

SCCYPI

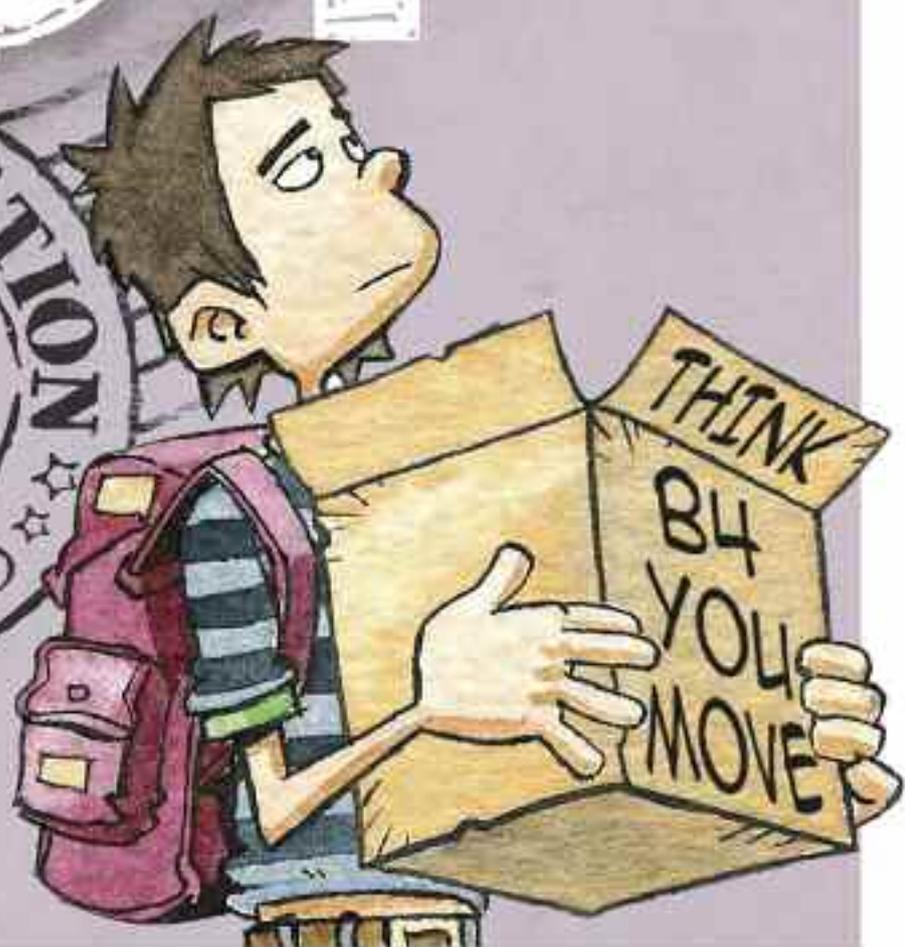
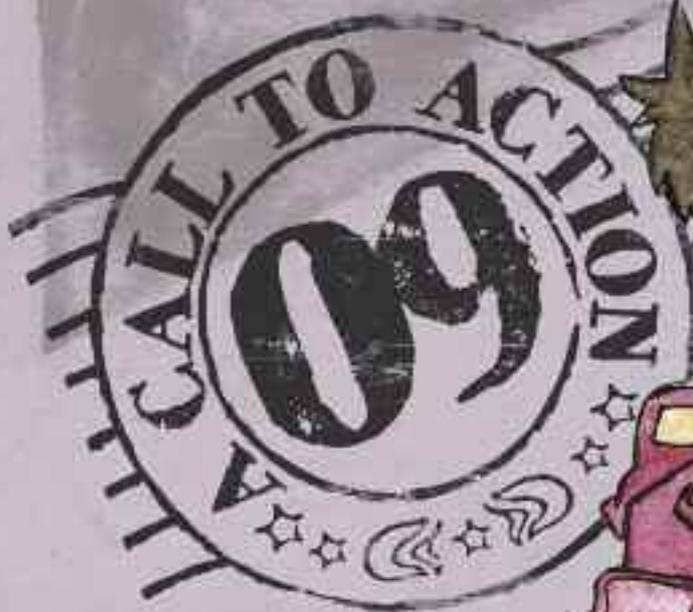
Scotland's  
Commission  
for Children and  
Young People

