeholders and made the case for why there are important
- Undertaking mapping of each LA's position against the proposals
- Securing the endorsement of ALDCS for the proposals
- Engaging in a workshop for Lead Members for Children, who indicated their support and offered their assistance to progress them
- Undertaking two rounds of consultation with Housing Needs Managers and Housing Directors, following which London's Housing Directors formally endorsed these proposals in their meeting on 21st July 2023
- Providing a briefing summary to London Chief Executives

Next Steps and Requests of Local Authorities

Progression of these commitments relies on cross-cutting LA support. It is important that they are supported by the Local Authority as a whole, as well as by children's and housing departments. Having consulted on and agreed a Pan London position, we now ask that Local Authorities progress any proposals **that they have not already adopted**. Individual LA's routes for decision making may vary, but will likely to be through either corporate parenting boards or cabinet/full council. In order to assist Local Authorities, we provide the following 'pack':

- This paper, setting out the commitments
- Annexe A (below) explaining the rationale for each commitment
- Mapping spreadsheet showing the self-reported position of each borough against the proposals.
- Oldham '7 minute briefing' and cabinet paper regarding Intentional Homelessness and Priority Need
- Council tax exemption case studies from RBKC and LBBD
- Bexley Joint Housing/CS Protocol for Care Leavers

We are keen that these offers are put in place for London's Care Leavers as soon as possible (where they are not in place already). **We therefore ask that Local Authorities adopt these positions as their practice by December 31st 2023.** When combined with our partners' offers around health and transport, this will enable a first version of a Care Leavers Compact to be launched in February '24, marking London's commitment to a consistent, quality offer to its Care Leavers.

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Jacqui McShannon (DCS, LBHF and ALDCS strategic lead for Care Leaving)

Stephen Kitchman (DCS, Bexley and ALDCS strategic lead for Care Leaving)

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27.09.23

Annexe A - LA Commitments

- 1. London Local Authorities offer a full council tax exemption for their Care Leavers (18-25) that live within the borough. (Note: We strongly encourage LA's to also fund the council tax of their Care Leavers living outside of the authority)**

There are effectively three levels of council tax offer to Care Leavers within London. LA's who exempt **their** Care Leavers living within the borough through waiving revenue (90%). LA's who exempt **their** Care Leavers who are living within the borough and **pay** CT for their Care Leavers living outside the borough (60%). And a few LA's who exempt **any** Care Leaver living within their borough, whilst also paying CT for their Care Leavers outside the borough (10%). **It is important to note that only a small percentage of Care Leavers under the age of 25 pay council tax as those in supported accommodation, full-time higher or further education, or certain apprenticeships will not be liable.**

The best option for Care Leavers is for LA's to waive council tax for **all** Care Leavers living within their area. This would be a clear, consistent, and strong offer to Care Leavers and avoid complex arrangements around reciprocity. This is also the approach taken by the 10 Greater Manchester authorities. However, the nature of housing stock, cost and availability in London means that some boroughs have higher numbers of Care Leaver settlement than others. This is likely to make reaching agreement difficult in the short-term, although we are working through the National Care Leaver Advisor and London Councils to advocate a national approach.

It is proposed that, at a minimum, all London authorities offer a full council tax exemption to their 18-25 Care Leavers living within the borough. We also urge LA's to go further and fund the council tax of their Care Leavers living out of borough (as 60% of London boroughs currently do). We have attached two case studies from LA's with different demographics who have adopted this position – for Barking and Dagenham the 22/23 annual cost was £69,790.29 to support 79 Care Leavers, for Kensington and Chelsea £27,343 to support 12 Care Leavers. Most LA's are expected to fall within this range, however costs can only be predicted accurately at a local level as they depend on knowledge of Care Leaver numbers, personal circumstances, and the local housing position.

Our ambition remains higher than this – either full reciprocity or a change in the national tax position.

2. London Local Authorities adopt the principle that no Care Leaver (18-25) should be found intentionally homeless.

The duty to provide permanent accommodation does not arise where someone has been found to have become intentionally homeless. Intentional homelessness assessments can have a significant impact on an individual's current and future housing prospects. A variety of factors, including the impact of trauma, lower levels of support (relative to their peers), and living independently at an earlier age, mean Care Leavers are at higher risk than their age-equivalent peers of being found intentionally homeless. Many boroughs account for this and make efforts to avoid reaching this point – this 'upstream' support, particularly when co-ordinated across children's services and housing, is vital (see proposal 5). However, relatively few boroughs make the firm commitment, as advocated by the Care Review, that *"there will be no situation where any local authority discharges their corporate parenting responsibilities or housing duty to care leavers by deeming them intentionally homeless."*

