



# Continuing Care, Continuing Concerns

Who Cares? Scotland provides independent advocacy to care experienced young people across Scotland. Our independent advocacy relationships provide us with the mandate to inform children and young people of their rights and to empower them to self-advocate and communicate their views when necessary. Our Advocacy and Participation Workers [APWs] have witnessed young people being provided with inaccurate information regarding continuing care, and inflexible practices. Unfortunately, as time has gone on, examples of poor practice have only continued to grow, as have our concerns as to the implementation of the continuing care legislation.

Examples of poor practice encountered by Who Cares? Scotland advocacy workers include:

- Lack of clarity from professionals around eligibility age (born on or after 1st April 1999).
- Lack of clarity from professionals around age that continuing care should end, with many unclear whether this should happen on the young person's 21<sup>st</sup> or 22<sup>nd</sup> birthday.
- Some professionals viewing 'supported accommodation' or hostels as appropriate alternative continuing care placements.
- Many young people who we have supported who are turning 18 whilst in foster placements, have experienced their foster carers being told by their local authority to reregister as supported carers. This will result in significant cuts to payments for the carer and runs counter to S26A(1)(4) of the 1995 Act, which states that continuing care means "the same accommodation and other assistance as was being provided immediately before the person ceased to be looked after". In some instances, this approach has resulted in the foster carer deciding not to continue providing the placement, and the young person being asked to leave with as little as a fortnight's notice. An example case study of this kind of scenario is below.

### Case Study

A young person who is 17 and living in foster care outside of their home local authority area. The young person has been advised they cannot stay in their placement when they turn 18 as they will be an adult.

The foster carer would like the placement to continue, but they have been told they would need to register as a supported carer and cannot be registered as both supported carer and a foster carer as they only have one spare bedroom. Although the foster carer is on a waiting list with the Council for a larger property, it is unlikely that they will be offered something larger before the young person turns 18. If the foster carer's registration changes they would no longer be registered as a foster carer and would lose the support they currently receive from their independent agency. The foster carer feels they need this support for the placement to continue being a success.

The young person has been advised that if they are unable to remain in this placement they would need to return to their home local authority area. They have lived in their current location for over 5 years and have built a solid support network. No such support network exists in their home local authority area. There is a real risk that they will have to leave this placement before they are ready, and does not seem to have been offered a placement offering equivalent support.

Such examples suggest that too many professionals still hold a lack of understanding of what continuing care should mean in practice. In addition to a lack of knowledge around continuing care,



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WC?S APWs have also witnessed several examples of professionals practicing strict application of the legislation, without taking account of Staying Put guidance<sup>1</sup>, which continuing care seeks to encourage application of.

Such examples include:

1. One young person born on 1<sup>st</sup> March 1999, one month early of continuing care eligibility, being encouraged to leave care before they felt ready and refusal to allow this young person to stay in care until they felt ready to leave.
2. One young person aged 20, currently living in a residential house and studying on an Access course with every intention of progressing on to University this year is being told to leave their accommodation. The young person's grade on the Access course will dictate which institution they can attend, which will most likely be outside their local authority. The professionals involved are insisting the young person must move out as soon as they turn 21, however the young person is asking to be able to stay roughly 4 months longer to work out which University they will be accepted to. If the young person moves out when approaching 21, they must stay in a flat for around 4 months, before potentially moving to a completely different area. A potentially unnecessary move and disruption that could endanger their educational success

These examples suggest that, in addition to poor implementation of the continuing care legislation, there is also inconsistency in how it is being interpreted. In addition, it highlights the need for a more holistic approach which looks at individual need to be used more consistently.

Recently a group of care experienced young people engaged in a discussion on homelessness as part of our regular group work. During this discussion the need for comprehensive continuing care was raised by the young people present. As one young person said:

*"It all comes back to not having that safety net, not having that fall back, there's no back-up plan."*

Another young person, when asked about what is needed to support care leavers, said:

*"Proper funding and investment, into throughcare, post-care placement services. It's like okay you're out your placement now you're not really our problem? We'll find time and money for you, if we can, but you're not a priority anymore when in fact that's the demographic that's at most risk I'd say. They're the ones that are suddenly exposed to so many other dangers cause you're not living in a supervised environment, like there just needs to be an appreciation that these are the people that need those emergency services, need the back-up plans, it needs to be in place and it can't just be done on a when they need it scenario, cause when they need it – it's too late."*

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<sup>1</sup> Scottish Government. 2013. Staying Put Scotland: Providing care leavers with connectedness and belonging. <http://www.gov.scot/Resource/0043/00435935.pdf>.