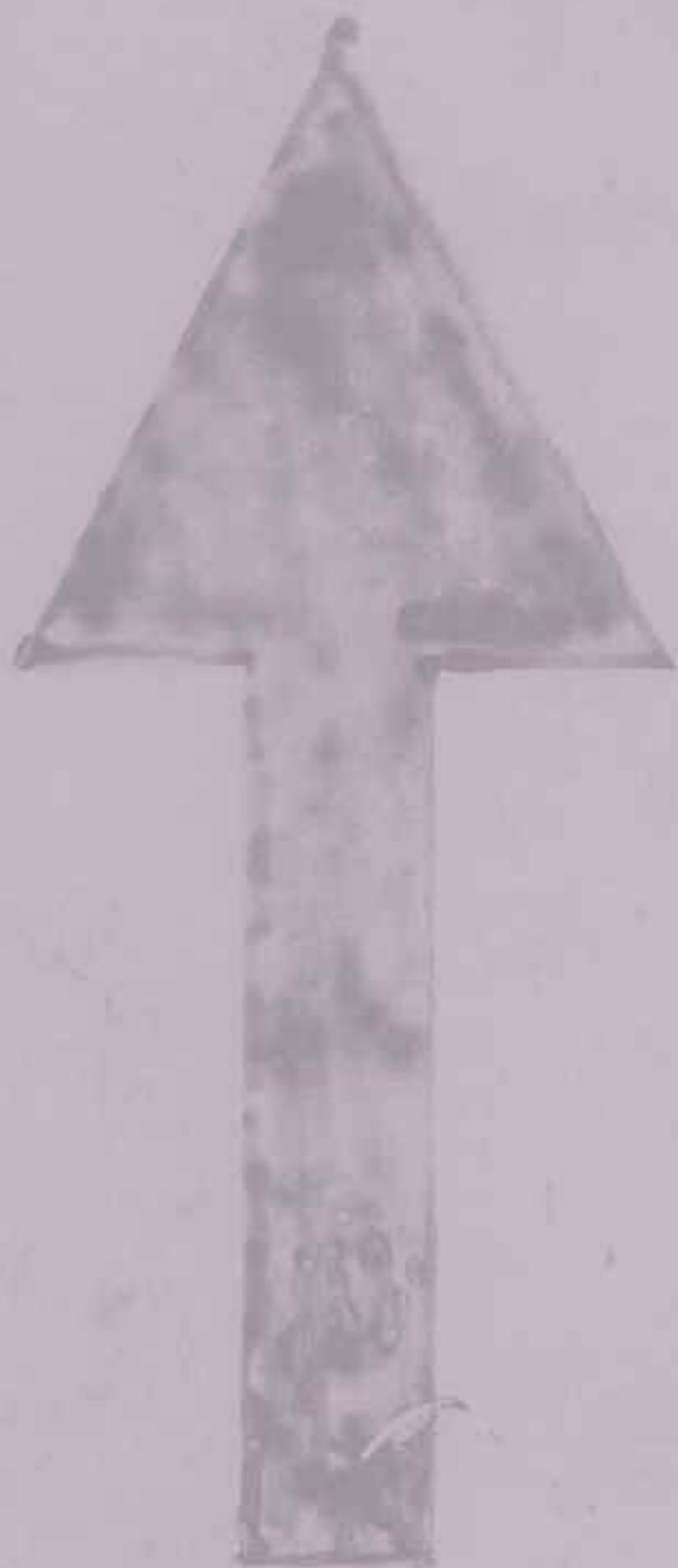
THE AGE OF  
LEAVING CARE  
IN SCOTLAND

ONE YEAR ON - IS LIFE ANY SWEETER?

