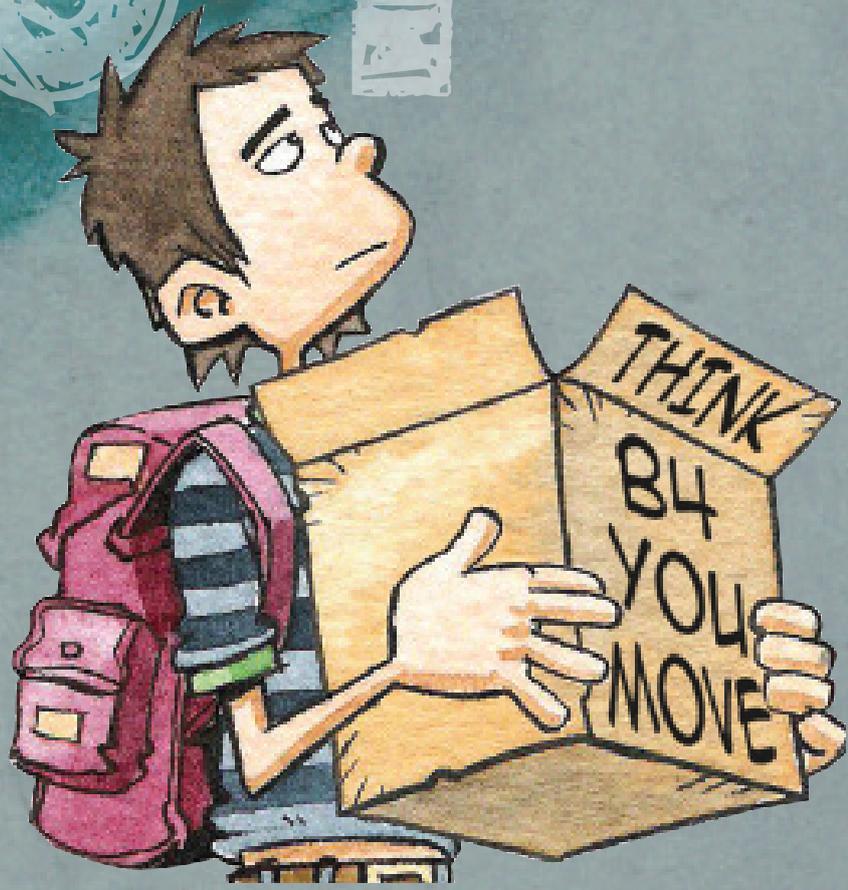


THE AGE OF
LEAVING CARE
IN SCOTLAND



Scotland's
Commissioner
for Children and
Young People

SWEET
16?



(CCYP/2008/3) Laid before the Scottish Parliament by the Commissioner for Children and Young People in Scotland in pursuance of section 12 of the Commissioner for Children and Young People (Scotland) Act 2003 on 25/03/08.



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¹ Barnardos, Who Cares? Scotland, Scottish Throughcare and Aftercare Forum, Scottish Institute of Residential Child Care (SIRCC), The Fostering Network in Scotland, The Big Step, Shelter, Glasgow Housing Association, Representative of Children's Rights Officers.

Further copies of this report, along with the separate Summary Report and the Young People's Version, are available from:

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“MANY YOUNG PEOPLE ARE STILL BEING PUSHED OUT OF THE CARE SYSTEM BEFORE THEY ARE READY, OFTEN AS YOUNG AS 16.”

1. FOREWORD

Early on in my appointment, I attended an energetic event involving children and young people of all ages. It was fun, creative and slightly chaotic.

The children and young people were happy and engaged – apart from two teenagers. When I spoke to them and their worker, I discovered that the young people were both 16 years old and looked after by local authorities in residential units. One had, in their words, been given “notice to quit” and the other was waiting for this to happen. They were depressed and anxious and they seemed very vulnerable.

I was shocked to learn that young people were still expected to leave care at 16. Having been involved in children’s rights for about 20 years, this was a longstanding issue that I thought had been dealt with. And certainly, at one, or even two, levels, this was true.

It was true in terms of law, and it was true in terms of policy. What I was learning was that it was not true in practice. And of all three levels – law, policy and practice – it is the last that ultimately counts as far as young people are concerned.

I wanted to find out why this was happening. I took some soundings and was advised to wait a year or so before getting too involved. A new ‘Pathways’ system was just being introduced, backed up by Regulations and Scottish Executive² guidance. It addressed a lot of these issues and should be given a bit of time to settle in. So I waited. Almost two years later, I started on the work that has led to this report. What I have found out is that, despite everything that has been said and done over the past years; despite even the new Pathways system, many young people are still being pushed out of the care system before they are ready, often as young as 16.

² Prior to September 2007, the Scottish Government was known as the Scottish Executive.

This report explores the reasons for this and makes recommendations aimed at moving things on towards what everyone says they want – a system that supports young people until they are ready for a step towards independence, manages a staged route into independence, and continues to support them even after that. The report also looks at some of the highly inappropriate settings into which young people are released, for example, Bed and Breakfast establishments and homeless hostels.

There are other important issues that are not addressed by this report, such as the plight of unaccompanied – or ‘separated’ asylum seeking children who are looked after by local authorities and who are becoming increasingly vulnerable to differential treatment as well as the pressure of possible enforced return once they reach 18. My office is pursuing their issues in other ways and it would not have been possible to do them justice in the context of this, more general report.

The report has been shaped by the voices of young people who have left care or are moving towards leaving care. They have been concerned to give strong, reflective messages to other young people in care who are considering their options. This has been communicated, not just through their verbal contribution to the report, evidenced in the quotes scattered throughout it, but also by their contribution to its design. The front cover of this report reflects the design of a leaflet produced in partnership with Who Cares? Scotland while work on the report was still underway (it is depicted in Appendix 2 to this report). It had become clear that there was an urgent need for information on their rights for young people and for their workers. The content and presentation of the leaflet was heavily influenced by young people.

They worked with an illustrator to design the cover, which is an extended version of the cover of this report, showing a young person looking up at a very dismal, and rather scary, rundown tower block. When I first saw this illustration, with its oppressive, steely grey background, I was a bit taken aback. If this is for young people still in care, I asked, do we really want to depress them with such an awful prospect? The young people who were involved were quick to reply – this is reality. In fact, some of us, they said, have been to much worse places than what is shown here. They had already effected some changes to make the picture more realistic by, for example, insisting that the suitcase in the first draft be replaced with a plastic bin bag or a cardboard box. The wording on the box that was eventually included in the illustration reflects the main message the young people wanted to give to others: ‘THINK B4 YOU MOVE’. So, when the leaflet was piloted and some of the responses from adults reflected my own initial concerns about the depressing picture, I had no hesitation in countering them with the assertion – this is the reality for many young people, so it is important that we do not water it down.

The research on which this report is based was conducted by Ffion Heledd, Research Officer and Kevin Browne, Senior Participation Worker, who approached the task with energy and enthusiasm. This report would not have been possible without their skills and commitment that lead workers and young people to speak to them with confidence and openness.

The terminology of ‘in care’, ‘looked after’ and ‘accommodated’ is explained in the section on Scots law. In brief, ‘looked after’ has replaced ‘in care’ as the correct term for children and young people in public care; however, this document also uses the term ‘in care’ as this is how it is most often referred to by young people and the public.

The aim of this report is not to ‘name and shame’ particular local authorities, nor to give a league table of good or bad practice. Indeed that would be unfair, given that we have explored the issue more in some areas than others and that this has largely been dependent on what a few workers or young people have told us. It is possible that some of the best and worst practice has not been drawn to our attention.

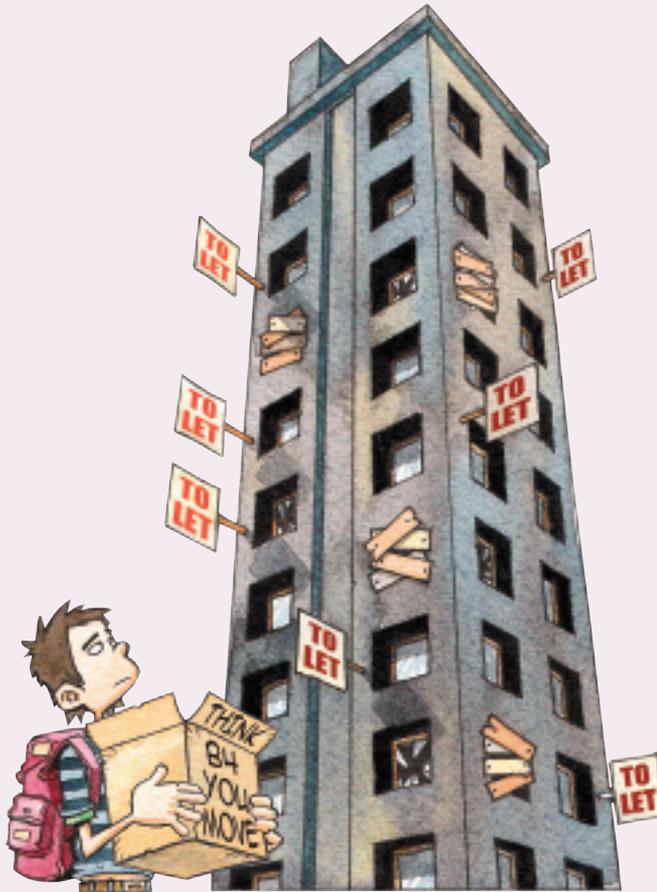
Rather, I hope that this report will provide a sound evidence base for an assessment of the diversity of practice across Scotland, leading to a conclusion that the situation nationally is far from acceptable. I would encourage local authorities to examine their own practice in the light of this report in order to find out whether their policy aspirations are being acted on, and to consider also the good practice examples that are included in this report as a possible model for future action. I would encourage elected members, at local and national level, to ask questions about the age of leaving care in their areas and arrangements for care leavers. I would encourage the Scottish Government to follow through its outcomes-based approach with a strong commitment to monitoring outcomes for these young people.

Following on from this approach, and to preserve the confidentiality of young people, I have named local authorities only where I cite information they have provided or where it is clear from the information which authority it is. I have not attributed the comments of young people or workers to particular local authorities. Names of young people in the case studies have been changed to preserve confidentiality. I depart from this approach with regard to the two local authorities that have been given extended consideration – Comhairle nan Eilean Siar and Highland, where it would have been difficult to do otherwise.

It is my hope that this report will help change the culture that shapes the expectations of young people and workers. There are some specific recommendations about law and policy, but the culture is the critical factor. We need the message to be heard loud and clear: 16 is not the age of leaving care in Scotland. I commend this report to the Scottish Parliament in the hope that it will play a part in shouting this loudly enough to make everyone listen, take note and make life better for these young people for whom the state has a particular responsibility.



Kathleen Marshall
Scotland’s Commissioner for Children
and Young People



“THIS IS THE REALITY FOR MANY YOUNG PEOPLE, SO IT IS IMPORTANT THAT WE DO NOT WATER IT DOWN.”

2. SUMMARY

2.1 The Issue

This report shows that many young people in Scotland are leaving care aged 16 or 17, when they are not ready to face the challenges this presents. Problems include getting into rent arrears, becoming involved with drugs/alcohol, difficulties with neighbours, threat of eviction which sometimes leads to homelessness, and difficulties sustaining education.

2.2 The Research

This report involved desk research as well as:

- A review of information from all 32 local authorities about their policies and material about leaving care;
- Interviews and focus groups in 13 local authority areas. (These involved a total of 85 people: 54 young people and 31 workers. Half of the young people were still in care and half had left care); and

- More extensive work in two areas (Comhairle nan Eilean Siar and Highland), involving meetings with representatives of those authorities.

2.3 Law, policy and practice

Scottish law and policy strongly advise that young people should be encouraged and supported to stay in care until 18 years of age where their welfare requires it. But government statistics show that eight times as many young people leave care at 16 as leave at 18.

2.4 Reasons for leaving care before 18

The report explores some of the reasons why young people leave care before 18, for example:

- **Young people want independence:** Young people sometimes say they want their independence at 16. For some this is true. They may resent the rules in a residential unit and the presence of younger children. But it is important to explore what lies behind the expressed desire and not take it at face value. Sometimes the ‘desire’ is a result of pressure exerted on the young person by

staff who believe 16 is the appropriate age and suggest through their words or actions that it is time for a young person to move on. Many of the young people we spoke to had expressed a similar desire, but later regretted leaving care so early. They were very keen to work with us to ensure that other young people learned from their experiences.

- **Age of admission to care:** Young people who enter the care system aged 15 may see themselves as just passing time until they are 16. There is little time to prepare for leaving care in a meaningful way.
- **Contact with birth parents:** Some young people have sadly unrealistic hopes about fitting back in with their families. They convince themselves that things will be better than they were before. Sometimes parents too collude in what turns out to be wishful thinking.
- **Challenging behaviour and high level support needs:** We were told that young people whose behaviour caused difficulties were often helped to leave the system early. Yet these are the ones who need the support most. Where a young person's behaviour was difficult, staff might heave a sigh of relief at any expressed desire for independence and encourage them towards that. 16-18 can be a difficult time for all young people, but for those in care, the consequences of challenging behaviour can be dramatic and highly detrimental.
- **Culture and practice:** Time and again, young people and workers told us about a strong culture that assumed 16 was the age at which young people should leave care. This was reinforced by language about 'moving on' introduced before the young person was 16 and by practices such as filling out housing applications forms soon after their 16th birthdays.
- **Type of placement:** Young people in foster care were less likely to leave before 18 than young people in residential units. There were particular problems associated with residential schools where education funding may be withdrawn once the young person reaches school leaving age. These young people have often been placed outwith their local authority area and may not have retained strong links with their home town. This can make it particularly difficult for them to settle down in a supportive environment in their home town.

2.5 The threshold for aftercare

Young people are entitled to aftercare only if they were looked after by the local authority on or after reaching the minimum school leaving age. This is not widely understood. Some young people are discharged from supervision requirements shortly before reaching this threshold, thus making them ineligible, even though they may have spent a substantial or significant part of their life in care.

2.6 A staged approach or abrupt transition?

For most young people who live with their families, there can be 'trial' periods of independence. If it all goes wrong, they can return home, for a while at least. Young care leavers generally do not have this option. There are both resource and regulatory barriers to them returning to their former place of care. The report discusses this, but also identifies some examples of good practice that others might wish to follow. The report suggests there should be more investment in semi-independent living units that act as a staging post towards independence and may provide somewhere to come back to when things go wrong.

2.7 Inappropriate placements

The report shows that too many young people are still being placed in Bed and Breakfast establishments and homeless hostels, despite official guidance to the contrary. Examples are given of some of the dangers young people have faced in these placements, including one where a young person was in a B&B with a convicted murderer as a fellow guest. The report recommends that recourse to these options should be forbidden.

2.8 Lack of information and training

It became clear that too many workers and young people lacked accurate information about what young people were entitled to and should expect. As part of this project, SCCYP worked with Who Cares? Scotland to produce a leaflet on young people's rights on leaving care. Both the content and design were shaped by young care leavers and the leaflet has been very well received. However, more needs to be done. Training on aftercare rights should be extended beyond throughcare and aftercare teams to include, for example, housing staff.

2.9 The Corporate Parent

In April 2007, the Scottish Executive Education Department issued guidance for local authorities on the exercise of their corporate parenting role in relation to children and young people looked after by them. It encouraged them to develop a council strategy on corporate parenting, backed up by political scrutiny. It suggested ways in which awareness could be raised amongst elected members, including some suggested induction material for new members. The report welcomes this development.

2.10 Conclusion

Turning 16 should be a sweet and exciting prospect, not a source of anxiety. It should not be the end of 'care'.

2.11 Recommendations

The report makes 23 recommendations aiming to:

- Encourage strong action to change the culture that assumes 16 as the age for leaving care;
- Ensure workers are trained and informed about young people's rights and are able to pass this information to young people;
- Increase awareness of the reasons why young people leave care early so these can be tackled;
- Encourage the provision of more semi-independent living units;
- Prohibit the use of Bed and Breakfast establishments and homeless hostels as accommodation for care leavers;
- Help local authorities to fulfil their obligation to care leavers by requiring Registered Social Landlords to co-operate with them;
- Encourage elected members of local authorities to enquire into leaving care arrangements as part of their corporate parenting role;
- Remove barriers to young people returning to their former place of care for overnight stays;
- Encourage the Scottish Government to consider amending the legal threshold for aftercare; and
- Ensure that additional statistics are gathered to help monitor what is happening.



“FOR YOUNG PEOPLE IT IS VERY MUCH A POSTCODE LOTTERY.”

3. ABOUT SCCYP

The office of Scotland’s Commissioner for Children and Young People (known as SCCYP) was established by the Commissioner for Children and Young People (Scotland) Act 2003. The general function of the Commissioner is to “promote and safeguard the rights of children and young people”.

In particular, the Commissioner must review law, policy and practice relating to the rights of children and young people with a view to assessing their adequacy and effectiveness. Specific regard must be had to any relevant provisions of the United Nations Convention on the Rights of the Child, especially those requiring that the best interests of the child be a primary consideration in decision making, and that due account be taken of the views of affected children and young people.

The Commissioner must exercise this responsibility towards all children and young people in Scotland who are under 18 years of age, or under 21 if they have at any time been in the care of, or looked after by, a local authority.



“THEY ARE SAYING TO ME ‘SOONER OR LATER SOMEONE’S GOING TO NEED THAT BED’. THEY MAKE YOU WORRY AND FEEL GUILTY.”

4. WHY ARE WE WORKING ON THIS?

4.1 Relevance to SCCYP remit

Local authorities have a duty to secure the welfare and protection of children and young people in their care, and as Corporate Parents, should look after the young people as any other parent would look after their own children.

Legislation and regulations which set out local authorities’ duties aim to encourage young people to stay in the care of the local authority until they are aged 18. The Scottish Executive’s Regulations and Guidance on Services for Young People Ceasing to be Looked After by Local Authorities³ states that:

‘The general principle is that young people should continue to be looked after until 18, if it is in their best interest and this Guidance should be read with that principle in mind.’

4.2 Concerns expressed to SCCYP

Concerns were raised with SCCYP that, in some areas of Scotland, the existing law and policy was not reflected in practice. We were told that young people feel under pressure to leave the care system at 16 years of age and often move to inappropriate accommodation and unsuitable placements.

These concerns were raised in a number of different ways and came from various different sources. In late 2005, SCCYP undertook a national consultation on our priorities for the following two years. During this process, we received relevant information on this issue from children and young people and from professionals and the agencies they work for.

³ The Support and Assistance of Young People Leaving Care (Scotland) Regulations 2003.

This information was reinforced by a number of related issues which came through our enquiries service. Examples include a young person wanting to know how to find out what they were entitled to financially on leaving care; a Children’s Rights Officer contacting us on behalf of a young unaccompanied asylum-seeker wanting to know what their options might be at 18 (whether they could access benefits/work); and an enquiry about a young person at a residential school who was almost 16 and wanted to come off a Supervision Requirement; the enquirer wanted to check what impact this would have on the young person’s future entitlements.

