

## Who Cares? Scotland | Response to questions on draft guidance for Part 10 Aftercare

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### Part 10 (Aftercare)

#### 1. Do you feel the section on Aftercare on page 22 adequately describes an eligible need? If not why not?

Predominantly, the guidance successfully describes eligible need for Aftercare. However **paragraph 60 (a)** states “if satisfied that the person has any eligible needs which cannot be met other than by taking action under this subsection”. We would argue that any young person leaving care or having left care, will have a legitimate need for aftercare support. It is vital that the interpretation of need is not done in a narrow assessment process. We believe that we need to ensure that Aftercare support does not just become crisis led and instead encourages care leavers to engage with all levels of help they can access via a suitable assessment process.

In addition to this, there could be more reflection in **paragraph 61 (b)** of the wellbeing indicators. The absence of health is particularly notable.

#### 2. Do you feel the guidance from page 21 onwards adequately explains the duties in relation to identifying and meeting eligible needs in care leavers up to their nineteenth birthday? If not why not?

**Paragraph 64** states that an eligibility assessment will be “most probably under the wellbeing indicators”. The phrase “most probably” creates uncertainty around assessment which also conflicts with **paragraph 68** which states “all assessment of care leavers should make reference to the eight wellbeing indicators”. Without this clarity, there is the risk of young people being not being assessed under the wellbeing indicators or perhaps being assessed under inappropriate or irrelevant indicators. As referenced in our response to question one above, we must ensure that need is not interpreted **only** as an assessment of crisis. In these circumstances, aspects of the wellbeing indicators would potentially be overlooked, where crisis based interventions (which are no doubt required) only seek to give a short term intervention to keep the care leaver safe.

Whilst **paragraph 67** highlights the importance of relationships, it might be helpful to have some examples of how this can be achieved in practice. For example, involving relevant Corporate Parents and third sector organisations in assessments as it might not be a social worker, Throughcare worker or housing officer who holds **a consistent relationship with a young person** as they progress into independent living. In light of emerging evidence informing the Return to Care Working Group, we would recommend that this is potentially one of the (if not the) most important barrier or incentive for care leavers to access the support they need.

It would also be helpful to mention the importance of relationships in **paragraph 69** especially when it talks about impacting on “willingness to attend”. We would suggest that the role of an advocate in this situation would target dedicated time to supporting the young person to be heard and to feel included in the assessment. The guidance may benefit from highlighting this resource.

### **3. Do you feel the guidance from page 21 onwards adequately explains the powers in relation to identifying and meeting needs in care leavers over 18 years old? If not why not?**

In referring to Appeals, Disputes and Complaints, paragraph 88 highlights the need to ensure young people are aware of their right to complain to bodies such as the Care Inspectorate or Scotland’s Commissioner for Children and Young People. The guidance would benefit from making greater reference to the how the new duties afforded to Scotland’s Commissioner for Children and Young People will support young people in situations where their rights in relation to Aftercare, have not been recognised.

We welcome the reference to advocacy support in **Paragraph 91**. We recognise the benefit that access to advocacy can provide to care experienced young people in realising their rights and remedying poor decision making processes within the care system.

There is also an opportunity to identify the expectations of other corporate parents in meeting the needs of care leavers. **Paragraph 63** suggests that if a care leaver is attending university, housing benefit will not cover costs and this could be described as an eligible need. Increasingly however, Universities are offering financial and accommodation help to care leavers and they have the funding to achieve this. Local authorities could work in partnership with Higher Education Institutions to highlight the needs of care leavers and signpost care leavers to relevant provisions. This reduces the pressure on local authorities and highlights ways in which other Corporate Parents might meet their duties to care leavers.

The relationship between welfare support/entitlements for care leavers also needs understood better, in light of the new Aftercare provisions.

#### 4. Do you feel there are any areas where the guidance could do more to clarify to role of corporate parents in relation to providing aftercare support? If so where?

As mentioned above, there should be more opportunities identified to reflect the varying roles of corporate parents, not just local authorities: relevant information sharing between corporate parents to ensure comprehensive assessment, for example. The guidance for AC should make reference to Part 9 of the Act therefore more clearly. This will also avoid situations where Aftercare teams, apply assessments of need or the allocation of different levels of support, based only on what they can offer. This narrow application of support would only detriment the wellbeing of the care leaver.

We would therefore recommend that the guidance could benefit from being more clearly linked to Part 9 (Corporate Parenting) of the Act. In order to the fully realise the intentions of the Act, reiteration of the importance of collaboration between corporate parents within the Aftercare guidance would be beneficial. There are no clear examples of where effective corporate parenting can improve a young person's experience of Aftercare. Reference to this should help alleviate any extra pressures placed on practitioners in delivering Aftercare support.

#### 5. Do you have any feedback on the process map for Aftercare?

The process map for Aftercare should be immediately helpful for practitioners in interpreting the journey to and through Aftercare. As it currently stands, the process map within the guidance is not clear enough. However, this version has significantly improved since the initial draft of the guidance.

It may be of benefit to construct the map with reference to practitioners who will be expected to interpret the process of Aftercare and Continuing Care in practice.

#### 6. Do you have any other comments?

**Paragraph 41** highlights the complexities around deciding when a young person should cease to be looked after. Who Cares? Scotland would argue that for the vast majority of young people in care, remaining formally looked after until 18 would be beneficial. This is especially true for young people involved in the youth or criminal justice system, who would receive a greater package of support and understanding if still looked after. This formal status provides this particular group of vulnerable young people with added protection from entering the adult criminal justice system.

**More reflection of the importance of relationships integrated within all aspects of the guidance would be welcomed along with greater emphasis on the wider family of corporate parents and not just local authorities.**

The guidance makes reference to the importance of relationships in assessing and delivering Aftercare support. We welcome this reference but would suggest that the guidance recognises the importance of cultivating relationships to ensure young people want to

access Aftercare support. In recent months we have become aware of situations where local authorities have not promoted Throughcare and Aftercare relationships in the best possible way. One young person at the age of 18, and having been living independently for over a year, received a letter from the local authority to advise that she no longer had an allocated Throughcare worker. While the letter mentioned she could contact them when she required, it made no effort to encourage the relationship which would be essential to delivering Aftercare support to the most vulnerable care leavers.

**Paragraph 65** states “Not all needs will require direct finances, indeed many won’t”. We fully support this statement and recognise the benefit that therapeutic/emotional support can provide to a young person experiencing difficulties while living independently – particularly if provided by someone they know and trust. We would suggest that the guidance more frequently refers to the benefit that this type of relationship can provide to a young person, over a financial or practical resource. Those delivering Aftercare support, both local authorities and wider Corporate Parents, should be encouraged to develop meaningful, patient relationships which in the long term will support young people to live independently, better than resources which have, potentially, heavy financial implications.

The guidance should include reference to Who Cares? Scotland’s 2014 report<sup>1</sup> which sought the views of care experienced young people on the Act. This report highlights what support young people want both during and after their time in care. This reference to the voice of young people will be integral to ensuring local authorities and Corporate Parents understand the need and impact of their input.

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<sup>1</sup> Who Cares? Scotland. 2014. Interpreting the Children and Young People Act 2014 – care experienced young peoples’ views.