SWEET

16?





THE AGE OF  
LEAVING CARE  
IN SCOTLAND

ONE YEAR ON - IS LIFE ANY SWEETER?

SWEET

16?



**Acknowledgements**

I should like to thank all who provided information to inform this anniversary report and those who commented on it. I am aware of the many demands on the time of local authority staff. We share a desire to make life better for young people leaving care and I hope this report will help keep that commitment high on the agenda.

(CCYP/2009/1) 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 25/03/09.



## CONTENTS

1.	What this is about	3
2.	Sweet 16? recommendations and the Scottish Government response	4
3.	Local authority survey	5
4.	Promoting corporate parenting	6
5.	Engagement with housing services	6
6.	Residential school placements	7
7.	Promoting 18 rather than 16 as the age for leaving care	8
8.	Appropriate accommodation	9
9.	Being made “homeless”	9
10.	Coming back into care for short periods of support	10
11.	Bed & Breakfast	10
12.	Hostels for the homeless	12
13.	Care Commission Bulletin	14
14.	Conclusions	14
	<b>APPENDIX 1: SUMMARY OF SWEET 16? REPORT</b>	<b>15</b>
	<b>APPENDIX 2: RECOMMENDATIONS OF SWEET 16? REPORT</b>	<b>18</b>

## 1. WHAT THIS IS ABOUT

On 25 March 2008, I laid before the Scottish Parliament a report called *Sweet 16? The Age of Leaving Care in Scotland*. It was debated on 25 June 2008. MSPs from all parties spoke in favour of the report; it was an encouraging sign of genuine interest and concern. The Scottish Government has responded positively to most of the report's recommendations, which are attached as an appendix to this paper, together with a short summary of the full report.

Agencies too have welcomed the report and I have heard how it has been used: to change local policies; to train workers, using the case studies in the report; to challenge funding cuts; and to advocate for individual young people. However, I wanted to get a clearer picture of whether things had changed. In our busy world, when there are so many pressing issues, compassion and concern do not always translate into effective action. That is why I am publishing this follow-up report one year on, informed by a survey of local authorities.<sup>1</sup>

This report concludes that there has been some progress in addressing the recommendations of *Sweet 16?*, but there is still much to be done. Almost half of the local authorities say there is no expectation that young people should leave care at 16, and others report initiatives to change the culture. Nevertheless, Who Cares? Scotland have told me that, of 18 workers from different local authority areas, 11 said they had noticed no change in practice. Their discussions with social workers showed that they were aware of the *Sweet 16?* report but lack of resources was a barrier to implementing its recommendations.

This is worrying because there are new threats arising out of the economic downturn that might stifle initiatives and even make things worse. We cannot allow that to happen.

The concerns identified by *Sweet 16?* are about the basic human rights of young care leavers to survival and development, poignantly evidenced by the many case studies in that report that portray the neglect and abandonment many young people suffer at the hands of their corporate parents. There are, of course, examples of good practice too and the report presents them as an inspiration for others to follow.

The fact that we are talking about the basic human rights of young people means we cannot choose not to address them. That is why I describe this anniversary report as a Call to Action.

In 1924, the League of Nations passed the first Declaration of the Rights of the Child, the ancestor of the UN Convention on the Rights of the Child that is a central focus of the Commissioner's role. The short preamble to the Declaration recognised, first and foremost that:

*"Mankind owes to the child the best it has to give."*

The third of its five short articles proclaims:

*"The child must be the first to receive relief in times of distress."*

In this time of financial distress, we need to make sure that children and young people are the first to receive relief, and that we are truly giving them the best we have to give. **I call on local authorities to take these principles as their starting point. I call on the Scottish Government to continue to monitor the situation and provide appropriate challenge. I call on the Scottish Parliament to continue to debate this subject and keep it high on the public agenda, to promote and safeguard the rights of young people in and leaving care.**