4.3 Other people’s work

Previously published literature and national statistics provide additional evidence that the age of leaving care is an issue which needs to be highlighted.

In 2007, the Scottish Executive published a *Review of Research on Vulnerable Young People and Their Transitions to Independent Living*.⁴ This notes that young people leaving care tend to come from poorer socio-economic backgrounds. They are therefore particularly disadvantaged in terms of facilitating the transition to independent living. Yet they attempt this at an earlier age than other young people who have more supports. Most move on from care at 16 or 17 years of age in what is described as ‘an abrupt transition’.

The main sources of information can be found in the Bibliography in section 13 of this report.

“ YOU’RE JUST OUT AND THAT’S YOU. MY HEAD WAS ALL OVER THE PLACE.”



4 Elsley, S., et al. Review of Research on Vulnerable Young People and Their Transitions to Independent Living. Edinburgh: Scottish Executive Social Research, 2007. Available at www.scotland.gov.uk/Publications/2007/08/23161736/0. The report contains a helpful annotated bibliography.

5. AIMS OF THE PROJECT

In order to explore these concerns in more detail, SCCYP conducted research into the link between law, policy and practice on leaving care. The aim was:

- To assess the age at which young people leave the care system, in relation to law, policy and practice;
- To research children and young people's experiences and expectations of leaving the care system;
- To compare policy and practice; and
- To increase agencies' and young people's awareness of their rights and the availability of advocacy services when leaving care.

It is clear that policy makers, and indeed managers, are concerned to help young people to stay in care until they are ready to leave, and appreciate the difficulties they can face when they leave at 16. A key aim of the research was to find out why young people were leaving at 16. Only if we know this can we focus on what needs to be done to turn policy aspirations into reality.





“I SUPPOSE IF I STAYED LONGER I MIGHT HAVE GONE A LITTLE FURTHER AND DONE A LITTLE BETTER.”

6. WHAT WE DID

6.1 Agency Advisory Group

We informed a number of organisations of our intention to progress work on this topic and invited representatives to sit on an Advisory Group which served as a sounding board and helped to guide our work. Representatives from several national organisations were involved at the early stage of the project⁵.

6.2 Young People's Care Action Group (CAG)

In 2006, SCCYP established a Care Action Group (CAG) in partnership with the Scottish Throughcare and Aftercare Forum. Eight Young People aged between 14 and 21 were recruited for a two-year term to participate in the group. As some were unable to fulfil their two-year commitment, additional members were recruited with the help of the Fostering Network and Who Cares? Scotland.

The members identified their own priorities:

- Consistency;
- Our future; and
- Stigma.

Some members have been involved in this report by allowing us to listen to their experiences. Others took part in the production of our leaving care leaflet (see 6.6), commenting on both its design and content.

Over the next year the group will be working towards holding a 'Youth Jury'. This involves questioning decision makers at a local and national level on the issues identified by the group and young people in this report. The young people will be supported by SCCYP staff to use the age for leaving care report as their evidence to highlight key issues and to try and get decision makers to commit and agree to certain recommendations.

6.3 Initial Contact with Local Authorities

SCCYP contacted all local authorities by letter to request information about their policies, procedures and experiences in relation to the age for leaving care. They were asked for:

1. Any relevant statements of policy or guidance on practice;
2. Examples of written information for young people;

⁵ Barnardos, Who Cares? Scotland, Scottish Throughcare and Aftercare Forum, Scottish Institute of Residential Child Care (SIRCC), Fostering Network, The Big Step, Shelter, Glasgow Housing Association, Representative of Children's Rights Officers.

3. Comments on the suggestion that there is an expectation that young people leave care at 16; and
4. Opinions on whether or not leaving the care system at 16 happens despite good intentions to the contrary.

Children's Rights Officers and staff from residential schools were also invited to comment on these issues.

We received a total of 50 responses. Table 1 shows the number of responses received by type.

Table 1 Number of responses by type

Type of response	Number of responses
Local Authority Named Contact	35
Children's Rights Service	8
Residential Schools	6
Other	1
Total	50

A response was received from all 32 local authorities. However, some authorities provided more than one response (for example from more than one department). Therefore, the total number of responses received from local authorities totalled 35. We also received a response from the Association of Directors of Social Work (ADSW).

35 residential schools were given the opportunity to respond. We received replies from 6 schools. In addition, we received 8 responses from Children's Rights Officers. The type and amount of information varied but included comments, copies of written policies and documentation, information for young people and statistical breakdowns.

6.4 Interviews, Focus Groups and Questionnaires

For the second part of the research, we contacted young people and front line workers in 13 local authority areas to gather their views and experiences of practice. We gathered information from 85 people (54 young people and 31 workers) during this period⁶. Half of the young people were still in care and half had left care. The 13 areas were partly self-selecting, being those where workers or young people had expressed particular interest in contributing to the report. But we also tried to ensure a representation of the diversity of the Scottish context, by reflecting a wide geographical spread including rural and urban areas, different care settings and local authorities of different sizes. Appendix 1 lists the local authorities we visited.

Information was gathered in a number of different ways, to enable as many young people and workers as possible to take part. We conducted focus groups, individual interviews, and phone interviews. In addition, young people in two local authority areas responded to a paper questionnaire as we were unable to arrange a suitable date to meet them face to face, but they were particularly interested in getting involved and having their say.

Table 2 demonstrates how information was gathered from young people and workers.

Table 2 Number of responses from young people and workers by type

Type of Data Collection	Number of people
Focus Group	27
Individual Face to Face Interview	31
Telephone Interview	3
Paper Questionnaire	24
Total	85

SCCYP staff also attended Pathways forum meetings and visited residential units, homeless accommodation and throughcare facilities.

6.5 Follow up Visits and Meetings

We decided to follow up specific issues identified in two local authorities – Comhairle nan Eilean Siar and Highland Council. Further visits and meetings were arranged with Council staff, young people and voluntary sector workers. The purpose of these visits and the nature of the dialogue is further discussed in section 10 below.

6.6 Publication of Information Leaflet

As indicated above, one of the aims of the project was ‘to increase agencies and young people’s awareness of their rights and the availability of advocacy services when leaving care’.

In the course of our work, young people and front line workers told us that they were unsure of the rights and entitlements young people had when going through the leaving care process. For the workers, this meant they did not always know what support to offer.

SCCYP therefore published a leaflet to give young people an idea of what they should be able to expect when leaving care. It was produced in partnership with Who Cares? Scotland and with input from SCCYP’s Care Action Group.

Although primarily addressed to young people, it is designed also to be of help to workers.

The aims of the leaflet are:

- To give young people in care a document which they can refer to when going through the care process and when they do not feel they are receiving adequate services;
- To inform workers/guardians/staff about what support young people should be receiving;
- To be a national resource with consistent messages;
- To clear up myths such as having to leave at 16; and
- To combat the culture of leaving care at 16.

The leaflet, which has been widely welcomed, is depicted in Appendix 2 to this report, along with some feedback on it. Copies are available from SCCYP, and it can also be downloaded from www.sccyp.org.uk, where supplementary information can also be found.



“YOU GET PASSED ABOUT HOMELESS ACCOMMODATION LIKE YOU GET PASSED ABOUT IN CARE.”

7. LEGAL AND POLICY CONTEXT

7.1 UN Convention on the Rights of the Child

The Convention was passed by the UN in 1989 and ratified by the UK in 1991. Ratification commits the Government to implementing the articles of the Convention through law, policy and practice. It emphasises that decisions about children and young people should focus on what is best for them, but that their own views should be ascertained and given appropriate weight. The Convention's application to young people leaving care is explored in Appendix 3.

7.2 Scots Law

The main source of Scots law on public care for young people is the Children (Scotland) Act 1995. Policy makers intended that this Act should reflect the principles of the UN Convention.⁷

The traditional term ‘in care’ was largely set aside by the Children (Scotland) Act 1995, but is still in popular use. The 1995 Act refers to children who are ‘looked after’ by a local authority. This category includes children placed in residential units (children’s homes), foster care, residential schools and secure accommodation, under a number of legal provisions. It also includes some children who live at home but are subject to a supervision requirement imposed by a children’s hearing. Children who do not live at home are referred to as ‘looked after and accommodated’ by the local authority.

Children may become ‘looked after’ for a number of reasons, for example: they have no parents or guardians; their parents cannot look after them (for example the children of a single parent who is in hospital); the parents have neglected or abused the child; or because the behaviour of the child him or herself is giving rise to concern, for example becoming involved in offending or not going to school.

⁷ See Scottish Office, Scotland’s Children: Proposals for Child Care Policy and Law. Edinburgh: HMSO, 1993. Cm 2286.

Once a child is 'looked after', any decisions, including the decision to discharge the child from care, should be based upon the paramountcy of the child's welfare and should also give due weight to the child or young person's views. This approach should guide decisions up to the age of 18 although, where the child has been placed in care on a voluntary rather than a compulsory basis, it is not possible to keep the child in care against the child's wishes after the age of 16. Where a child is looked after on a compulsory basis, through a children's hearing supervision requirement, that compulsion can keep him there until aged 18. Even after 18, a local authority can continue to accommodate a young person up to age 21, but they have no duty to do so. They must however provide advice, guidance and assistance to a care-leaver up to the age of 19, and may continue support until age 21. There are more enduring possibilities of support to allow a young person to finish a course of education or training.

⁸ Sections 29 and 30 of the Children (Scotland) Act 1995 identify the qualifying condition that a child was looked after by a local authority, "at the time when he ceased to be of school age or at any subsequent time." Section 93(1) defines "school age" with reference to section 31 of the Education (Scotland) Act 1980. This, together with Section 33(2), to which it refers, identifies the age with reference to the summer or winter school leaving dates. This means the minimum school leaving age could be a few months before or after a young person's 16th birthday.

⁹ Scottish Executive, Supporting Young People Leaving Care in Scotland: Regulations and Guidance on Services for Young People Ceasing to be Looked After by Local Authorities. Edinburgh: Scottish Executive, 2004.

One serious qualification of such aftercare support is the qualifying threshold. A care leaver is entitled to support only if he or she was looked after by the local authority on or after reaching school leaving age. The problems associated with this are that:

- A young person may have spent a considerable amount of time in the care system but have left before reaching school leaving age. This means that aftercare support cannot be provided and a vulnerable young person would have to be helped under other more general, and probably less generous, provisions.

- The threshold of 'school leaving age' often lies some months before or after a young person's 16th birthday. This is not widely known. Young people may be discharged from care after reaching 16 but before reaching school leaving age, thus disqualifying them from aftercare.⁸

In 2004, a new system of 'Pathways Planning' was introduced. This requires a written assessment of a young person's needs before he or she leaves care. The Scottish Executive produced a set of written materials to help local authorities carry out this new duty. The views of the young person are given particular prominence throughout the process. Every young person is to have a Pathway Co-ordinator, and may also request a Young Person's Supporter to help them go through the process. This should be someone the young person knows and trusts.

The process of preparing for leaving care is often referred to as 'Throughcare'. The work of preparation and later support is often referred to a 'Throughcare and Aftercare Team' within a local authority, although different terminologies and arrangements apply in some areas.

Further detail of the law underpinning the above is set out in a Scottish Executive publication that is available on the Scottish Government website.⁹

7.3 Scottish Executive Guidance

In 2004, the Scottish Executive published guidance to accompany the introduction of the Pathways process for young people leaving care. Entitled, *Supporting Young People Leaving Care in Scotland*, it contains a number of statements relevant to the concerns of this report:

- Young people should be looked after until 18 if it is in their best interest (1.3 and 1.2);
- All local authority departments have a corporate parent role (1.4);
- Young people should not be placed in unsuitable bed and breakfast or hostel accommodation (9.3);
- The location of the accommodation should be in an area where the young person does not fear attack or harassment as a result of discrimination (9.7);
- Homelessness legislation should not be used as the main route for accessing accommodation for young people ceasing to be looked after (9.13);
- Young people have the right to appeal and make complaints (Chapter 10); and
- Young people should have access to independent advocacy to help them do this (10.5).

These messages were reinforced by *Looked After Children and Young People: We Can and Must Do Better*, the 2007 report of a working group set up by Scottish Ministers to consider the educational outcomes for looked after children and young people. The group's deliberations led it to the conclusion that education could not be looked at in isolation. In particular, Action Point 18 of the report promised:

"We will clarify the duty on local authorities to ensure that they provide safe, secure and appropriate accommodation to looked after young people until at least 18. The accommodation must appropriately support their longer-term outcomes in terms of education, employment and training."¹⁰

7.4 Local Authority Policies

Six local authorities provided SCCYP with copies of their written policies on throughcare and aftercare. Most replies stated that the local authority did not have any statements of policy or guidance specifically on the age of leaving care, stating that the age at which looked after young people leave care is addressed within individual care plans.

Some of the policies demonstrated a positive and pro-active approach; specifically referring to the importance of explaining to young people that they are under no pressure to move from their placement until they feel ready, even though they are introduced to the Throughcare and Aftercare planning process when they are fifteen and a half.

"...it is essential that the young person receives support to understand that they are under no pressure to move on from their placement until they feel emotionally ready to do so. This should not however stop them from developing and improving better self-care skills as part of a throughcare plan". (Angus Council - 'Manual of Operational Instructions – Throughcare & Aftercare Principles'.)

"young people should not move to independence too early... There is a need to encourage and counsel young people to continue to be Looked After until they can demonstrate a degree of independence." (East Lothian Council - 'Practice Guidelines in relation to Throughcare and Aftercare for Young People'.)

¹⁰ Scottish Executive, *Looked After Children and Young People: We Can and Must Do Better*. Edinburgh: Scottish Executive, 2007. Page 51.



“ YOU WOULDN’T CHUCK
YOUR OWN CHILD OUT
ON THE STREET AGED 16 -
IT’S ALL ABOUT
PERSONAL VALUES
ISN’T IT?”

8. THE FACTUAL CONTEXT: STATISTICS

8.1 What statistics are kept

The Scottish Government collects annual statistics from local authorities on children who are looked after by them or who receive throughcare and aftercare support. These set out the number of young people who are accommodated: in foster care; in local authority or voluntary homes; in residential schools; and in secure units. Statistics are collected on the number of young people ceasing to be looked after by broad age group, therefore the Executive can report on the number leaving care when they were aged 12-15 years or 16-17 years but not specifically school leaving age¹¹. This is significant because a young person who leaves care before the minimum school leaving age will not qualify for aftercare, no matter how long that young person has been looked after by the local authority.

¹¹ Correspondence from Education Department (Children Young People & Social Care Group), Scottish Executive, 23 November 2006.

Recommendation 1

Local authority statistics should be further broken down to show the numbers of 15 and 16-year-olds leaving care before and after minimum school leaving age. These should be forwarded to the Scottish Government to be included in the annual analysis.

No statistics are collected on the number of looked after children who are placed outside their local authority area. Such placements may well be appropriate for particular young people, yet this report shows that they can experience particular difficulties in transition to independent living.

Recommendation 2

Local authorities should record the details of children and young people placed in other areas, along with information about their contact with social workers or children’s rights officers from their home areas while they were placed away from that area, and information about what happened when they left care. Statistical information extracted from this should be forwarded to the Scottish Government to be included in the annual analysis.

Table 3 Number of children looked after 2004-2007 by age¹²

Age	Children looked after on 31st March of each year			
	2004	2005	2006	2007
Under 1	247	247	265	284
1-4	1,848	1,952	2,096	2,382
5-11	4,065	4,257	4,494	4,794
12-15	4,176	4,287	4,512	4,746
16-17	1,339	1,441	1,383	1,558
18-21			216	296
Total	11,675	12,185	12,966	14,060

Note: Prior to 2007, this table includes estimates wherever local authorities were not able to provide information. The number of looked after children aged 18+ was not asked for prior to 2006.



8.2 Children and young people 'looked after'

a) The total number of children and young people looked after in Scotland

On 31st March 2007, 14,060 children were looked after by local authorities in Scotland, an increase of 8% since 2006. The number has increased by 26% since 1999, and in 2007 reached its highest since 1982. This figure includes those looked after in the community (many of whom are at home with parents) and those in residential accommodation.

b) The number of children and young people in foster and residential care in Scotland

On the 31st March 2007, 12% of looked after children were in residential accommodation and 31% were with foster carers or prospective adopters.

8.3 Leaving Care

a) Ages on leaving care

The figures below in Table 5 show clearly that the most common age for leaving care is 16, despite the stated aims of law and policy. The number leaving care at 16 is eight times the number leaving at 18.

b) Destination of young people leaving care

For some young people, leaving care can be a positive experience; they are well supported and continuity is achieved by, for example, transforming a foster care placement into a supported accommodation arrangement. We came across many examples of such good practice. However, there was also substantial evidence of neglect and abandonment of young people which is reflected in the figures in Table 6.

¹² Source: Children Looked After Statistics 2006-07. Edinburgh: Scottish Government, 2007. Table 2.1: Number of children looked after 2000-2007 by age and gender.

Table 4 Number of children looked after 2004-2007 by type of accommodation¹³

Type of accommodation	Children looked after on 31st March each year				
	2004	2005	2006	2007	% of Total
In the community:					
At home with parents	4,982	5,179	5,517	5,986	43
With friends/relatives	1,426	1,671	1,731	2,094	15
With foster carers	3,461	3,493	3,731	4,055	29
With prospective adopters	147	167	184	220	2
In other community	92	136	181	44	0
Total	10,108	10,646	11,344	12,399	88
In residential accommodation:					
In local authority home	721	716	737	756	5
In voluntary sector home	66	57	84	112	1
In residential school	657	618	663	628	4
In secure accommodation	80	82	78	113	1
Other residential accommodation	44	66	76	52	0
Total	1,567	1,539	1,638	1,661	12
TOTAL	11,675	12,185	12,982	14,060	100

Note: Prior to 2007, this table includes estimates wherever local authorities were not able to provide information. 'Other residential' includes hostel, respite unit, refuge, close support unit, other local authorities, crisis intervention centre, care home and residential schools. In 2007 however, "Other residential accommodation" comprises only "Crisis Care".

¹³ Source: Children Looked After Statistics 2006-07. Edinburgh: Scottish Government, 2007. Table 2.3: Number of children looked after 2000-2007 by type of accommodation.

14 Source: Children Looked After Statistics 2006-07. Edinburgh: Scottish Government, 2007. Table 1.22: Young people ceasing to be looked after during 2006-07 who were beyond minimum school leaving age on date they ceased to be looked after.

15 Source: Children Looked After Statistics 2006-07. Edinburgh: Scottish Government, 2007. Table 1.24: Young people eligible for aftercare services on 31st March 2007, by age and type of accommodation.

Table 5 Number of young people ceasing to be looked after beyond the minimum school leaving age¹⁴

Year	Age of young people at time of ceasing to be looked after					Total
	15	16	17	18	19-21	
2005-2006	145	757	355	106	30	1,393
2006-2007	110	792	311	99	20	1,332

Note: Figures include all episodes of ceasing to be looked after (i.e. a child may be counted more than once).