This option does have some controversies – for example the duty to support would remain after an eviction due to antisocial behavior, or the refusal of an offer of suitable accommodation. We have also been advised by Housing Directors that housing legislation encourages decision-making based on individual circumstances rather than 'blanket' positions. However, the Council also has a duty to ensure these young people are allowed to learn from their mistakes and move on with its support (much as a family might respond to a child who has made a mistake). Balancing these factors, and accounting for feedback, we are proposing that London authorities adopt this as a 'principle' for Care Leavers until the age of 25. Any exemption to the principle should be agreed jointly between Housing and Children's services leads.

The intentional homelessness judgement is rarely applied in practice to Care Leavers. Care Leaving teams reported 10 such judgements across London over the last two years. At this level, any cost implication seems negligible to non-existent, particularly as boroughs will normally continue to support a Care Leaver after such as judgement. Adopting this position is therefore a statement of values and intent as much as a request for different practice.

3. London Local Authorities adopt the principle that their Care Leavers up to the age of 25 are to be found as being in 'priority need' under homelessness legislation.

Closely linked to the 'intentional homelessness' proposal is the proposal that Care Leavers up to the age of 25 should be considered in 'priority need' under homelessness legislation. The 2017 extension to the Local Authority support duty to Care Leavers to the age of 25 has not been accompanied by a similar change in housing legislation. Priority Need is therefore

a discretionary assessment for Care Leavers above the age of 21, who must be considered 'vulnerable' to receive it.

60% of London Local Authorities report that they currently adopt this principle. We struggled to get data from LA teams around the numbers of 21-24 yr old care leavers assessed as not being in priority need, but (as with IH) the belief is this is a rare occurrence. As with IH, it is therefore proposed that all London boroughs adopt this position as a 'principle'.

4. London Local Authorities offer a rent deposit scheme for their Care Leavers (18-25) for whom private rented accommodation is assessed as a suitable option.

With 61% of Local Authorities currently offering this and others stating they are developing a policy, there seems a degree of consensus that this is an important area of support for Care Leavers. London's relatively low level of social housing stock means that private renting is an important option for Care Leavers who are ready to live independently. Without the support of family, they will normally lack the financial resource to take the first step. Whilst some boroughs go further than this and offer (or are developing) a Rent Guarantee scheme, uncertainties around cost and duration of this commitment mean we are unlikely to achieve consensus around it.

5. London Local Authorities have a joint protocol between Housing and Children's Services for Care Leavers in line with good practice advice **(<https://www.gov.uk/government/publications/joint-housing-protocols-for-care-leavers/joint-housing-protocols-for-care-leavers-good-practice-advice>)**

66% of London boroughs have a joint protocol in place for Care Leavers. The Department for Education issues recommendations for the contents of such protocols and there are numerous good practice examples across London. The protocol is particularly important because it defines the vision and joint work arrangements that apply at all levels of Care Leaver housing need, from progression to independence to those at risk of housing breakdown or homelessness. The quality of the joint approach between Children's and Housing departments is vital to improving Care Leavers housing outcomes; **this is the proposal that is likely to have the greatest impact on the largest numbers of Care Leavers.**

We attach Bexley's joint protocol, which has been flagged as an example of good practice. Bexley recently received an 'outstanding' judgement in their Ofsted ILACS, which included an 'outstanding' judgement in the recently introduced stand-alone judgement on the experience and progress of Care Leavers.

6. London Local Authorities become signatories to the Care Leavers Covenant

The Care Leaver Covenant is the National Inclusion Body (DfE funded) for Care Leavers. They provide two main roles; hosting a wide range of local and national support offers for Care Leavers and providing support/guidance to organisations (including Local Authorities) who wish to support Care Leavers. This latter includes the development of Whole Council Approaches and Social Value Procurement strategies within Local Authorities. The Care Leaver Covenant is regularly referenced within Stable Homes, Built on Love, the government's response to the Independent Review of Children's Social Care, and is due to receive further funding to develop its offer.

13 London Local Authorities are currently signatories to the Care Leaver Covenant. There is no cost associated with becoming a signatory and in our engagement activity we have not heard any arguments against membership. A joint SOLACE / Care Leaver Covenant briefing on the Covenant and Whole Councils Approaches can be found here:

<https://mycovenant.org.uk/wp-content/uploads/2020/05/Briefing-paper-local-auth-final-Solace-Typeset-Printed-v5.pdf>