Table 6 Young people eligible for aftercare services by age and type of accommodation¹⁵

Accommodation arrangements on 31 March 2007	Age on 31 March 2007				Total	Percentage of all young people eligible for aftercare	Percentage of young people with known accommodation
	15-16	17	18	19-21			
Home with parents	202	152	169	130	653	19	2
Friends/relatives	37	82	67	51	237	7	9
Former foster carers	30	14	21	18	83	2	3
Supported accommodation / semi-independent living	75	88	73	88	324	9	13
Own tenancy / independent living	34	130	198	319	681	20	27
Homeless	18	25	44	51	138	4	5
Other	116	92	96	137	441	13	17
Don't know	95	134	158	102	489	14	
No longer in touch	61	82	91	136	370	11	
Total	668	799	917	1,032	3,416	100	100

Note: The numbers of young people are best understood as estimates as 3 local authorities were unable to provide complete information.

Of those care leavers whose accommodation was known, most were either living independently/ in their own tenancy (27%) or living at home with parents or friends/relatives (26%). This last figure is not surprising, given that 43% of looked after children remain with their parents at home while being legally 'looked after' by the local authority (see Table 4).

Having your own tenancy may well represent progress for some young people, but it should be noted that this includes 164 young people aged under 18, for some of whom this kind of independence might be particularly challenging.

It is of concern to note that the accommodation of 14% of young people reported to be eligible for aftercare services was not known with a further 11% no longer in touch with the local authority. 4% were known to be homeless. The significant category of 'other' is not explained (see Table 6).

16 Source: Children Looked After Statistics 2006-07. Edinburgh: Scottish Government, 2007. Table 1.29: Young people eligible for aftercare services – episodes of homelessness.

If one adds up all the categories that are questionable from the point of view of the young people’s welfare, a disturbing picture emerges:

4%	Homeless
13%	“Other”
14%	Don’t know
11%	No longer in touch

17 Source: Children Looked After Statistics 2006-07. Edinburgh: Scottish Government, 2007. Table 1.23: Young people ceasing to be looked after during 2006-07 who were beyond minimum school-leaving age on date they ceased to be looked after-by age group and type of accommodation for last care placement.

This adds up to 42% of the population of care leavers who are eligible for aftercare. It does not, of course, include those who left care shortly before reaching the minimum school leaving age, who disappear from the statistics and whose fate is unknown.

It is also concerning to note that eighteen 15-16-year olds are identified as homeless, along with twenty five 17-year-olds and forty four 18-year-olds. This represents a shocking failure in corporate parenting, either through failure to keep under-18s within the care system, as law and policy demand when their welfare requires it, or failure to support them afterwards in accordance with the legal duty that extends to the age of 19.

c. Young People and homelessness

Table 7 shows that the percentage of young people leaving care who experienced one or more spells of homelessness fell significantly in the period from 2003 – 2007, and the percentage of those who have never experienced homelessness increased. This is welcome and the progress should be applauded. But it is still not good enough. It is disturbing that homelessness still features for more than 1 in 10 care leavers. We can assume that this figure is an under-estimate as a number of those whose accommodation is not known or who no longer keep in touch with the local authority will have experienced a spell of homelessness. It is also noteworthy that 14 local authorities were unable to provide information on this subject.

Table 7 Young people eligible for aftercare services – episodes of homelessness¹⁶

Number of episodes of homelessness	Percentage of young people leaving care between...			
	April 2003 March 2004	April 2004 March 2005	April 2005 March 2006	April 2006 March 2007
Never homeless	34	40	45	49
One or more spell of homelessness	37	21	20	13
Don’t know	13	24	21	26
No longer in touch	16	15	15	12
Total	100	100	100	100

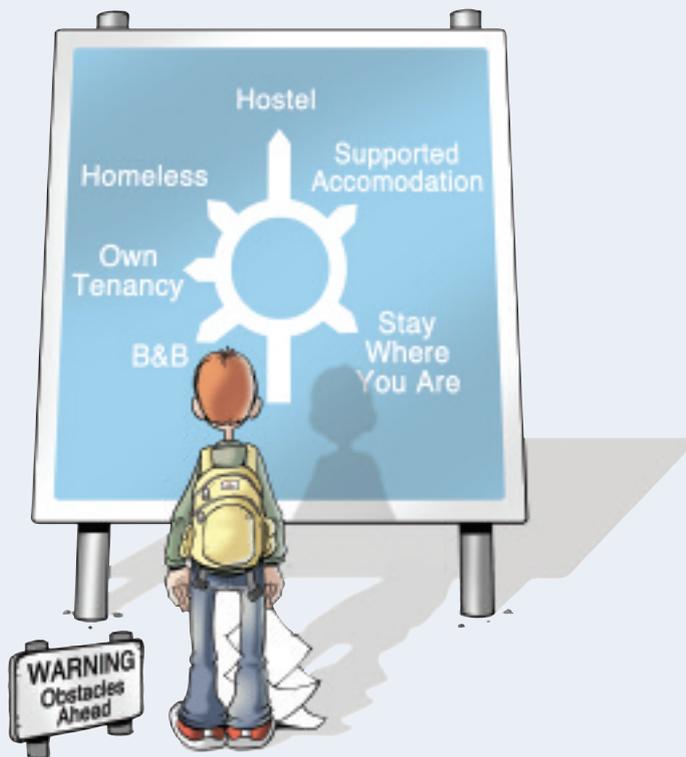
Note: The percentages of young people are best understood as estimates as 14 local authorities were unable to provide complete information.

Table 8 Pathway Plans (2006 – 2007)¹⁷

Number of young people ceasing to be looked after...	31st March 2006	31st March 2007	% of totals 2007
With a pathway plan	654	660	50
With a nominated pathway coordinator	755	733	55

8.4 Pathway Plans

On 31 March 2007, half of all care leavers beyond the minimum school leaving age had a Pathway Plan (explained at 7.2 above) and 55% had a nominated Pathway coordinator. This is of interest as the emergence of the Pathway Plan is often cited as an indication of progress in response to expressions of concern about young care leavers.



“IT’S HARD WHEN YOU’RE ON YOUR OWN. THE LONELINESS IS THE WORST BIT.”

9. WHAT WE LEARNED

Statistics are useful but cannot paint a complete portrait of the experience of young care leavers. We were anxious to find out what life was really like for them.

For those still in care, what did they feel about the prospect of leaving care? If they had left care at 16, why did they do so? Had life after care lived up to their expectations? How would they advise other young people approaching 16?

9.1 What people said

“I thought I knew it all at 16 and I didn’t. Real life is really hard.”

“If things don’t work out, what do you do? Where do you go? When you’re not in care, who actually wants to help you?”

“I suppose if I stayed longer I might have gone a little further and done a little better.”

“You’re just out – and that’s you. My head was all over the place.”

“My experience was really good, but it was hard work once I left.”

“It’s hard when you’re on your own. The loneliness is the worst bit.”

“I was scared shitless.”

Workers and young people were asked: In an ideal world, when and how should a young person leave care?

“Not before they are 21.”

“When they are ready – not when they think they are ready.”

“When they are ready and know what they’re moving on to.”

“When they feel ready and staff agree. They should leave as painlessly as possible.”

“When they feel ready. They should move bit by bit, like having a semi-independent house first.”

9.2 Gaining Independence

The notion of 'independence' is not as simple as having your own accommodation; it is about ensuring that you can cope with responsibilities: budgeting; cooking; cleaning; relationships with neighbours; fitting in with the local community; and the day to day strains of life. Becoming independent is a process that takes a lot of time, preparation, support, and guidance.¹⁸ It is something that does not happen overnight. Working towards independence should be a positive experience for any young person but, sadly, for many young people in the looked after system it is not.

A young person's prospects of moving successfully towards independence will be influenced by the amount of preparation they receive. This is separate from the issue about age, but linked to it. Clearly, leaving care at an early age leaves less time for preparation. However, there are also questions about whether it is reasonable to expect young people under 18 to shoulder the burden of independent living. Even 18 is a very young age to take on this responsibility that many older people struggle with. This report focuses on the 16 -18 year olds because this is a particularly important period of development, and because national and international law say that they are entitled to special protection up to age 18. Where young people are subject to the double disadvantage of leaving care at 16 without adequate preparation, they are being set up to fail.

"I've seen this Throughcare thing, and on paper it says oh, well, we encourage young people to wait till they're ready to leave care, independent living skills and all that. I've not had any of that."
(Young Person)

¹⁸ Young people working on this project also included "love" to the list of requirements. This was included in the leaflet piloted in three local authority areas, which included the sentence, 'No one should be moved on without the proper preparation, support, love and guidance.' This evoked a comment from Glasgow City Council that, "we are concerned that this leaflet suggests that no young person should be moved on without the proper 'love'. The terminology love is not one we would use in Glasgow, as it is not something we demand of residential staff or foster carers. We would generally use the term 'care', which includes appropriate levels of emotional support." One can see the Council's point, but the difference in perception between the Corporate Parent and the child is striking and worthy of note. More recent statements from Margaret Doran, Glasgow City Council's Executive Director (Education and Social Work Services), would seem to indicate that this attitude is changing. See the Times Educational Supplement Scotland, 15 February, 2008.

9.3 Consequences of leaving care too early

There was general agreement amongst respondents, young people and workers alike, that there are often many problems when young people move out of care aged 16 or 17. These include getting into rent arrears, becoming involved with drugs/alcohol, difficulties with neighbours, threat of eviction which sometimes leads to homelessness, and difficulties sustaining education.

One young person told us that he had started a college course in interior design but had to give it up when he became homeless and went to a hostel.

"I was really enjoying it too. I was dead disappointed when I had to give it up."

He is hoping to go back when he has settled in his own tenancy.

"I'll start again once I've got myself sorted."

However, this does not stop young people from moving out of care at this age and we must ask why that happens.

9.4 The Age for Leaving Care

a) Aspiration and Reality

Everyone we spoke to (young people and professionals alike) agreed that young people should 'leave when they're ready'. However, there was disagreement about whether this aspiration was reflected in practice. There is evidence of mixed practice in terms of pressure to leave the system early. In some areas, workers and young people told us that there was a lot of pressure to move on quickly, whereas other areas had more measures in place to support individuals to stay in the system for a longer period and there were fewer reports of pressure to move on. This is linked to financial and practical resources as well as the 'culture' within the local authority.



The frontline workers and young people we talked to overwhelmingly expressed concerns that practice was inconsistent across Scotland, and that far too many young people continue to leave the care system before they are 18. They also highlighted inconsistency within local authorities on occasion.

“The service young people get depends on the person and how loud they shout.”
(Worker)

They described the age of 16 being used as an unrealistic and artificial milestone, especially considering that young people in other circumstances will often remain with their families until their mid-twenties or longer.¹⁹

b) What young people said

Almost every young person we spoke to believed that 16 was the average age for people to leave care. They also felt that young people were put under pressure to leave the system at this age. When asked if they knew that they were entitled to stay in the system until they were 18 years old, responses varied. In some areas, workers had explained this in detail, but in other areas the young people either did not know this at all or said that it had never been presented to them as a realistic option.

Young people mentioned several examples of being given the impression that somehow things were different once they turned 16, and they were often confused about their rights and entitlements after this age. They felt less wanted and less valued and often felt they had little choice, or that their time was ‘running out’.

“They’re saying to me ‘sooner or later someone’s going to need that bed’. They make you worry and feel guilty.”
(Young Person)

“I was saying I wasn’t ready but felt I had to go.” (Young Person)

“I constantly felt like I should leave. It felt like no one wanted me there.”
(Young Person)

Young people are under the impression that it is much more difficult to stay in a placement once they turn 16, even if they do not think they are ready to move on. They do not always feel empowered to challenge the situation, and are unsure how their views could influence any decision made.

“Some staff felt I was ready to go but I know I wasn’t.” (Young Person)

Local authority responses recognised that there was a shift in people’s mindset at 16 years, with some young people becoming keener to leave the system. However, the young people we spoke to felt that it was often convenient for local authorities when young people said they wanted to leave as soon as they could, and that not enough support was in place to discourage them from leaving when they turned 16.

“Staff don’t fight you if you want to leave at 16.” (Young Person)

They also highlighted a lack of on-going support, including the chance to return to their placement if they had made the wrong decision.²⁰

“I know a lot who’ve left at 16/17. A few are working or are at college. Others just sit there. Nothing to do, no money...If you start working you pay your own B&B.” (Young Person)

In some areas, young people reported positive experiences and told us that they did not feel pressure to move before they were ready.

“I could’ve stayed on if I wanted.”
(Young Person)

¹⁹ Some of the research substantiating this insight is discussed in Elsley, S., et al. Review of Research on Vulnerable Young People and Their Transitions to Independent Living. Edinburgh: Scottish Executive Social Research, 2007.

²⁰ See 9.11 “Somewhere to come back to”.

However, it is worth noting that although information was gathered from 54 young people, only 13 reported wholly positive experiences with no pressure to move on before they felt prepared.

Some young people thought that it should be compulsory to stay in care until you were 18 and others thought you should be given the chance to stay there until you were 25. Others felt that it would be fine to leave at 16, so long as appropriate support and accommodation was provided. The majority of the young people we spoke to who had already left the system said that, on reflection, they would have stayed in care for longer than they did and would definitely not leave at 16.

c) What Workers Said

In most areas visited, workers expressed the view that young people are often under pressure to leave the system early.

“Young people are definitely pressurized to leave the system aged 16. Most young people leave care aged 16.” (Worker)

“Staff (at a residential unit) did acknowledge [...], that yes, beyond a young person’s 16th birthday; pressure does exist for young people to move on.” (Children’s Rights Officer)

“Even the Units have to battle to keep the young people post 16.” (Worker)

“Usually we have to fight to keep places [post 16].” (Residential School)

“For young care leavers it is very much a postcode lottery.” (Children’s Rights Officer)

Where the system worked well, this was attributed to the existence of an established throughcare team and adequate resources.

d) What the ADSW said

The Association of Directors of Social Work (ADSW) stated that, in general, local authorities do not set actual deadlines for moving on and more are now actively encouraging young people to remain in the system until they are 18.

In theory, the decision to move young people should be determined by the care planning (Pathways) process and the individual’s needs. ADSW considers the Pathways planning system to be comprehensive, and they believe it provides a thorough framework within which to work. However, the statistics at 8.4 above support the conclusions of other research that Pathways planning is not yet as embedded in the system as it should be.²¹ Unfortunately young people leaving care have to compete for resources with other younger children who are in need or looked after and they may not be the highest priority for overstretched children and family social work teams.

e) What Local Authorities said

Most responses from individual local authorities referred to a general policy that ‘wherever possible’ children and young people should be encouraged to move on at a time which is appropriate for them, and not according to their age. The issue here is, what factors determine what is ‘possible’?

Some local authorities openly acknowledged that it was not always possible to keep young people in care past 16 years of age for a number of different reasons, for example: lack of available placements; young people wanting to leave; and budgetary restrictions. In their response to our original correspondence, some authorities accepted that there was clear room for improvement.

“This Council is aware of the need to review and update the services it provides to care leavers.” (Letter Response, Clackmannanshire)

²¹ Elsley et al, page 13 cites other research supporting this finding.



One local authority (Inverclyde Council) reported that the result of a consultation with young care leavers in their area showed that the young people's perception was that they left care earlier than they would have liked, despite intentions to the contrary. The authority acknowledged that this was something that needed to be addressed.

f) What Children's Rights Officers said

Some Children's Rights Services had received referrals from young people aged 16 and 17 who felt under pressure to move on, despite not feeling ready. This pressure is not always explicit, and is related to a culture embedded in the care system which reinforces 16 as a special age and a 'turning point' for young people. Responses mentioned that, although there have been improvements in throughcare and aftercare support systems with the implementation of Pathways planning, the prevailing culture in the system is one where carers, staff and young people still think of 16 as a 'special age' at which many things can change.

"16 is often reinforced to children in care as the age where everything changes both legally and in terms of services, entitlement and additional rights they acquire." (Children's Rights Officer)

Replies from workers in Children's Rights Services highlighted several instances of young people being referred to the throughcare and aftercare team before their 16th birthday. Pathways planning can start when a young person is fifteen and a half. Many felt that this sends the wrong message to young people, suggesting that their time in the care system is coming to an end, even though the intention is to provide good preparation for independence in the future. Other research supports the practice of an early start for preparation to independent living.²²

The critical issue is how this is presented. Some have suggested that the language may play a part. References to 'moving on' should be used sparingly and appropriately. It may be more helpful to speak in terms of preparation for adulthood, which should take place at appropriate times throughout a young person's period in care.²³

Some knew of individuals who had stayed in placements until they were 18 or older. Unfortunately, more often than not, these cases were identified as being the exception rather than the norm.

Recommendation 3

Firm steps must be taken to change the culture that expects young people to leave care at 16. Local authority policy and practice should emphasise that proper care until 18, and appropriate support thereafter, is a right and not an option. Elected members should be advised to ask for information about the ages of young people leaving care in their area as part of their corporate parenting role.

Recommendation 4

Workers and young people should be given clear statements of young people's rights on leaving care and how to pursue them.

Recommendation 5

Care should be taken to ensure that professional language and practice do not create an expectation that a young person will leave care at 16.

²² Ann Rosengard Associates and Jackson, A J, Home alone – again? The accommodation and support needs of young people leaving care in Glasgow. The Big Step/Glasgow Housing Association, 2005 Quoted in Elsley et al (2007), page 13.

²³ This point was made by the SCCYP Advisory Group on Leaving Care.

9.5 Why placements finish early/at 16

Given all of the policy emphasis on staying in care until you are ready to leave, why do so many young people leave at 16? This section of the report explores some of the factors that seem to contribute to this phenomenon including, importantly, the wishes of the young people themselves.

a) Young People Wanting Independence at 16

Workers and young people acknowledge that some genuinely want to have their independence as soon as they reach their sixteenth birthday. Workers say it is difficult to support those who are determined to do this despite not having the skills or additional support they need to succeed. The reasons given by young people for expressing a wish to leave at this age varied but there were 3 main themes:

- They did not know they could stay or felt pressure to move on;
- The current rules were too restricting (mostly in residential units); or
- They wanted 'out of the system.'

Very rarely did the young people actually feel they were prepared to move and, of those who had left the system at 16, most felt, on reflection, that they had not been ready to fully move on at that point.

Things young people say puts you off staying in care after you've turned 16

"Too many rules which you can't input to – they're already there."

"Too many younger children."

"Have no choice - the school wants you out."

"Not enough freedom."

"Too many younger people sharing a house with you - you don't get peace."

"Too many strict rules."

"Can't have many overnight stays."

"You think you're missing out on life."

"Feels like you're in a goldfish bowl."

"No independence."

"Difficult having staff round and not having control of your life."

"It's because you want freedom and don't like people making decisions and telling you what to do."

"Family."

"Rules."

"Peer pressure."

"Want to be independent."

"Teenagers who rebel."

"Not enough trust and freedom."

"Don't get to do what you want to do."

Many of the workers' observations identify similar issues.

Reasons given by workers why young people choose to leave care at 16

"Being accommodated stops them doing what they want."

"They don't want to live within 'the rules' – many of the 'rules' they do not wish to accept are 'rules' which exist due to the nature of the care offered or are attempts to ensure their safety and well being."

"Resentment of being in care."

"First chance to exercise control and choice."

"Wish to return to family."

"Difficulties living with younger children."

“Need to distance themselves from social work services.”

“Teenage parents – residential setting considered inappropriate.”

“Behaviour management problems - acquiring numerous charges within residential setting.”

“Frustration with group living and finding this stressful.”

Some of these concerns could be alleviated by greater emphasis on listening to young people, as required by article 12 of the Convention on the Rights of the Child. It may be that some of the rules in residential care are inappropriate and risk averse, creating an unsatisfactory quality of life for young people. In 2007, SCCYP published a report commissioned from SIRCC (Scottish Institute for Residential Child Care) into outdoor opportunities for young people in residential care. It showed that workers often applied very risk-averse rules that they thought were official, but were either myths or inappropriate applications of rules developed for other contexts.²⁴

Recommendation 6

Local authorities should consult young people in residential care about the rules that apply in their units in order to ensure that they are appropriate.

Some of the young people's comments reflect the particular challenges they face when they live with strangers and have no choice over what new strangers move into their 'home' environment. Other comments reflect things that young people living with their families might say, e.g., that they do not have enough freedom and would prefer to live independently.

²⁴ McGuinness, L., Stevens, I., and Milligan, I. (SIRCC) for SCCYP. (2007) *Playing It Safe? A study of the regulation of outdoor play for children and young people in residential care.* Available at www.sccyp.org.uk

²⁵ Information provided by Ian Milligan, SIRCC.

The problem with the care system is that it may seize on this as a solution to its accommodation problem. It may be tempted to 'call the young person's bluff' more than a parent would.

b) Lack of appropriate alternatives

Part of the problem may be the fact there are fewer semi-independent living units today than in the past.²⁵ Young people often face a stark choice between group living and an independence for which they are not emotionally ready and for which they have too often not been prepared, in terms of looking after themselves and managing their own affairs. This is particularly the case for young parents who have to manage, not only their own independence, but the dependence of others upon them. Some of them will have had unsatisfactory parenting experiences themselves and will lack models of good parenting. They need proper support if the cycle of public care is not to be repeated.

Recommendation 7

Local authorities should consider developing more semi-independent living units, as well as supported accommodation where care leavers who are parents can be taught and supported to care for their children.

c) Age of admission

The age at which the young person is first accommodated can have an effect. There is a particular issue with young people who enter the system aged 15 and a half, as this gives no time to prepare for throughcare and aftercare in a meaningful way. The majority are not in a placement long enough to receive good independent living support and often want to move on aged 16 without being prepared. Those who enter the system when they are older can take the view that they are just 'passing time' until they reach 16 when they will be allowed to move on to independence.

d) Contact with birth parents

Some parents want their children to move back with them and this can be attractive to a young person who wants to believe it will be different from before. Workers find it difficult to deal with this type of situation, as the family home may be unstable and inappropriate for the young person. Milligan & Stevens note that some young people 'are driven to discover if there might still be a place for them in the family home.' Only 12% return directly to their families from residential or foster care, but many more make regular visits. Milligan & Stevens argue for better managed contacts between teenagers and parents to help the transition from care. This might include counselling to 'dispel unfounded hopes or myths about their place in the family' and help them be more realistic about their needs and options.²⁶

This issue was also highlighted by Baillie in 2005 in a report prepared for Shelter. He referred to the phenomenon whereby young people who were 'looked after' at home or who return home after a period of residential or foster care become homeless when their living arrangements deteriorate. This route to homelessness tends to be invisible in the statistics. Baillie suggests that it would be helpful if these 'looked after' figures were reflected in the statistics for presentation as homeless.²⁷

e) Challenging behaviour and high level support needs

A number of responses from local authorities observed that young people with the most complex and challenging behavioural needs are the individuals who are most in need of help and support, but they are also the ones who are most likely to lose out and leave the care system early. As described by one respondent:

"Inclusion tends to be for those who are willing or able to be included."
(Letter Response, East Lothian)

Those who have difficulty managing their behaviour tend to have more placement breakdowns. This can result in the young person having to move several times, and can ultimately lead to homelessness.

"This is always at a time when the need for safety, stability, guidance and boundaries is at its greatest."
(Letter Response, South Lanarkshire)

Young people with behaviour management problems can often accrue many charges in a residential setting. This can contribute to their desire to move out of a residential setting or a secure unit as soon as possible:

"These young people are particularly vulnerable because they often leave care quickly with complex support needs."
(Letter Response, North Lanarkshire)

A number of local authorities recognised that they achieve less favourable outcomes with those who have the highest support needs:

"The Council like many others has difficulty supporting those young people who are antagonistic or oppositional towards the support services available to them... The Council also finds it difficult to support the young people whose behaviour puts themselves and especially others at risk or in fear or alarm." (Letter Response, Clackmannanshire Council)

²⁶ Milligan, I., and Stevens, I. Residential Child Care: collaborative practice. London: Sage, 2006. Pages 112-114.

²⁷ Baillie, T. (2005). Young people leaving care and homelessness legislation. www.shelter.org.uk

Young people were also aware that their actions could have an impact on their experience of being in care. Often, their perception was that pressure to move out of care at an early age was due to their behaviour, and workers also echoed this view in some areas.

“Sometimes things just hit crisis point and then they’re out. If something blows up and you’re 16, it’s like an excuse to throw you out.” (Worker)

“If young people are happy and ‘not causing problems’, they sometimes stay until they are 18. If there are problems that speeds up the process.” (Worker)

When a young person with challenging behaviour expresses a desire to leave at 16, this can be seen as an advantage by the system.

“Some authorities are pleased that young people fight to leave at 16.” (Worker at a Residential School)

16-18 can be a difficult time for all young people, faced with hormone changes, testing boundaries and forming an identity, but for those in care, the consequences of challenging behaviour can be dramatic and highly detrimental.

It is recognised that those with high level support needs and more challenging behaviour sometimes do not want to engage with the system, and this can make the process of staying in a placement or moving on successfully very difficult. However, these individuals have a right to be looked after by their corporate parents who should explore ways and means of supporting and engaging them.

One respondent also drew attention to those young people who have very specialised support needs that make moving on difficult. For example, sex offenders, young people with drug or alcohol addictions or those with mental health issues. There is a lack of specialist accommodation available for these young people.

Recommendation 8

Local authorities should analyse the patterns of behaviour of those who leave before 18 as compared with those who stay and take steps to respect the rights of young people with high level support needs and challenging behaviour.

f. Culture and Practice

As discussed at 9.4(f) above, reinforcing 16 as the age where ‘things change’ can be done unintentionally. For example by encouraging young people in care to complete housing application forms as soon as they have their 16th birthday:

“A young person should be encouraged to apply for Council and RSL²⁸ accommodation when they are 16 years of age.” (Stirling Council Protocol on Looked After Children and Housing)

“I feel pushed out – having to do things.” (Young Person – not from Stirling)

I reiterate here recommendation 5 that *Care should be taken to ensure that professional language and practice do not create an expectation that a young person will leave care at 16.*

9.6 Foster placements

At least 12²⁹ of the young people we spoke to were either in foster placements or had been at some point in their lives. Most of them had very positive experiences of foster placements. The majority of workers we spoke to said that young people tended to stay in these placements past 16.

“Young people appear more likely to stay in a placement beyond 16 in foster care rather than in residential units. It seems that in a residential unit the needs of younger children compete with the needs of young people preparing for independence... a young person who feels frustrated by living in a placement that is under strain, and frustrated by slow progress towards independence, may make the decision to leave care too early, rather than address the issues in placement.” (Letter Response, East Lothian)

In some areas, (e.g. Glasgow & East Renfrewshire), foster carers can transfer on to the supported carers scheme to allow young people to stay on in the same placement after their 18th birthday if they choose to do so.

In December 2007, the Scottish Government published *Getting it Right for Every Child in Kinship and Foster Care*. They indicated that they ‘will consult on removing statutory barriers to flexibility within the children’s services workforce, for example, between foster carers and adult care providers for those foster carers who need to remain carers of children in their care beyond the age of 18, who are in education or employment.’³⁰ This will be welcomed by the young people who expressed strong support for changes to allow them to remain with their carers after the age of 18.³¹

²⁹ This information was not gathered from those who responded by questionnaire but emerged in interviews. The actual figure may have been higher.

³⁰ The Scottish Government, *Getting it right for every child in kinship and foster care*. Edinburgh, 2007, para. 56.

³¹ *Ibid*, Annex B, para. 9. This change was unanimously supported by SCCYP’s Care Action Group and reflected in the Commissioner’s response to the consultation.

It is not clear, however, why the proposal is currently focused on those in education or employment, as this may exclude some of the most disadvantaged young people to whom local authorities still have aftercare responsibilities.

Recommendation 9

The Scottish Government should be encouraged to pursue its expressed intention to help young people to remain with their foster carers after their 18th birthday. Consideration should be given to extending this to those not in education or employment.

9.7 Residential Schools

Residential Schools struggle to hold on to young people after they turn 16 as most stop providing education opportunities after this age. Most young people at these schools leave when they are 16. Almost every response from local authorities mentioned residential schools as a particularly difficult issue.

“[Our] main concern is young people placed out of the authority in residential schools... The vast majority leave at 16 and are then picked up by the Throughcare and Aftercare team.” (Letter Response, Edinburgh)

ADSW also acknowledged that some settings offer more challenges than others, citing residential schools as being of particular concern.

A residential school may be a young person’s home, yet the policies and funding may not reflect this but focus on educational criteria, with the end of compulsory education (at around 16) representing a very significant milestone. This means that there is more pressure to leave at 16 than in other care settings. Where a young person attends a residential school, this will often be outside his home area.



This can cause problems with reintegration especially where the young person leaves at an early age and returns to an area where he has little in the way of personal connections or support.

There remains an expectation that residential schools are institutions which primarily or only provide schooling and education, leaving little scope for preparing young people for their transition to other care situations or living independently.

*“Residential schools are still run organisationally and have very limited scope to work at individual programmes about gaining skills for independence.”
(Letter Response, East Renfrewshire)*

When a young person enters a residential school, the education department and the social work department share the financial cost. However, respondents reported that it can be difficult to continue funding from the education department once the young person reaches school leaving age, and it is sometimes suggested that the financial responsibility should lie solely with the social work department after the young person turns 16. This means that there are simply no funds to keep the young person on in a residential school setting, and runs contrary to the idea of good corporate parenting. Since it is difficult to find suitable alternative accommodation, this can result in the young person leaving care earlier than intended.

“Curriculum in residential schools often does not allow young people to remain past their school leaving date. Young people often do not wish to remain in education past their school leaving date [and] education services are reluctant to fund residential schools beyond a young person’s 16th birthday if there is no real commitment from them to continue with

school education. In these situations, young people are often reluctant to return to a foster placement and because of this they move out of the system unprepared. In an attempt to resolve this gap in services Falkirk Council are in the process of identifying units which would allow ‘returners’ to move in to highly supported accommodation in their own locality post 16 years.” (Letter Response, Falkirk)

Some schools, such as Kibble and Moore House, have developed follow-on support, but even if this is available, it is costly to fund such a placement at a residential school and many local authorities prefer to provide their own throughcare worker and support instead. This means that it is possible to return the young people accommodated in residential schools to their home authority as soon as possible. Increasing reluctance to pay for out of authority placements can lead to more young people being moved to independent housing as the lease is cheaper than residential units. Young people’s lives can be severely disrupted by this as they are unprepared to make the transition from a high level of support to independent living.

Respondents told us that throughcare and aftercare teams often get very little notice that young people are returning to their local authority from out of authority placements. It is a massive transition for the young person. We were told that young people often come out of residential schools aged fifteen and a half and this makes it very difficult to find suitable placements for them. They cannot go into a supported lodgings scheme until they are 16.

They sometimes return to their parents, but this is mostly difficult. Staff at residential schools are concerned at the lack of support for young people who are returned home after spending a considerable period of time away from home in a highly supportive environment.

Having been exposed to a number of different opportunities during their time in care, they return to 'just sit in their room' and regress to previous behaviour:

"It's worse, because they've seen what's out there and what's possible and then they're denied those things."
(Worker – Residential School)

"Young people can still return to their home area unable to live with family and ill prepared for independent living."
(Letter Response, Clackmannanshire)

It is difficult to re-integrate into your home authority if you have been away for a long time, and also difficult to find appropriate accommodation with the necessary levels of support. Young people find themselves going from a high level of support to none at all in a very short period of time.

Schools catering for young people with disabilities or other additional support needs seem better able than others to retain young people after 16. For example, Corseford Residential School (run by Capability Scotland) note that almost all of their pupils stay at the school until 18 and some stay until they are 19. Sycamore School (run by Aberlour) in Fife has no experience of young people being encouraged to leave at 16. The local authorities who fund these placements are keen for them to stay as long as possible.

Case Studies

Some of the case histories we heard were truly sad and disturbing.

Case Study: Homeless Young Person

Mike is 18 years old and lives in a hostel for the homeless. He had previously spent six weeks sleeping on the streets. He was in care from 3 to 16 years old and had been in 19 children's units or residential schools. His last placement was at a residential school, which he left aged 16, despite not wanting to leave. He felt that he had received no real preparation for leaving care and he was too institutionalised.

It is hard to imagine what it must be like to have 19 'homes' in 13 years and then to be ejected at age 16. One can only conclude that Mike has been neglected and then abandoned by a system that was supposed to care for him.

Sometimes residential schools try hard, but unsuccessfully to keep young people in their care after their formal education is finished.

Case Study: Residential School

A young person reaching the age of 16 years was due to leave the school in August. The staff and young person had worked closely together and had secured an army placement for the following January. After discussion with the young person, he stated that he wanted to leave and "would be okay". Staff had concerns that this would not be the case and that he still required support in order to make the transition successful. This was fully discussed at his LAC review and the school's concerns were minuted. However resources are limited and it was felt by the local authority that he would be able to make this transition without the support from the school, and the young person was discharged.

Within a few weeks of discharge the young person was involved in a serious incident in his home area and was hospitalised with a serious injury, which resulted in his army placement being unsuccessful.

The school feels that had the authority supported the school's reasons for extending the placement, the outcome would have been much more successful for this young person and, although it was the wish of the young person to leave, it is felt that it was also the lack of staff support and local authority funding that had a direct impact on a poor outcome for the young person.

Some schools have agreements with local colleges so that young people in their care can continue to live at the school and carry on with their education post 16. This is often preferable to moving back to their home local authority (which is no longer seen as the young person as their 'home'), and where they can find it difficult to settle and sustain education or employment.

Case Study: Kibble Residential School

Kibble School in Paisley provides secondary education and a range of day and residential services for pupils with severe social, emotional and behavioural difficulties. It was mentioned by both workers and young people as a good example of a successful residential school. Young people who had experienced staying at Kibble told us that they found it helpful because the placement offered opportunities to gain work experience. For example it is possible to try engineering, cooking, gardening and so on. However, some had difficulty sustaining these work and training opportunities once they had left the school.

One young person told us that, after he started to settle in, he felt that the Kibble offered him lots of support. Staff took a real interest in young people and it did not seem as if they were just there for a job. He lived in the Kibble for almost two years from 16-18 years old. In the last six months of living at the Kibble, he started building a relationship with supported carers. Gradually, he moved from the Kibble to his supported carer's house. He has a good relationship with his carers and is very settled. He is starting an apprenticeship and has completed Highers at college.

Kibble school pointed out in their response to our original correspondence that it is very stressful for a young person to leave aged 16 as the school may have been their only home for four years or more. The response refers to tragic outcomes for two young people who left Kibble at 16 a few years ago. There was a feeling that this could have been prevented had they been able to stay on longer.

Edinburgh City Council is presently reviewing its use of residential schools. The number placed in residential schools has been greatly reduced in recent years and the aim is to accommodate and look after more children and young people within the city. Glasgow City Council is also planning to reduce the numbers of young people placed in residential schools by placing them in alternative family and education placements. They state that leaving care at 16 is rarely the best care plan "but often preferable to the young person remaining in a residential school". They also comment that very few young people choose to stay in a residential school after 16, as the focus of residential school is often not appropriate for them.

East Renfrewshire note that they have attempted to encourage young people leaving residential schools to consider supported carer placements, but this does not work out well in practice as they only stay for a short time or do not take it up at all.

Recommendation 10

When local authorities place young people in residential schools, they should think ahead to what will happen when the young person reaches school leaving age. They should take steps to allow the young person to continue to live at the school at least up to age 18 or prepare the way for a smooth return to a supportive placement in the home area.

9.8 Somewhere to move on to

a) Preparing for moving on

It can be challenging for young people to prepare for independent living whilst living in a group environment with children and young people of all ages. The young people we spoke to indicated that the majority of children's units are not suitably built to accommodate young people working towards independence.

Front line workers supported this statement by saying that there needs to be more alternative living spaces such as semi-independent units, throughcare flats and support flats. Having this type of arrangement would ensure that the young people's needs are being met on various levels. For example, living in a more flexible and realistic environment, having more say in decisions and contributing to making rules, and more freedom to make and learn from mistakes.

"It's important to pass on the message that moving into your own tenancy aged 16 straight from care is not a viable option. However, there's no use doing this if other options are not available. There should be choice, including staying with foster parents past 18 years old and supported lodgings." (Worker)

b) Lack of options to move to

Throughcare and Aftercare workers reported that they often do not feel they can plan how a young person will move forward, as it depends what accommodation becomes available and when they move. In some areas, workers feel that there is no element of choice and are sometimes told that "staff have decided it's time for X to move on". They feel that they have no choice but to act upon this instruction as best they can under difficult circumstances.

In many areas, identifying appropriate housing for care leavers is extremely difficult. Workers are often placed in a position where they feel their options are limited or non-existent. They may feel a need to move older residents on in order to free up beds for younger children coming into the system. There are rarely enough spare beds available in residential units and no dedicated resources for emergency admissions. As a result, there is always a tension between the needs of younger children and young people who are thinking of moving on.

"We've got a young person but we've nowhere to send them." (Worker)

"We don't even have a homeless hostel here." (Worker)

"The unit probably isn't the best place for them, but there's nowhere else for them to go." (Worker)

"We don't have anywhere to move kids to prepare for independent living." (Worker)

The provision of accommodation such as semi-independent units and support flats varies across local authorities and at the moment, in several local authorities, young people are still moving from their residential settings in to their own tenancy, hostels, homeless and B&B accommodation due to lack of other suitable options.

I would reiterate here Recommendation 7, concerning *the provision of more semi-independent living units and supportive placements for young parents.*



In some areas, the transfer of housing stock to housing associations has created new problems. Local authorities who have their own housing stock have control over the resources needed to fulfil their obligations to young care leavers. Section 21 of the Children (Scotland) Act 1995 lists 'appropriate persons' who must (subject to a couple of exceptions) comply with requests from local authorities for help needed to fulfil their statutory duties. Other agencies can be added to this list on the authorisation of Scottish Ministers.

Section 5 of the Housing (Scotland) Act 2001 places a specific legal duty on Housing Associations as Registered Social Landlords to assist the local authority in providing homelessness accommodation. This is likely to encourage the practice whereby young people are made officially homeless in order to get housed. To avoid this, it would be helpful if the duty to cooperate set out in section 21 of the Children (Scotland) Act 1995 were extended to Registered Social Landlords. This would mean Housing Associations would have to help local authorities carry out their statutory responsibilities to care leavers.

Recommendation 11

The Scottish Government should consider adding Registered Social Landlords to the list of agencies subject to the duty under section 21 of the Children (Scotland) Act 1995 to assist local authorities in carrying out their statutory duties.

c) Young People's Views

Many of the young people we spoke to who had already moved out of care said they had moved on simply because they just wanted to 'get out'. On reflection, they recognised that they did not feel ready for their own tenancy at that point.

When asked if a semi-independent unit, half way house or throughcare support flat would have been more appropriate, most of the young people agreed that it would, and those who had no experience of this kind of arrangement said that they would welcome more resources of this kind.

d) Case Studies

There were some examples of good practice across different parts of Scotland.

Case Study: West Dunbartonshire – Jan's Story

West Dunbartonshire has a well developed and established throughcare and aftercare service. The authority believes that one powerful way to make young people want to stay past 16 and realise the benefits of doing so, is to make sure that they see others who have stayed on moving on successfully and achieving.

Jan is now 23 years old and was looked after and accommodated by West Dunbartonshire Council from 1997 to 2001. She left her residential children's unit on a planned basis when she was 17 and a half years old to move to supported lodgings which she had previously visited with her support worker. However, the relationship between Jan and her supported carer did not work out and, after speaking to her support worker, it was decided jointly that it would be best to move to another placement.

Jan moved to her second supported lodgings placement on her 18th birthday and has since described it as "the best present she had ever received". She struck up a good relationship with these supported carers and continued to progress at this placement and secured full time employment in a care home for elderly people. Jan has since described her time in supported lodgings as "the happiest times ever". She also passed her driving test, bought a car and "enjoyed a normal teenage life" with holidays, etc.

At 20 years Jan was encouraged to fulfil her ambition to go to university and gained entry from an access course at college. She continued to live in supported lodgings with ongoing support from West Dunbartonshire Council and is now in her third year of an honours degree course studying in Edinburgh.

At 21 years Jan moved to her own tenancy with the continuing help from her support worker plus ongoing financial help with her accommodation costs and a personal allowance. Jan continues to be advised and encouraged by her support worker who has maintained regular contact and is also assisted financially with her university costs, etc. She has also enjoyed continuing informal support from her previous supported carers.

Case Study: St Katherine's Secure Unit, Edinburgh

St Katherine's Centre Secure Unit in Edinburgh has a specific throughcare and aftercare service operating from its 'Alison Unit' for young people working towards independence. The team takes responsibility for the completion of a Pathways Assessment and Pathway Plans for all young people aged 15 and a half to 16 who are resident within the service. Once the Pathways Plan has begun, the team will continue with the young person whether or not they remain with the service, and this will last until the young person is 22 years old.

The Alison Unit also provides a residential component which offers accommodation to young people 16 years old and over. This can be to offer a full time placement in preparation for independent living, or part-time placement to support young people moving back home, or to supported accommodation or their own tenancy.

The young people are encouraged to visit the unit when they are about 15 years old to make dinner or have a cup of tea and to familiarise themselves with the setting.

The young people move from the secure unit in to the throughcare building at around 16. There are only two beds and only one member of staff on each shift. The idea is to make the unit as close as possible to a flat or house in the community. The unit has 'normal' things like glass soap holders and free standing lights. There are very few rules. For example, there is no set bed time. Young people are encouraged to behave like 'good neighbours'. During their stay the young people are supported with learning to cook, budget, clean and all the other elements when working towards independence. The staff do not have a responsibility for thinking of activities or about how to entertain and occupy the young people – the young people have to take responsibility themselves. However, staff can help to facilitate.

The young people stay in the throughcare unit until they feel ready to move on. When the young person moves on they have been equipped with the necessary skills to live on their own or in supported lodging settings.

The service also offers a third bed called the Additional Support Bed. This bed is available to young people the team are working with who are experiencing some difficulty within their placement or tenancy, or just need some emotional and moral support. This can be for a few nights or for up to two weeks to allow necessary work to be undertaken, prevention of placement or tenancy being lost and to enable the young person to be re-established within their community.

For example, one young girl had moved into a tenancy with her boyfriend and then they split up. She needed somewhere to go for a bit of extra support for a couple of weeks. Other examples are when someone has experienced bereavement or has lost their tenancy. Sometimes, it is used to help someone move into their own tenancy bit by bit, so that they can stay in two places for the first few weeks until they get used to it.



An important element of the service is that, if the young people do not cope with independent living or their own tenancies, they can return to the Alison Unit and use the additional support.

Most people stressed the need for more of these kinds of schemes which are specifically designed to be age-appropriate.

“It would be better if there was more preparation for leaving care, especially a semi-independent flat where staff could come in to check how you’re getting on. The practical things were the most difficult to cope with.” (Young Person)

e) Joined-up working in local authorities

Relationships and dialogue with the Housing Department varies between local authorities. The Throughcare and Aftercare team’s relationship with the Housing Department, and the Housing Officers’ understanding of throughcare legislation, is crucial to developing links and relationships which can aid the process of providing suitable accommodation for care leavers.

In some areas, there are good links and good quality and suitable accommodation is allocated for care leavers. Some local authorities have developed a protocol between the Throughcare & Aftercare Team and Housing Team to better manage the transitional process. They commented that it was an effective way to manage resources and processes. Several (but not all) local authorities have written protocols on joint working practice between social work and housing providers to allocate accommodation to young people leaving care.

“The young person will be awarded housing under the Council’s mainstream allocations policy and not through the homeless route. Accommodation will be planned for under the other categories provision to ensure access to permanent accommodation at the point the young person is ready to take up a permanent home.

The young person will be issued with the Scottish Short Secure Tenancy.” (‘Procedures for the Allocation of Accommodation to Looked After & Accommodated Young People’, South Lanarkshire Council)

Case Study: The ‘Better Ways’ Forum, Aberdeen City Council

Betterways Multi Agency Resource Forum, launched in June 2006, developed out of the former Moving On Committee in an attempt to provide a more comprehensive system for supporting young people in their transition from care into independent living. The Forum was set up in order to prevent young people accessing tenancies at age 16 and to help channel them via supported accommodation resources where they would be given the chance to learn and demonstrate their ability to manage a flat of their own prior to obtaining a tenancy. Young people were involved in setting up the forum and they chose the name. They thought this title was appropriate because it was a shift to concentrating on the whole person rather than just their accommodation needs.

The people represented on this forum include housing, throughcare and aftercare, Marshall Street Unit and voluntary sector providers such as the Aberdeen Cyrenians, Foyer project, supported lodgings and private housing providers. The group meet every 2 months to consider applications.

The plan for the first year was to accept applications from young people previously ‘Looked After’ away from home. The second phase was to involve young people ‘Looked After’ at home and the third phase was to consider applications from all vulnerable young people aged between 16 and 25 years.

Sometimes the forum will tell a young person that they need to work on certain skills before they can take on a particular placement or tenancy. This could include anger management, budgeting, cooking and so on. They need to evidence that they have achieved this to the forum.

Staff believed that the Forum had, for the most part, met its main aim to enable young people to move on into appropriate supported resources rather than straight to a tenancy. Of the 27 young people who had presented to the forum by August 2007, 17 had been referred to supported accommodation and 10 to tenancies.

Housing Officers have not always received appropriate training and are not fully aware of the role of relevant legislation or the role the local authority as a whole has as a corporate parent. Local authorities are now working on strategies to overcome barriers and strengthen relationships in order to fulfil their corporate parenting duty successfully. However, there is still room for improvement as there is still evidence of young people being placed in inappropriate accommodation such as bed and breakfast establishments and homeless hostels.

Recommendation 12

As part of its corporate parent role, local authorities should ensure that housing officers, as well as social workers, residential workers and throughcare and aftercare teams, are trained to understand the local authority's responsibilities towards young people leaving care. There may be advantages in training them together.

In many areas, it is common for young people leaving care to present as homeless in order to access accommodation due to lack of housing options directly available to them. All young people under 18 are regarded as a priority, but no priority is given specifically because someone has been in care. This means that young people think that leaving before they are 18 will help them to get their own tenancy more quickly.³²

³² This issue is further explored in the context of dialogue with Highland Council at 10.3 below.

With homelessness, (but not any other priority group), a specific legal duty exists on Housing Associations to assist the local authority in providing homelessness accommodation through section 5 of the 2001 Housing Act.

Recommendation 13

Young people leaving public care should not have to be made "homeless" in order to be regarded as a priority for housing allocation. Local authorities should ensure that their housing policies give priority to these young people merely as an aspect of their corporate parenting responsibility.

9.9 Unsuitable Accommodation: Hostels and Bed and Breakfast (B&B)

We found that many young people were placed in hostels for the homeless and B&B establishments. This sometimes happened almost as a matter of routine – it was built into the system as one of a number of options. This is completely unacceptable and breaches the Scottish Executive guidance referred to 7.3 above. Where this happens on a planned basis, it represents a woeful failure of corporate parenting. It should not even be regarded as an emergency option. Local authorities should acknowledge that some of their care leavers will find themselves in situations of crisis, and they should plan for that. In the past, there were resources such as semi-independent living units or Preparation for Independent Living Units (know as PILUs) that could accommodate this sort of emergency. Earnest consideration should be given to building up this kind of resource.

I reiterate here Recommendation 7 that *local authorities should consider developing more semi-independent living units, as well as supported accommodation where care leavers who are parents can be taught and supported to care for their children.*



a) Bed and Breakfast Accommodation (B&B)

In some local authorities, young people leaving care are placed in B&B accommodation. This is not always restricted to emergency situations, and young people are sometimes living in B&Bs on a long term basis due to a severe lack of housing stock and the lack of other appropriate accommodation available.

“There is no accommodation. They go into B&Bs.” (Worker)

“There is a gap between leaving the unit and independent living. Young people spend about a year in B&Bs and hostels.” (Worker)

“The housing service has experienced situations where children have left education before their date of leaving care and have been placed in bed and breakfast accommodation due to the non-continuation of their care placement. Subsequently, this has meant that the arrangements for providing both accommodation and support to the young person have had to be arranged on an unstructured emergency basis.” (Letter Response, Moray)

B&B placements are inappropriate for a number of different reasons and there are some practical issues to consider when using these kinds of placements.³³

Staff in B&Bs are not trained or qualified to offer specialist support. A worker told us of a B&B proprietor who tried to get a young boy to share a room with an unknown person. The Throughcare team heard about it and sorted it out.

B&Bs accommodate people of all ages and from all sorts of backgrounds and, on the whole, they do not offer adequate opportunity to develop and deliver effective throughcare and aftercare preparation.

B&Bs limit the potential for young people to make the transition into successful independent living because they do not usually provide an opportunity for young people to cook meals or use a washing machine and to practise essential skills for managing their own tenancy.

We heard of one example, where young people were only allowed two nights a week away from their B&B accommodation when they are staying with a friend or they were at risk of losing their placement.

“If you stay away for longer then they assume you’ve got somewhere else to stay”. (Young Person)

We also heard accounts of young people being refused accommodation at a B&B if they were found to be self harming or were drunk, as they were deemed to be too much of a risk. This is at a time when they need specialist support the most.

Case Study – Ann’s Story

Ann is 16 and has been in care for a year and a half. She wants to move on when she turns 17. She is hoping that her unit’s manager will be able to secure her place until then. “They’re fighting for me to stay but they’re finding it really difficult”. Her social worker’s manager is saying “She’s 16. She’s too old. She shouldn’t be in the unit”. She is filling out housing forms now that she is 16. “If I was at home, I’d be staying till I was 18 - I really don’t want to go to a B&B”. But she thinks that going into a B&B will be better than some other options. “I probably would say no to a B&B but I don’t want to be out on the streets”. She thinks that this is what will happen if she refuses a B&B. No one has ever told her that she has a right to stay in the unit until she is 18 if that is in her interests.

³³ This issue is further explored in the context of dialogue with Highland Council at 10.3 below.

Recommendation 14

Young people should not be placed in Bed and Breakfast accommodation. The Homeless Persons (Unsuitable Accommodation) (Scotland) Order effectively bans the use of such accommodation for families with children. The Scottish Government should consider banning its use for young people leaving care.

b) Homeless hostels

We spoke to young people who had spent time in, or who were currently living in, homeless hostels. The case of Mike set out at 9.7 above relates the history of an 18-year-old living in a homeless hostel after leaving care aged 16.

Hostels are not suitable accommodation for care leavers. Young people describe them as the worst possible kind of accommodation. The young people did not feel safe or cared for.

“You get passed about homeless accommodation like you get passed about in care.” (Young Person)

“It’s ok apart from the druggies, as long as they keep them away from me.” (Young Person)

A worker told us about a young person in a women’s hostel who was beaten up by an older woman.

The young people were placed in homeless hostels for a number of different reasons. For example: their tenancy had fallen through; they had argued with their family or partner; or there was nowhere else to place them. They were sometimes staying with people they did not know – many of whom were abusing drugs and alcohol or had experienced time in prison. There was also a broad mix of age, genders and backgrounds. Many talked about living in fear while they were in hostels. They are afraid for their safety and they are afraid to say things in case there are repercussions.

Quarrier’s Stopover in Glasgow provides a more positive response to homeless emergencies for young people. However, it is disappointing to note the comment on the proportion of 16 and 17 year old care leavers requiring this service.

Case Study: Quarriers Stopover, Glasgow

Quarriers Stopover Service provides residential housing support in a safe and secure environment for 14 young single homeless people aged 16-25. Stopover is a partnership between Quarriers, West of Scotland Housing Association and Glasgow City Council.

Stopover is the only project in Glasgow offering a high level of support for 10 weeks to young people who need emergency accommodation. If necessary this period can be extended if all parties are in agreement until suitable move on accommodation is available.

Stopover works on a planned basis with housing, social work, addiction and mental health services in an effort to ensure that a collaborative and strategic response is developed as young people move through the project on to more secure and, if necessary, supported accommodation.

The service has been designed to provide a high level of support to some of the most vulnerable young people in our society, who find themselves homeless. An admissions policy is in place that is flexible and permits the taking of sensible and calculated risks. A key-worker system is also in place. When a young person is admitted to the project they are allocated a key-worker who works closely with them to draw up a care plan from the initial assessment. Care plans will focus on a number of issues that the young person and key-worker have identified. Care plans are reviewed on a regular basis with multi-agency involvement.

The project accepts referrals from Glasgow City Council Social Work Department, voluntary agencies, family and friends. Young people can also refer themselves to the project.

Over the past 5 years the project has seen an increase in the number of referrals from 16/17 year olds. The project has accommodated numerous 16/17 year olds and a substantial number of these young people had previously been looked after and accommodated.

The Project Manager stated that *“planning should start early for young people leaving care, with full involvement of the young person to identify appropriate move-on accommodation. It is not acceptable that young people are placed in B&B or other inappropriate short-term accommodation. It is vital that we have a wide range of supported accommodation across the city to meet the needs of our young people”.*

A Project Worker commented that *“if young people are exposed to the homelessness scene, it is likely that they will get involved in the negative aspects associated with homelessness for example drinking, drugs and anti-social behaviour”.*

Recommendation 15

Young people should not be placed in hostels for the homeless.

9.10 Supported Accommodation and Semi-Independent Living

Supported lodging schemes receive positive responses overall. However, the way the schemes operate varies between areas and this kind of support is not available everywhere.

It is also affected by resource implications and constraints:

“Supported lodgings is an excellent scheme but it is not adequately equipped and young people cannot [always] manage their emotional and behavioural difficulties.” (Letter Response - Children’s Rights Officer)

We received reports that some young people are unprepared for the different setting of a supported lodgings scheme.

Even if they get on well with their carer, they may feel that being in a small family environment after being part of a larger unit is too much to cope with if the transition is not managed carefully.

Some of these placements operate a ‘three strikes and you’re out’ policy and when young people are unprepared, they can fail to adjust to the new rules. As a result, young people can end up in homeless accommodation.

In some areas, there are established supported carers schemes. These are viewed as being very positive and were often described as being the most stable placements for older young people. For example, some young people stay with supported carers from 16 – 20 years old. One young person said that the scheme *“gives you time to grow”*. Another explained that she had been told that she could stay with her supported carers until she was 21. This comforted her, as she did not feel ready to move on at 18.

“I’m still holding on to that safety net.”
(Young Person)

In Aberdeen, the supported lodgings scheme/link carer placement scheme provides an overlap of a month between supported lodgings and a young person’s own tenancy, so that they can return if things don’t work out.

9.11 Somewhere to come back to

One of the main issues for young people leaving care at 16/17 is not being able to return to the care system if things do not work out as they had hoped.

“Knowing you could go back if it didn’t work out would be great.”
(Young Person)

Many young people in other circumstances return to their family home if things do not go according to plan when they move into their own accommodation. Unfortunately, this is not an option for those who move from the care system.

“I have not known of any care leaver post 16 years becoming accommodated again if a placement breaks down, and there is no expectation from anyone, staff or young people alike, that this might be a possibility.”
(Children’s Rights Officer)

Most residential units are now being encouraged to have an open door policy and welcome visits from those who have left, as they recognise the importance of on-going informal support. East Ayrshire commented that young people are encouraged to retain a ‘live’ relationship with placements from which they are discharged wherever appropriate. However, most care placements did not have the facility to fully welcome young people back into the care system if things had not worked out for them; for example, being able to provide a bed and food for as long as it takes for the young person to move on again.

Some responses stated that members of staff were still told to discourage ongoing support and communication, and that young people were being discouraged from visiting former homes and care provision.

“They should be able to return for emotional support and a cup of tea.”
(Worker)

“Although I chose to move home, I would have preferred that it was gradual and not straight away.” (Young Person)

“I’d still like to live in a unit half and half.” (Young Person)

A residential school provided an example of a young person who frequently rings the staff crying, and begging to be let back to the school because things have not worked out after leaving. They are not in a position to receive the young person back into the school and there is little they can do.

Although the majority of responses stated that enabling young people to return to their previous care placement was not an option in most circumstances, some positive examples of good practice were provided. Falkirk Council stated that three young people have been re-accommodated:

“Staff are encouraged to adopt a ‘prodigal son/daughter’ approach.”
(Letter Response, Falkirk)

Inverclyde Council explained that their residential units will admit and re-admit young people at 16 when resources allow. In West Dunbartonshire, young people who leave at 16 out of choice can still receive accommodation and support if their situation changes. Fife report a case of a young person moving back into a residential unit after independent living broke down, but this was only possible because his place was not filled, and this was an unusual case.

East Dunbartonshire works in partnership with NCH. They provide short stay accommodation for young people in need of emergency accommodation and support. Dundee mentions that most young people who present themselves as homeless have made the choice themselves to move to independent living. This again highlights the problem of not having a place to ‘fall back’ or return to when things do not work out.

Case Study: Barriers to coming back for a visit

One young person stayed at a residential unit in the past but now lives a considerable distance away with her partner and baby. She wants to come down to visit the unit and all the people she knows there. It is too far to do the trip in a day, so she would need to stay over. She has no family in the area and has nowhere to stay. The unit manager would like to offer her a place to stay in the unit, since this was her home, but does not feel this would be seen as acceptable practice.



Well meaning regulations concerning liability insurance and safe care issues for children currently in care at the unit seem to stop workers from showing the level of care they think a young person returning to them deserves.

“This has to be looked at because what happens if that young person has no family and no one else to turn to, they should at least be able to come back and stay a night or two.”

Many (but not all) of the young people we spoke to knew that they could go back to visit their carers/unit at any time once they had left. Some said that they did this on a regular basis, and others felt they had moved on. The ones who did keep in contact found it a very valuable thing to do and the overall consensus was that it would be even better if you could return to stay overnight, or go back if things weren't going well for you or didn't work out.

“It'd be good to be able to tap on the door and be let back, saying that things are not right outside.” (Young Person)

Staff at a residential school we visited said that this is something which has changed for the better over the past 10 years. A few years ago no former pupils would keep in contact or come to visit. Now it is the responsibility of staff to explicitly tell the young people that they can come to visit if they want.

Young people often told us that they would like more support at key times of the year, such as Christmas and New Year. We were told of inconsistent practice in relation to taking this into consideration when thinking of placements for young people. One young person told us how she had moved from a residential unit to her own flat aged 17. The year she moved, she went back to the unit on Christmas Eve to spend time with everyone. She returned home to her own flat on Christmas Day. In contrast, a residential school we visited recounted a story of one young man being told by his local authority that he would be expected to leave on Christmas Eve.

Recommendation 16

As corporate parents, local authorities should make provision for care leavers to be able to return for short periods of support, preferably to the accommodation they had before leaving care.

Recommendation 17

The Scottish Government should consider the need for clarification or amendment of child protection regulations and policies to ensure that unnecessary barriers are not put in the way of care leavers staying overnight in residential or former foster placements.

9.12 Awareness of Children's Rights and the UNCRC

Awareness of children's rights is mixed, depending on the area, but in general, young people in care know very little about their rights. The majority of the young people we consulted had no awareness of what their rights/entitlements were.

“I know absolutely nothing about children's rights. No one told me about it.” (Young Person)

Some young people had mixed levels of awareness with only a few really knowing what levels of support to expect. There are pockets of good practice, and young people in some areas mentioned that the Children's Rights Officer, their Who Cares? worker or a member of their Throughcare team had actively promoted their rights to them and explained what this meant.

“My children's rights worker sat me down and took me through them.” (Young Person)

In one area, young people told us that those living in residential units:

“know children’s rights off by heart, because you’ve got to. You need to know these things.” (Young Person)

Unfortunately, this was not reflected across all areas we visited and highlights the recurrent theme of inconsistent practice across Scotland.

Committed individuals should be commended for their hard work promoting children’s rights, but it is disappointing that knowledge of children’s rights is not promoted as a matter of course across the board.

All the young people we spoke to said they would welcome more information about children’s rights, as they believed this would help them to understand more about their entitlements and support them to make a case if they needed to.

“It would make a difference if you knew your rights.” (Young Person)

They also told us that the way they are told about their rights is important. They need information which is factually correct, easy to understand, and consistent.

“Different staff tell you different rights from other ones so...” (Young Person)

It is easy to get confused about your entitlements, especially if you are in contact with young people in similar situations in other areas who may tell you that they receive a different kind of service.

“Why can some folk get clothes for interviews and things and I can’t?” (Young Person)

“All local authorities should treat young care leavers equally. They should have in black and white financial agreements so that a care leaver in one authority does not get more or less than the others.” (Young Person)

Young people were not alone in expressing a wish to be better informed. Workers also believed that they would benefit from knowing more about the UNCRC and how this could apply to day to day situations.

“If I don’t know – well, they won’t know will they?” (Residential Unit Worker)

Although some workers had received training on children’s rights or had learnt about it informally, the majority of workers had very little or no knowledge. They told us that finding your way round the system, understanding about young people’s rights and understanding what they are entitled to was very difficult and they expressed concern that it was probably even more difficult for young people themselves if they don’t have suitable information or support.

“If we still find it daunting, how must it be for a young person?” (Throughcare Worker)

They recognised that further knowledge of children’s rights and relevant legislation would strengthen their ability to support a young person and make sure their needs were met, as they would feel better equipped to advocate on their behalf.

Workers fear speaking out when they lack confidence in their understanding of children’s rights. Young people fear speaking out about their rights or making complaints in case they are seen as obstructive and many felt that they ‘just have to do what social work tells me’.

I reiterate here Recommendation 4 that, *Workers and young people should be given clear statements of young people’s rights and how to pursue them.*



9.13 Awareness of Legal Duties

Workers and young people raised the need for more training across the board.

“It’s difficult to keep up to date when new legislation and guidelines are put in.”
(Worker)

“Agencies don’t know what they’re doing. Housing don’t have the information.”
(Young Person)

In general, members of throughcare and aftercare teams have received training on the legislation and regulations and, as they are working in this field on a regular basis, they are more likely to understand young people’s rights and entitlements. However, not everyone was in this position. Some workers claimed to have had no training, or felt that they would benefit from a refresher or an update course, as they were struggling to understand some things or, in some cases, did not understand current legislation at all.

Several people struggled to understand what the legislation meant in practice and most did not feel totally confident in arguing a case for a young person. Staff in residential units and those on the periphery of throughcare and aftercare felt that they would benefit from knowing more about throughcare and aftercare entitlements as they would feel better able to support someone they were responsible for instead of having to rely on others.

“Information on throughcare and aftercare entitlements are not made available outside the throughcare and aftercare team. The young people trust throughcare and aftercare, and so don’t ask questions. They don’t know what they’re entitled to.” (Worker)

Some felt that training needed to be delivered by an external body and not by the local authority themselves. Training should be provided on a wide scale, for example social workers and housing officers should receive the same level of training as throughcare and aftercare workers on the subject, as these roles play an important part in developing and delivering a successful Pathways Plan. People also felt that training needed to be provided constantly as there was a high turnover of staff in some areas. Throughcare and aftercare is a very small part of a social worker or housing officer’s job and it is easy to forget things if the issue is not constantly high on the agenda.

Workers who were based in more isolated areas found it difficult to keep up to date with training and legislation, especially because it could be far to travel to an event and sometimes very costly. Some workers explained that, although they had half a day’s training on the Pathways planning programme when it was first implemented, they have not had anything else since. They did not feel that initial training was enough. They were sometimes not clear who was responsible for doing what, and this meant they could not make the case for children’s rights.

Particular work needs to be done to raise awareness of throughcare and aftercare legislation and duties amongst those not directly responsible for throughcare and aftercare (for example people working in housing, social work, and finance).

“Throughcare is seen as a time when the social worker can take a back seat. It shouldn’t be like that – the throughcare team’s support should be in addition.”
(Worker)

A manager at a residential unit explained to us that the issue of training was difficult at the moment. Every residential worker needed to be registered at SVQ level 3 and HNC. This had financial and time cost implications. The fact that everyone needed this basic level of training impacted on how much additional training staff could undertake, for example on throughcare and aftercare legislation.

To sum up – in general, there is good understanding amongst the throughcare and aftercare teams but this is less evident in other departments and roles. It depends on the links with throughcare and aftercare and this varies amongst areas. Information exchange should be done on a more formal basis rather than relying on cascading information through meetings and informal networks.

I reiterate here Recommendation 12 that, *As part of its corporate parent role, local authorities should ensure that housing officers, as well as social workers, residential workers and throughcare and aftercare teams, are trained to understand the local authority's responsibilities towards young people leaving care. There may be advantages in training them together.*

9.14 Terminating Supervision Requirements

As indicated at 2.5 above, entitlement to aftercare support is dependent upon a young person having been 'looked after' by the local authority, whether at home, in a residential unit or foster placement, on or after reaching the minimum school leaving age. Some young people may have spent a substantial or significant period of their lives being 'looked after' but may lose this status shortly before reaching minimum school leave age. For many this will be because the children's hearing has terminated their supervision requirement.

Case Study: Lorna's Story

Lorna, aged 17, was put into foster care aged 3 months and was later put into her grandmother's care. When she was 10 she started to run away. She spent the next few weeks between foster homes and her grandmother's house. Later, she lived in residential units and back at home with her mum and her aunt. Shortly after that, her mother died. She does not get on with her father, and when relationships broke down, she moved to a homeless hostel. Because she had come off her supervision order and moved back home before she was 16, she does not receive any aftercare support.

We identified variable levels of awareness about supervision requirements and their implications for throughcare and aftercare provision. This applied to young people and adults alike.

As part of the initial research, children's panel trainers were asked whether panel member training alerted them to the fact that school leaving age was not the same as a young person's 16th birthday, but could fall a few months before or after it.³⁴ Their responses indicated that this was included in training for panel members and some indicated that in response to our approach, they would reinforce the matter.

However, workers consulted during the research felt that panel members' knowledge varied, depending on the area. Some social workers were also confused and thought the school leaving age was the young person's 16th birthday. Many young people did not understand this either.

A young person may leave residential or foster care while still being subject to a supervision requirement until the age of 18. One worker suggested that young people who are moving on, or due to move on, from care should always remain on a supervision requirement.

³⁴ Please refer to footnote 8.



It has been suggested that most social workers would recommend terminating supervision around 16. It is important that panel members understand the implications of this both for eligibility for aftercare and for the young person's general welfare. If there is a risk that a young person may move on to homeless accommodation, it may be more appropriate to keep them on a supervision requirement to ensure that their welfare is safeguarded.

More generally, there is a lack of information for young people about supervision requirements and what they mean.

“Nobody explains what it means and explains about the local authority's duties.” (Young Person)

Most young people have poor understanding of what 'being on a supervision order' actually means and the benefits of this. Being on supervision is seen as a punishment. One 19 year old from Glasgow was on supervision when he was younger. The last panel he attended was when he was 14.

“I didn't know I was even on a supervision order until I was 19.”

No one had explained anything to him – at least not in a way that he remembered.

Recommendation 18

The Scottish Government should review the eligibility threshold for aftercare. Currently, a young person would not qualify for aftercare where he or she ceased to be looked after before reaching school leaving age, even where they had spent a significant amount of time in the care of the local authority. In the meantime, local authorities and children's panel trainers should ensure that workers and panel members are aware of the eligibility criteria and the relevant dates so that they do not inadvertently close off options for aftercare support.

9.15 Information Provision

One cannot over emphasise the importance of delivering relevant, accurate and timely communication to young people about their options and about the positive impact of staying in care longer.

“They've told me that I don't have to go aged 16, but I haven't been told I have the right to stay till I'm 18.”
(Young Person)

Twelve local authorities provided examples of leaflets, booklets, CDs and so on with information for young people about their rights. These varied considerably in length, contents, approach and accessibility. Some had been designed in partnership with young people. There were some good examples of using information resources to proactively encourage young people to stay in the system past 16. For example, in East Renfrewshire, a leaflet is given to young people which encourages them to remain in care until 18 unless they are very sure about leaving before then.

East Lothian produces an information leaflet for young people. *Moving On: A guide to throughcare and aftercare services in East Lothian* states 'Leaving care when it's right for you – You're getting older and you're thinking about your future. There's no rush. Take your time. Make sure that you move on when you're ready and you know you've got plenty of support in place. Do it when you feel the time is right...Remember, we will help you to move on when you feel ready and we will continue to support you, even up to the age of 21. We're there for you. We want to help you to do what's right for you.'

In many cases, the information covered the technical aspects of moving from a care setting, for example how to get financial support, but did not explain about rights and entitlements in a simple, clear and accessible way.

During our research it became evident that young people, front line workers and local authorities did not know enough about children and young people's rights and entitlements concerning further education, being looked after past 16 and getting accommodation near family, friends and work. Young people also barely knew anything about the types of financial support which they might be entitled to.

"I've asked for a copy of all the legislation. They said it was too difficult to get hold of." (Young Person)

Young people are not always made to feel that their concerns will be treated seriously and with respect, and as a result they are reluctant to make complaints. This can be frustrating both for supportive workers who are aware of problems and the young person.

"Complaints can make changes for the better." (Worker)

I reiterate Recommendation 4 that, *Workers and young people should be given clear statements of young people's rights on leaving care and how to pursue them.*

9.16 Monitoring

Workers expressed concern that no one centrally was monitoring how the Pathways legislation was being implemented. The Scottish Executive collect statistical information on a regular basis, but respondents questioned the amount of practical information to be gained from this regarding the way Pathways is being used and delivered.

The Scottish Executive's 2007 Report: *Looked after children & young people: we can and must do better*, recognised a need for more accurate information.

*"We will continue to work in partnership with local authorities to deliver a more robust and comprehensive data collection and reporting framework in relation to the educational outcomes of Scotland's looked after children and young people."*³⁵

Recommendation 19

The Scottish Executive commitment to more robust and comprehensive data collection and reporting in relation to educational outcomes for looked after children and young people should be extended to cover the implementation and impact of the Pathways planning legislation, policies and practice.

9.17 Corporate Parenting Responsibilities

"They think you get all this money, and computer and flat and things. But I just say, aye – but you've got parents." (Young Person)

Understanding of Corporate Parenting duties within local authorities needs to be strengthened. Elected members need to develop a greater understanding of what it means in practice and should be encouraged to take a more pro-active role in looking after the welfare of children and young people in the care system.

"People think that children in care get everything. My manager is a local Councillor and he's always shocked at what's really happening." (Worker)

Local authorities should make sure that Councillors and key senior managers understand the duties placed upon them and should be supported to carry out these duties.

³⁵ Scottish Executive, *Looked after children and young people: We can and Must Do Better*. Edinburgh: Scottish Executive (2007). Action 7, page 16

One worker described the local authority's attitude towards young people in care as:

"They're being looked after by a £ sign only."

– highlighting the lack of commitment to the notion of corporate parenting as a holistic way of working.

"You wouldn't chuck your own child out on the street aged 16 – it's all about personal values isn't it?" (Worker)

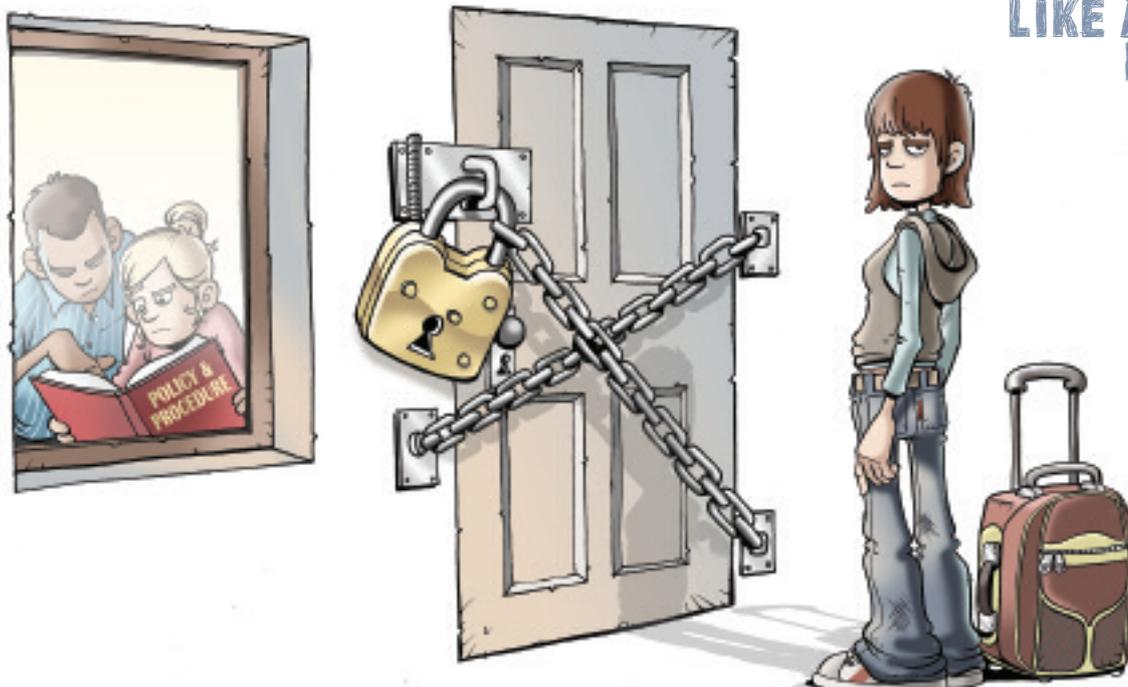
"We should be like any other parents." (Worker)

"They don't give you any real guidance or advice and they're meant to be your parent." (Young Person)

There are some good examples of on-going support from local authorities for young people in their care, but specific actions were often down to highly committed individuals.

We met one young man who was 26, and still looked for support from the throughcare and aftercare team because he now had two young sons and he felt he still needed some support, for their sakes. He said that *"throughcare say that I have grown up and should get on with it"* but perhaps this is a good indication of why the door should always be open.

In April 2007, the Scottish Executive Education Department issued guidance for local authorities on the exercise of their corporate parenting role in relation to children and young people looked after by them. It encouraged them to develop a council strategy on corporate parenting, backed up by political scrutiny. It suggested ways in which awareness could be raised amongst elected members, including some suggested induction material for new members. This is a very welcome development.



"WE SHOULD BE LIKE ANY OTHER PARENTS."



“ I PROBABLY WOULD SAY NO TO A B&B BUT I DON'T WANT TO BE OUT ON THE STREETS.”

10. FOLLOW-UP IN TWO AREAS

10.1 Who we chose to follow up and why

During our research, we spoke to young people and workers in a variety of local authority areas across Scotland. It was not possible for us to follow up every issue or every area. However, we decided to undertake follow up work in two areas by arranging further meetings with local authorities. The areas chosen were Highland Council and Comhairle nan Eilean Siar (CnES). This should not be taken as an indication that they are at the bottom of the league in terms of aftercare. The fact that workers were vocal about the rights of young people might be an indication of their special commitment. Some of the issues we explore in these two areas were also highlighted in other parts of Scotland. It may be that the geography of these areas and the associated costs of providing specialised services were a contributory factor to the difficulties reported to us. Nevertheless, every young person in Scotland has a right to equal respect for their rights.

It is up to us as a society to make sure this happens. The dialogue with the local authorities is presented in table format to make the issues and responses succinct and to identify the central elements of what are often quite complex issues.

10.2 Comhairle nan Eilean Siar (CnES)

Comhairle nan Eilean Siar (CnES) is the local authority for the Western Isles. Some of the workers there had expressed a high level of concern about the treatment of care leavers. SCCYP staff met them and also two young people. Case study information was provided about a third young person who was unavailable on the day scheduled for the meeting. The Commissioner visited twice and, on 30 March 2007, had meetings with senior Council staff, representatives of NCH Scotland (who deliver the Pathways service for the Council), the Chair of the Education and Children's Services Committee, and Hebridean Housing Partnership (HHP), who own and manage the public housing stock following the stock transfer in October 2006. Responsibility for homelessness and strategic planning remains with CnES.



a) Dialogue with CnES and Agencies

The areas of concern, which had been highlighted by workers were set out in a letter from the Commissioner to the Chief Executive and discussed at the meetings.

The following table indicates the broad scope of the concerns drawing on what the workers and young people told us and the response from those attending the meetings:

Concern	Response
1 "That there was a general culture of leaving care at 16, even though there were some exceptions."	CnES said they were not aware of any culture of leaving care at 16. Sometimes young people wanted to leave, against the advice of staff. They then received aftercare through Pathways.
2 "That there was a tendency to take 16 and 17-year-olds off supervision if they were not complying."	See item 1 above.
3 "That there was inadequate funding for aftercare."	CnES acknowledged the finding of the recent SWIA report that spending on children and families services represented an abnormally low proportion of their budget, but they said their expenditure on aftercare was actually relatively high. CnES received only £13,500 for aftercare from the Scottish Executive under the GAE funding arrangement. Their expenditure was much higher; £123,000 for 2006-07 with an estimate of £155,000 for 2007-08. Scottish Executive funding tended to focus on education as this was a big priority for looked after children, but it would be really helpful if that could be broadened out.
4 "Linked to 3, there was a suggestion that this was due to forecasts of expenditure being restricted to accommodation costs."	Not specifically discussed.
5 "That there was a severe lack of accommodation for care leavers, resulting in use of bed and breakfast establishments and chalets in a very deprived area, surrounded by drugs, alcohol and violence."	The Youth Housing Strategy Group was undertaking research to identify a way forward. Bed and Breakfast was sometimes used, but not often. The chalets were said to be in one of the best areas of Stornoway. They were secure with CCTV surveillance. There were community wardens in the area, a tenants association and an "old folks" home. Nevertheless it was recognised that they were not ideal and they were being phased out. SCCYP staff noted that there were clearly differing views about the attractiveness and safety of the location.

<p>6 “That there was a lack of effective dialogue with housing agencies to resolve this. That there were indications of some problems as a result of the stock transfer to Hebridean Housing Association (HHA).”</p>	<p>The stock transfer was so recent there had not been time to justify identification of it as a cause of any problems. The service level agreement with HHA obliged them to respond to homeless cases but not specifically to care leavers. The fact that Registered Social Landlords had to accept applications for tenancies from 16-year-olds seemed to imply that was an acceptable age for a tenancy. The housing situation was very difficult in general. Demand vastly outstripped supply. There was a waiting list for priority need. “Right to buy” led to a significant loss of housing stock. Much of the private housing was “croft” or expensive holiday lets, not suitable for young people. Single occupancies were particularly scarce. It was not realistic to say that any particular sector had to get housing. Some of HHP’s new build plans would alleviate the situation.</p>
<p>7 “On the positive side – NCH were recruiting for supported lodging schemes.”</p>	<p>This was one of the ways in which they were trying to address item 5 above.</p>
<p>8 “That there was a lack of written policies on throughcare and aftercare.”</p>	<p>A written policy on throughcare and aftercare had been produced in the previous 6 months. Guidance was available on the intranet for all staff. There was a need to avoid a rigidity that could work to young people’s disadvantage.</p>
<p>9 “That young people knew very little about their rights. There was no Who Cares? Worker and no real advocacy (although a new post had started through Western Isles Advocacy).”</p>	<p>Children’s advocacy was relatively new.</p>
<p>10 “That there was a lack of training for staff at all levels.”</p>	<p>There was an expectation that, alongside some formal training, awareness would be disseminated through informal means such as the Pathways Forum.</p>
<p>11 “That the lack of a service level agreement with NCH made it difficult to measure outcomes.”</p>	<p>This was a longstanding issue.</p>
<p>12 “That no named person in the local authority had responsibility for aftercare.”</p>	<p>The Children’s Services Manager was the person responsible for aftercare.</p>
<p>13 “Examples of particular difficulties in accessing funds for young people were discussed, e.g., for clothes and books.”</p>	<p>Expenditure was “needs led”. CnES did not see a need for written guidance and thought workers were sure of the process. Information about the clothing allowance had been written down in the past 6 months.</p>
<p>14 “That young people in care were stigmatized. There was a resistance to be appearing to give them too much.”</p>	<p>Not specifically discussed.</p>
<p>15 “That there was a severe shortage of foster placements.”</p>	<p>CnES was actively recruiting foster carers. There were challenges due to the older age profile of the population. NCH was developing its CAPS foster scheme in the north of Scotland.</p>
<p>16 “That there was only one residential unit for the islands, catering for a variety of needs.”</p>	<p>This would always be a problem due to the size and geography of the area.</p>
<p>17 “That young people sent to the mainland tended to receive a better deal because the host local authority would insist on it.”</p>	<p></p>



b) Age of leaving care statistics

CnES provided a breakdown of young people leaving care, by age, for the previous 5 years, as well as a set of case studies relating to those who had left within the previous two years. The numbers leaving the Hillcrest residential unit at particular ages were as follows:

Age	Number
18	1
17	1
16	7
15	12
14	4
13	1
12	2
9	4
7	1
5	1
3	3
Total	37

The numbers leaving foster care were as follows:

Age	Number
19	1
18	2
17	5
16	2
12	1
10	1
9	1
5	1
4	2
Total	16

It is noteworthy that the highest number of young people left care at the age of 15 and 16. Young people in foster care were more likely to stay past the age of 16.

At the time of the meeting, the NCH Pathways Project was supporting 12 young people aged 16 to 20. The age profile was:

Age	Number
16	1
17	5
18	4
19	1
20	1

There were said to be two or three other care leavers on the mainland who were not supported by Pathways, but who would, we were told, have some involvement with social work services. Since the meeting, CnES has provided two case examples of good practice where young people remained looked after and accommodated beyond the age of 16.

Recommendation 20

Comhairle nan Eilean Siar should examine the reasons for the high number of young people leaving care before the age of 18, and in particular, the high number leaving residential care at 15.

c) Care leavers' accommodation

Of the 12 young people being supported by Pathways:

- Four had their own tenancies;
- Three were in supported lodgings (one of these being a former foster care placement);
- Two were back with their families;
- One was staying with a friend;
- One was in a chalet; and
- One was in B&B.

The use of B&B seemed less significant than had been suggested by workers. This is something that clearly needs to be monitored to build up an accurate picture.

The desirability of the chalets is a hotly disputed issue, with the authorities insisting they are in a safe and desirable area and workers insisting they are unsafe. In February, 2008, a worker advised that a young person had been there for a year and a half, despite having been told it would be a temporary placement. During that time, there had been a murder and two stabbing incidents in the vicinity. Violence was said to be commonplace.

The dialogue with CnES and agencies noted 10.2 (a) above, refers to an agency response that it was not realistic to say that any particular sector had to get housing. However, even given the severe housing problem in the area, it has to be acknowledged that CnES has a legal duty to advise and support young people leaving care.

Care leavers are a sector of the population that do have to get priority for appropriate accommodation, including their own tenancies where that is the best option for them. It is to be hoped that this priority might be established as a result of dialogue between CnES and HHA, but this reinforces the importance of recommendation 11 above as regards bringing Registered Social Landlords into the ambit of section 21 of the Children (Scotland) Act 1995.

Recommendation 21

Elected members in Comhairle nan Eilean Siar should, as part of their commitment to corporate parenting: monitor the number of care leavers living in bed and breakfast establishments; visit the area where the chalets used for care leavers are located and assess their desirability, taking account of information from the police; and take steps to ensure that there is appropriate accommodation for care leavers in their area.

d) Written Policies

CnES had indicated some progress in the provision of written policies. A lesson to be learned from this research across Scotland is that there is often a considerable gap between what managers think they have put in place and think people know about, and the experience and understanding of people at the front line. This means that knowledge and understanding at the front line has to be constantly monitored. One of the ways managers can learn about any misunderstandings or failings in their policies is by setting in place effective advocacy arrangements that will help any problems to surface. The development of advocacy for young people through Western Isles Advocacy is to be commended.



Managers were committed to a “needs led” approach to assistance. This certainly has a value, but it needs to be within a framework that sets out what might be a reasonable expectation, taking account of the duties of the local authority and the rights of the young person. This requires a careful balance between the transparency of a written policy and the discretion to apply it appropriately to individual circumstances.

Recommendation 22

Comhairle nan Eilean Siar should check whether their written policies on throughcare and aftercare are known to workers, young people and appropriate external agencies and are considered adequate.

e) Training

Training can be an expensive activity for remote areas with small staff teams who need specialist knowledge. Recommendation 12 above refers to the need for awareness and understanding of aftercare duties to be extended beyond any throughcare and aftercare staff to other agencies, including housing. This will be particularly important for remote areas with small populations. Bringing in other agencies may make tailored training provided on the islands by outside experts a more economic proposition. But, however it is done, it is essential that workers understand what rights young people leaving care have so that they can promote these rights in their own practice and also advise young people.

f) Service Level Agreement

Clarity of responsibility and planned outcomes would best be served by concluding the service level agreement with the providers of the Pathways Service.

Recommendation 23

Comhairle nan Eilean Siar should be encouraged to pursue its plan to formalise its relationship with those contracted to provide its Pathways service through the conclusion of a service level agreement.

g) Progress since the meeting

The Chief Executive has provided examples of written policies and indicated that, since the meeting in March 2007:

- The Social Work Department has met with Who Cares? Scotland with a view to introducing a worker from that agency on a formal basis;
- Plans have been made to hand the chalets back to the Hebridean Housing Partnership (HHP). This will reduce the likelihood of former Looked After young people living in that area although, we were told, no guarantee could be given that this would not happen.
- Proposals had been drafted to amend the Service Level Agreement with HHP to include additional housing points for young people leaving care, offering them greater priority;
- CnES had recently approved their first supported lodgings provider and were exploring and assessing a further two;
- Plans had been made for elected members to participate in a seminar on corporate parenting later in the year;
- A Youth Housing Strategy was nearing completion and would address the issue of suitable accommodation for care leavers.
- The Service Level Agreement with NCH was being progressed and would be completed by October 2008.

NCH have also provided information about progress in planning and developing Pathway services and have indicated that they have delivered a comprehensive training programme for all staff.

10.3 Highland Council

Some workers in the Highland area had expressed concerns about the treatment of care leavers. The Commissioner's staff met the workers and also discussed the situation with three young people. On 16 April, 2007, the Commissioner met officers from Highland Council to explore these concerns.

Throughcare and aftercare support in Highland is provided for the Council by Barnardo's Springboard.

a) Dialogue with Highland Council

The areas of concern were set out in a letter from the Commissioner to the Chief Executive and discussed at the meeting. The following table indicates the broad scope of the concerns, drawing on what the workers and young people told us and the response from those attending the meeting.

b) Progress since the meeting

In follow-up correspondence, the Council referred to the 'Programme for Administration' adopted since the election of May 2007. It aimed to give *"a high priority to our corporate parenting responsibilities for Highland's looked after children including educational attainment; transition to work; further and higher education and training; support at home; more family placements and fewer children living outwith the Highlands"*. A report on corporate parenting responsibilities would be presented to the full Council.³⁶

With regard to issue 14, the Council reported that there were now specialist units providing education in Moray and a further facility was being developed in Lochaber.

There had been a multi-agency review of the 11 cases where young people were in B&B establishments in order to ensure appropriate safeguards and support were in place, along with clear plans for more permanent housing.

The review highlighted both individual practice and more strategic issues which had shaped a number of recommendations to be included in a comprehensive report to the Joint Committee for Children and Young People.

The Council had also agreed an amendment to its allocations and homelessness policies so that all formerly looked after children under the age of 25 were automatically awarded priority for housing. The Chief Executive observed:

"We recognise that there are areas for improvement and senior managers across the Council, supported by elected members, are bringing energy, enthusiasm and commitment to the task."

Aftercare services have since been the subject of detailed reports to the Council's Joint Committee on Children and Young People, evidencing a commendable commitment to promoting corporate responsibility.³⁷ This is part of what the Chief Executive describes as a *"significant redesign of children's services and integrated working which is taking place to promote better outcomes. The work involves complex management of change and culture shifts. We recognise these areas for improvement and welcome the opportunity to hear from young people to seek to resolve the issues they raise"*.³⁸

The Council has provided further information about detailed plans to provide supported accommodation and supported lodging schemes that will go some way to meeting the objectives of Recommendations 14 and 15, which I now reiterate that *young people should not be placed in Bed and Breakfast accommodation or hostels for the homeless*.

³⁶ Correspondence from Chief Executive 30th July 2007 and 4th October 2007.

³⁷ Highland Council Joint Committee on Children and Young People, Minute of meeting of 7 November 2007 and agenda and papers for the meeting of 8 January 2008, accessed on the Highland Council website on 23 February 2008.

³⁸ Letter to the Commissioner from the Chief Executive, The Highland Council, 3 March 2008.

Concern	Response
1 "That there are inconsistent practices across Highland."	It was difficult to achieve consistency in an area as vast and diverse as the Highlands and with such dispersed staff. The Council was working with Barnardo's towards a strategy that would involve more supported accommodation.
2 "That there are a lot of discretionary things."	It was legitimate to use discretion in applying policy to individual cases. The Council cited an incentive scheme that had been developed after consultation with young people and much debate in the Council's Children's Committee. It might appear ad hoc to those young people who did not benefit from it. It was a question of perception and communication.
3 "That young people feel pressurised to leave care at 16."	The Council felt this was not supported by the figures. The average age for leaving care was 17.02 years. Some young people wanted to leave care early. The culture was difficult to shift.
4 "That there is particular pressure to leave if a young person has been the focus of trouble."	Residential units worked hard to hold onto young people and support them through difficult periods, sometimes with the support of CAMHS (Child and Adolescent Mental Health Services).
5 "That children's panels do not understand the definition of "school leaving age" as the threshold for aftercare, therefore some young people miss out."	Highland had tried to clarify this through references to the school leaving date rather than school leaving age. It was agreed that this would be discussed with the chair of the Children's Panel and more emphasis would be given to the issue in training.
6 "That the system is unhelpful – you get more [housing] points if you are 16/ 17, which increases the pressure to leave at that age."	Young people do not need to present as homeless to be considered for housing. The perception may arise because, under current homelessness arrangements, all young people aged 16/17 are automatically considered to be in priority need for housing. The Council treats all looked after children as priority need in relation to homelessness.
7 "That the reality is that you need to present as homeless to get a flat."	Young people do not need to present as homeless to apply for socially rented housing. However, there is a lack of social rented housing in many areas. Young people do become impatient in their care setting and may hold a belief that by presenting as homeless they will be housed more quickly. During the meeting the Director of Housing said they were in the process of changing their housing allocation policy to give priority to care leavers as part of their general housing policy, quite apart from any criterion of homelessness.
8 "That most young people leave care at 16 and move into B&Bs or hostels; some stay for 8 months to a year on average."	At the time of the meeting, there were 11 care leavers in B&Bs and 2 in hostels. Some of these provided informal support. The Council thought B&B was sometimes appropriate so long as it was properly regulated. They had stopped using some establishments in recent months. There had been some talk of including former looked after children in the Unsuitable Accommodation Order as a category for whom B&B was not appropriate, but they had not been included. It was suggested that this was something the Commissioner might wish to follow up.
9 "That some young people get a Housing Association flat for a maximum of two years. If nothing is available after that, they go to B&B."	It was agreed this was the situation and it was something the Council was looking at. The Director of Housing had asked his staff to look at the possibility of making these flats into permanent homes for these young people.
10 "That 'some B&Bs are diabolical'. If young people miss their early breakfast they have to pay to eat elsewhere. There is no access to cooking facilities. Some are private. Staff are not vetted. They are full of people of all ages and backgrounds."	It was accepted that this was a difficult situation for young people, especially when they were on very low incomes. The availability of cooking and laundry facilities at Barnardo's in Inverness and Lochaber could not be seen as more than a short term and very partial solution. The Chief Executive said he would ask his staff to review the placements of the 11 young people in B&B.

Concern	Response
11 "That the cost of B&B is very high."	This was accepted. The Council would look at the cost to see whether the money could be better spent to support these young people.
12 "That young people in B&Bs and in homeless accommodation such as hostels may be exposed to drug and alcohol users."	See 13 below.
13 "That some are placed in hostels where, according to a worker, there are some "seriously scary guys." Young people in hostels are living in fear. A worker reported that an adult resident in a hostel at the same time as young people had been convicted for bludgeoning a woman to death."	The case of the person convicted for killing a woman probably related to a B&B placement rather than a hostel. He was put there because he was not a registered sex offender. The Commissioner asked how it could be appropriate to place a vulnerable young person into a situation where this kind of thing could not be controlled or avoided. After discussion it was agreed that it would be best to move away from the idea that B&B could be an acceptable option. The Council would review its use of B&B and hostels within aftercare provision.
14 "That there are no supported lodgings/residential schools/ specialist units in the Highlands."	Some young people were in supported lodgings outwith the Highlands. There were plans to introduce a supported lodgings scheme within the Highlands. Although there was currently no formal system of supported lodgings, relationships with specific providers meant that some did provide a more supportive environment. Work was ongoing to formalise this.
15 "That there is no dedicated Young Persons' Housing Officer (although there is a pilot in Ross & Cromarty – Housing Liaison Group for all Young People)."	It was difficult to provide specialist services in remote areas. The Council was confident that housing staff were able to deal appropriately with young people. There is however a dedicated young tenants officer in Inverness Merkinch that the Council believes has been very effective. The Director of Housing has agreed to adopt liaison arrangements being piloted in Rosshire in other housing teams.
16 "That the system can't cope if you or your partner have a baby."	A number of scenarios were discussed and the Council agreed to look into one that had presented problems.
17 "That young people experienced a gap in income at 18 for 2 weeks between ceasing local authority payments and transferring to the national system through DWP."	This was a national issue. Highland continued to pay young people during the two week period and thought other councils did the same.
18 "That some unit arrangements seemed designed to suit staff rather than residents, e.g., bed at 11pm, no staff awake, if young people leave rooms for toilet/ drinks, alarm will go off."	The specific scenario giving rise to the concern was discussed and the Commissioner accepted the explanation.
19 "That there is a lack of information for young people leaving care."	It was agreed that leaflets for young people could be improved.
20 "That staff believe wrongly (as a result of training) that young people qualify for aftercare only if they were accommodated rather than just 'looked after'."	It was accepted that training on the financial aspect of aftercare might have led some staff to believe that the more general right to aftercare was subject to some of the same constraints. The Council would review this. The Council would also look at extending training to relevant staff across Council services.
21	Council officials indicated their intention to give a much higher profile to promoting corporate responsibility for these young people.



11. CONCLUSIONS

Law, government guidance and local authority policies all point in one direction: young people should stay in care until 18 if their welfare requires it, and they should be properly supported after that.

There should be no pressure to leave at 16. They should not move on until they are ready. When they do move it should be to an appropriate and safe environment and certainly not to a Bed and Breakfast establishment or a homeless hostel. Some service providers insist that practice is consistent with this law and policy. And it is true that some young people are in fact well supported in, through and after care. This is especially the case if they are in foster care, if they present no behavioural challenges and if they are looked after by a local authority that has a well established and well trained throughcare and aftercare team. Other local authorities do not fare so well. Some are honest about this while others seem to exist in a state of denial.

What is clear from the government statistics and from what we have found out through our research is that the Scottish Executive guidance set out at 7.3 above is disregarded on a large scale. Young people's rights to support, nurture and stability are being seriously breached to their huge detriment and to our shame. It is hard to imagine the world view of Mike, whose life was described in a case study at 9.7 above. Having been looked after by the local authority from the age of 3 to 16, the Council was truly his 'corporate parent'. Yet he had 19 placements, left care at 16, slept rough for six weeks and, at 18, is living in a homeless hostel.

It is hard to imagine the fears of a young person moved abruptly from an institutionalised setting obsessed with 'protecting' young people from rare risks into a Bed and Breakfast establishment with a fellow resident who is a convicted murderer. And it can be difficult for staff too when they feel unable to help a young person who has been in their care, such as the workers at the residential school who felt unable to help the young person who phoned frequently, crying and begging to be let back in. It is sad that young people's best feelings are manipulated by making them feel guilty about their desire to stay in a caring environment because their bed is needed for a younger child. As we told them in our leaflet - 'that is not your problem'. It is our problem as the makers of rules, the setters of budgets and the monitors of practice to make sure that we do what we all know is right – that we nurture these young people, support and protect them; even, in the young people's words, love them, until they are ready and able to move on to independent living. Readers of this report, now acquainted with some of the experiences of young care leavers, should ask themselves, *"Would I allow this to happen to my child?"*

TURNING 16 SHOULD BE A SWEET AND EXCITING PROSPECT. IT SHOULD NOT BE THE END OF "CARE".

12. RECOMMENDATIONS

Recommendation 1

Local authority statistics should be further broken down to show the numbers of 15 and 16-year-olds leaving care before and after minimum school leaving age. These should be forwarded to the Scottish Government to be included in the annual analysis.

Recommendation 2

Local authorities should record the details of children and young people placed in other areas, along with information about their contact with social workers or children's rights officers from their home areas while they were placed away from that area, and information about what happened when they left care. Statistical information extracted from this should be forwarded to the Scottish Government to be included in the annual analysis.

Recommendation 3

Firm steps must be taken to change the culture that expects young people to leave care at 16. Local authority policy and practice should emphasise that proper care until 18, and appropriate support thereafter, is a right and not an option. Elected members should be advised to ask for information about the ages of young people leaving care in their area as part of their corporate parenting role.

Recommendation 4

Workers and young people should be given clear statements of young people's rights on leaving care and how to pursue them.

Recommendation 5

Care should be taken to ensure that professional language and practice do not create an expectation that a young person will leave care at 16.

Recommendation 6

Local authorities should consult young people in residential care about the rules that apply in their units in order to ensure that they are appropriate.

Recommendation 7

Local authorities should consider developing more semi-independent living units, as well as supported accommodation where care leavers who are parents can be taught and supported to care for their children.

Recommendation 8

Local authorities should analyse the patterns of behaviour of those who leave before 18 as compared with those who stay and take steps to respect the rights of young people with high level support needs and challenging behaviour.

Recommendation 9

The Scottish Government should be encouraged to pursue its expressed intention to help young people to remain with their foster carers after their 18th birthday. Consideration should be given to extending this to those not in education or employment.

**Recommendation 10**

When local authorities place young people in residential schools, they should think ahead to what will happen when the young person reaches school leaving age. They should take steps to allow the young person to continue to live at the school at least up to age 18 or prepare the way for a smooth return to a supportive placement in the home area.

Recommendation 11

The Scottish Government should consider adding Registered Social Landlords to the list of agencies subject to the duty under section 21 of the Children (Scotland) Act 1995 to assist local authorities in carrying out their statutory duties.

Recommendation 12

As part of its corporate parent role, local authorities should ensure that housing officers, as well as social workers, residential workers and throughcare and aftercare teams, are trained to understand the local authority's responsibilities towards young people leaving care. There may be advantages in training them together.

Recommendation 13

Young people leaving public care should not have to be made "homeless" in order to be regarded as a priority for housing allocation. Local authorities should ensure that their housing policies give priority to these young people merely as an aspect of their corporate parenting responsibility.

Recommendation 14

Young people should not be placed in Bed and Breakfast accommodation. The Homeless Persons (Unsuitable Accommodation) (Scotland) Order effectively bans the use of such accommodation for families with children. The Scottish Government should consider banning its use for young people leaving care.

Recommendation 15

Young people should not be placed in hostels for the homeless.

Recommendation 16

As corporate parents, local authorities should make provision for care leavers to be able to return for short periods of support, preferably to the accommodation they had before leaving care.

Recommendation 17

The Scottish Government should consider the need for clarification or amendment of child protection regulations and policies to ensure that unnecessary barriers are not put in the way of care leavers staying overnight in residential or former foster placements.

Recommendation 18

The Scottish Government should review the eligibility threshold for aftercare. Currently, a young person would not qualify for aftercare where he or she ceased to be looked after before reaching school leaving age, even where they had spent a significant amount of time in the care of the local authority. In the meantime, local authorities and children's panel trainers should ensure that workers and panel members are aware of the eligibility criteria and the relevant dates so that they do not inadvertently close off options for aftercare support.

Recommendation 19

The Scottish Executive commitment to more robust and comprehensive data collection and reporting in relation to educational outcomes for looked after children and young people should be extended to cover the implementation and impact of the Pathways planning legislation, policies and practice.

Recommendation 20

Comhairle nan Eilean Siar should examine the reasons for the high number of young people leaving care before the age of 18, and in particular, the high number leaving residential care at 15.

Recommendation 21

Elected members in Comhairle nan Eilean Siar should, as part of their commitment to corporate parenting: monitor the number of care leavers living in bed and breakfast establishments; visit the area where the chalets used for care leavers are located and assess their desirability, taking account of information from the police; and take steps to ensure that there is appropriate accommodation for care leavers in their area.

Recommendation 22

Comhairle nan Eilean Siar should check whether their written policies on throughcare and aftercare are known to workers, young people and appropriate external agencies and are considered adequate.

Recommendation 23

Comhairle nan Eilean Siar should be encouraged to pursue its plan to formalise its relationship with those contracted to provide its Pathways service through the conclusion of a service level agreement.



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14. USEFUL CONTACTS

Barnardos Scotland

235 Costorphine Road

Edinburgh

EH12 7AR

Tel: 0131 3349893

Fax: 0131 316 4008

Website: www.barnardos.org.uk/scotland.htm

Scottish Council for Single Homeless

Wellgate House

200 Cowgate

Edinburgh

EH1 1NQ

Tel: 0131 226 4382

Fax: 0131 225 4382

Website: www.scshe.co.uk

Scottish Institute for Residential Childcare (SIRCC)

National Office

University of Strathclyde

5th floor, Sir Henry Wood Building

76 Southbrae Drive

Glasgow

G13 1PP

Tel: 0141 950 3683

Fax: 0141-950 3681

E-mail: sircc@strath.ac.uk

Website: www.sircc.strath.ac.uk

Scottish Throughcare and Aftercare Forum

2nd Floor, 37 Otago Street

Glasgow

G12 8JJ

Tel: 0141 357 4124

Fax: 0141 357 4614

Website: www.scottishthroughcare.org.uk/contact.php

Shelter Scotland

4th Floor, Scotiabank House

6 South Charlotte Street

Edinburgh

EH2 4AW

Free housing helpline: 0808 800 4444

Website: www.scotland.shelter.org.uk

The Big Step

Glasgow Community Planning Ltd

3rd Floor, 39 St Vincent Place

Glasgow

G1 2ER

Tel: 0141 572 1304

Website: www.thebigstep.org.uk

The Care Commission

Headquarters

Compass House

11 Riverside Drive

Dundee

DD1 4NY

Tel: 01382 207289

Local: 0845 6030890

Website: www.carecommission.com

The Fostering Network Scotland

2nd Floor, Ingram House

227 Ingram Street

Glasgow

G1 1DA

Tel: 0141 204 1400

Fax: 0141 204 6588

E-mail: scotland@fostering.net

Who Cares? Scotland

National Office

5 Oswald Street

Glasgow

G1 4QR

Tel: 0141 226 4441

Fax: 0141226 4445

E-mail: enquiries@whocaresscotland.org

Website: www.whocaresscotland.org/

Scottish Child Law Centre

54 East Crosscauseway

Edinburgh

EH8 9HD

Freephone: 0800 328 8970

Information Helpline: 0131 667 6333

E-mail: enquiries@sclc.org.uk

Website: www.sclc.org.uk/



15. APPENDICES

Appendix 1:

Local Authorities Visited

As indicated at 6.3 above SCCYP received written responses from all 32 local authorities and did follow-up work in 13 of them, as follows:

- Aberdeen
- Angus
- Comhairle nan Eilean Siar
- East Renfrewshire
- Edinburgh
- Falkirk
- Glasgow
- Highland
- Inverclyde
- North Ayrshire
- Shetland
- South Lanarkshire
- West Dunbartonshire

Appendix 2:

Publication of Leaving Care Information Leaflet

Section 6.6 above explains why SCCYP produced a leaflet and what its aims are.

Copies of the leaflet are available from SCCYP, but it can also be downloaded from www.sccyp.org.uk, where supplementary information can also be found.

3500 leaflets have been distributed to date (excluding the pilot).

We have received a good deal of positive feedback, for example:

“I think the leaflet is full of useful information, and is certainly a resource that I will be able to promote with the young people I work with who are in the “thru-care” system.” (Worker)

“I found the leaflet really helpful. The advice was really clear and I liked the look of it. After reading about the options available to me I feel like I’ve got more control over my life.” (Young Person)

Useful Contacts

Who Cares? Scotland
Telephone: 0141 226 4444

Scottish Child Law Centre
Freephone: 0800 328 0870

SCCYP Scotland's Commissioner for Children and Young People
Young Persons Freephone: 0800 019 1179
E-mail: inbox@scryp.org.uk

Scottish Throughcare and Aftercare Forum
www.scotsthroughcare.org.uk

These are national organisations and you can find out your local worker's name and number. It's important that you find out who these people are in order to receive the best support. On the other side of this page there is space for you to write your workers' names and numbers.

Show this leaflet to your workers, local authority, social workers, carers and so on. If your workers cannot provide the above for reasons beyond their control then tell...



www.scryp.org.uk

Important Contacts

Thoughtful and Wishes Worker:
My Worker:
Social Worker:
Children's Rights Officer:
Director of Social Work:
Who Cares? Scotland Worker:
Housing Officer:
Green/Advisor:
Health Worker:

All of the people above have a responsibility to make sure you have the support you need when going through the leaving care process. If you need support, facing these people then ask a worker or guardian. You are entitled to this information.

If you or your workers want to find out more about your rights then log on to the SCCYP website at www.scryp.org.uk or give us a call on 0171 555 3733

There are two important documents that set out your rights:

- The Children (Guardians) Act 1995
- "Supporting Young People Leaving Care in Scotland: Regulations and Guidance on Services for Young People Ceasing to be Looked After by Local Authorities." (The Regulations are dated 2003 and the Guidance is 2004, but both are in one document.)

These documents state what your local authority, workers, housing, guardians and so on should be doing to keep you safe, active and happy. Here are a few examples.

Your local authority has a legal responsibility to do the following:

- Every young person should be prepared for the time that they will be leaving care (Section 11(2) Children (Scotland) Act 1995 and Regulations)
- If you come off of your supervision requirement after your official school leaving date, every local authority has to provide aftercare support up to your 19th birthday (Section 29 Children (Scotland) Act 1995)
- The local authority can also continue to provide support up to your 21st birthday (Section 20 and 21) and can also continue into your 26th if you are continuing in education or training (Sections 28 and 30 Children (Scotland) Act 1995)

Young people's views must be taken into account when you're leaving care and when your pathways assessment and plans are being made (Sections 17 and 20(4) of the Children (Scotland) Act 1995 and Regulation 2)

The local authority must provide suitable accommodation that takes into account young people's needs (Regulation 14)

Scottish Executive Guidance: "Supporting Young People Leaving Care in Scotland" (2004)

- Young people should be looked after until 18 if it's in their best interests (3.2.1, 3.2)
- All local authority departments have a corporate parent role (1.4)
- Young people should not be placed in unsuitable bed and breakfast or hostel accommodation (3.3)
- The location of the accommodation should be in an area where the young person does not fear attack or harassment as a result of discrimination (3.7)
- Homelessness legislation should not be used as the main route for accessing accommodation for young people ceasing to be looked after (3.13)
- You have the right to appeal and make complaints (Chapter 14)
- Young people should have access to independent advocacy to help them do this (10.5)

Show this leaflet to your workers, local authority, social workers, carers and so on. If your workers cannot provide the above for reasons beyond their control, then tell...



Scotland's Commissioner for Children and Young People
25 Holmwood Road, Edinburgh EH8 8AD
Telephone: 0131 558 3733
Fax: 0131 556 3378
www.scryp.org.uk



Public information is prepared and published for those who have been placed in care by the local authority. It is not intended to be used for legal purposes. The information is for general information only. It does not constitute an offer of any service. It is not intended to be used for legal purposes. It is not intended to be used for legal purposes.

"So I'm moving out, what help should I get?"

- You should get the help you need to:
- Get a place to live, register family, work or education
 - Get up a home. Each local authority (your Council) should provide a set amount of money to do this. Ask your workers for this information. You have a right to see this.
 - Be supported to continue in education and training
 - Be in a safe environment and not live in the street (see down below)

"Ok so who do I have to be helped?"

Every local authority (your Council) should produce information for young people which says what kind of throughcare and aftercare support you are entitled to. Ask your workers for a copy of what you are entitled to. This will show you what level of support you should receive now and in the future. It will have things like financial information, support you can receive if you have a child, support with getting in to education and so on.

"I have spoken to my workers and they say that the only place I can live is in a B&B and that I have to move out at 16. Who can help me?"

- Person doing your pathways assessment and plan, if you haven't got one then ask for young people moving on should be doing this
- Children's Rights Officer
- Who Cares? Scotland worker
- Scottish Throughcare and Aftercare Forum
- Scottish Child Law Centre

If you don't know where to start then just ask...



"Someone told me I have to leave care at 16"

There are a lot of myths about this. Young people used to feel that they should leave care at 16, but times have changed and young people are telling us that they want to stay longer. You should be looking to stay on until at least 18 if you don't feel ready.

"I don't feel ready to move out"

You should not be pressured to move out and should be properly prepared to move on, so if you don't feel ready then let your workers or guardians know. If people are not listening to you and are still pressuring you then contact SCCYP. You have the right to have a say when decisions are being made about you.

"Other people need these beds - I'm 16 and an adult now so I should be moving on"

It's not your problem if other young people need a bed to stay in. You are entitled to care and support, like everyone else even if you are over 16. If you don't feel ready to move then tell someone. Don't be embarrassed about wanting to move out. This shows that you are mature enough to be thinking about what's best for you. If you are ready to move on and are 100% sure, then make sure you have the proper support.

"Most of the people I know are homeless or in B&Bs"

Being placed in homeless accommodation or B&Bs is not a proper option. You should not have to be made homeless to get a proper home.

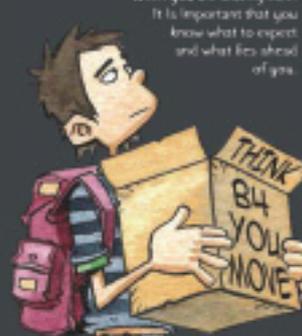
"I just want to move out and get away from this place"

If you leave care before your official school leaving date then the local authority (your Council) may not have responsibility to support you. You may not want this now but later in life you might want support with college, furniture, driving lessons or just a few £s to get some new clothes for an interview. So think hard before you make a decision.

The job of Scotland's Commissioner for Children and Young People is to promote and safeguard your rights. If you are a young person who is going through the leaving care process then take a look at this.

Leaving care should be a positive experience for every young person. No one should be moved on without the proper preparation, support, love and guidance. Young people have been telling us that they don't know what they are entitled to or what their rights are when going through the leaving care process.

This leaflet uses real life examples that young people have shared with us. Leaving home for anyone is a scary experience but even more so when you are leaving care. It is important that you know what to expect and what lies ahead of you.

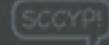


Leaving Care?
Know your rights



Think before you move

Scotland's Commissioner for Children and Young People



Keeping Promises

Appendix 3:

UN Convention on the Rights of the Child

The Convention has 54 articles. The first 42 are about substantive matters and the rest deal with procedural and monitoring issues.

The Preamble to the Convention states that, 'the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding.' However, the text of the Convention recognizes that this is not always possible.

Article 20 promises 'special protection and assistance provided by the State for any child temporarily or permanently deprived of his or her family environment.' The alternative care provided for the child should be subject to periodic review (article 25). Article 3.3 requires the State to ensure that services and facilities for the care and protection of children conform with appropriate standards, especially with regard to safety, health, number and suitability of staff and competent supervision. Article 1 defines a child as anyone under the age of 18.

There are four basic principles in the Convention, which are said to permeate all of the other provisions. Article 2 obliges the state to protect children from any form of discrimination. This is significant in light of what young people tell us about the stigma of being in care. Article 3.1 says the best interests of children should be at least a primary consideration in any decisions that affect them, either as individuals or as a group. This applies to Parliament, the Scottish Government, local authorities and other agencies. The UN Committee on the Rights of the Child have been clear that this applies also to decisions about allocation of resources. Article 6 proclaims the child's basic right to life, survival and development, 'to the maximum extent possible.'

Article 12 says children and young people have a right to have a say in all matters affecting them. Their views should be given weight in accordance with their age and maturity.

All of the other articles of the Convention apply equally to children looked after, or formerly looked after, by local authorities. They too have rights to privacy (article 16), protection from abuse and neglect (article 19), the highest attainable standard of health (article 24), a standard of living adequate for their physical, mental spiritual, moral and social development (article 27), an education (article 28), play, leisure and recreation (article 31), protection from illegal drugs (article 33) and from sexual abuse and exploitation (article 34). They also have a right to know their rights (article 42).

In 2005, the UN Committee on the Rights of the Child held a Day of General Discussion on Children without Parental Care. The report of the day refers to the 'Transition Period' and says:

*"The Committee recommends that States parties and other stakeholders facilitate and enhance the child's transition from institutional care to independent living, e.g. by providing a child with an external contact person, promoting contacts with the biological parents, teaching children how to live on their own and manage their own households, providing overlapping halfway houses during a transition period, etc."*³⁹

³⁹ UN Committee on the Rights of the Child. Report of the Day of General Discussion on Children without Parental Care. Geneva, Fortieth Session, 12-30 September, 2005. Reported as CRC/C/153, 17 March, 2006, para. 675.



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