<sup>1</sup> The results of the survey are available at [www.sccyp.org.uk](http://www.sccyp.org.uk)



## 2. SWEET 16? RECOMMENDATIONS AND THE SCOTTISH GOVERNMENT RESPONSE

*Sweet 16?* highlighted a strong culture that identified 16 as the age of leaving care, despite law and policy saying young people should be able to stay until 18 if that is in their best interests. The wide distribution and coverage of the report will hopefully have helped to change that culture. But its recommendations also included practical suggestions.

The table below sets out a brief description of the recommendations and the Scottish Government's response.

REC.	SUBJECT	GOVERNMENT RESPONSE
1	Statistics	Work underway to fully address
2	Information on out of area placements	Work underway to partially address
3	Culture change	Work underway to further reinforce
4	Information about rights	Work underway
5	Professional language and practice	Work underway to further reinforce
6	Consulting young people on rules	Work underway to further reinforce
7	Semi-independent living units	Initial work undertaken into research
8	Responding to challenging behaviour	Work underway to further reinforce
9	Foster care after 18	Work underway
10	Residential schools	Work underway
11	Housing – duty to co-operate	Will take action
12	Training for housing officers	Work underway
13	Being made homeless	Work underway
14	Use of B&Bs	Action is underway
15	Use of homeless hostels	No plans to take action
16	Coming back for short periods	Will take action
17	Child protection barriers to coming back	Will take action
18	Threshold for aftercare + panel member training	No plans to take action on first point. Will take action on second issue.
19	Data collection on Pathways	Work underway
20-23	CnES (Western Isles): examine numbers leaving before 16; monitor B&B etc; check written policies; finalise service level agreement	Will take action through discussion with the Council. [The Scottish Government report that they have offered support to the Council.]

The Scottish Government has since indicated that it will, in the coming year, review The Support and Assistance of Young People Leaving Care (Scotland) Regulations 2003, in light of the practice reported in *Sweet 16?*

In relation to Recommendation 16, I suggested in later correspondence with the Scottish Government that guidance should promote the use of section 25 of the Children (Scotland) Act 1995 as a route for return to care where that was appropriate. Section 25 imposes a duty on local authorities to accommodate young people up to age 18 in certain circumstances. It also allows them to accommodate young people up to age 21 if that would safeguard or promote their welfare. The Minister for Children and Early Years has indicated his intention to raise this matter with local authorities. I have also promoted this use of the legislation in an Update on *Sweet 16?* circulated to stakeholders in January this year.

### 3. LOCAL AUTHORITY SURVEY

In January this year, I circulated a feedback survey to local authorities to help identify progress on the issues raised in *Sweet 16?* and also what more needed to be done. Responses were received from 31 of the 32 local authorities.<sup>2</sup> They had been asked about:

- Action to promote the corporate responsibility of elected members and housing services;
- Social work and education collaboration on the funding of residential school placements;
- Steps taken with staff to promote 18 instead of 16 as the age for leaving care;
- Action to provide better/more appropriate accommodation for care leavers;
- Action to stop care leavers having to be declared “homeless” to get priority housing allocation;
- Action to help young people come back into care for short periods of support; and
- Information on numbers of care leavers discharged into B&B and hostels for the homeless in the current financial year.



<sup>2</sup> A response from Fife was not received in time for publication of this report.

## 4. PROMOTING CORPORATE PARENTING

Corporate parenting is an important concept because care leavers should not be regarded as the sole responsibility of any one department. Their needs – and rights – should transcend the divisions and budget headings we create to organise the workings of local government. **In times of economic downturn, we must be alert to the danger that financially-driven cuts in services will expose young care leavers to levels of deprivation and desperation that no natural parent would countenance.**

There has been a lot of activity around corporate parenting, with references in the survey to both *Sweet 16?* and the Scottish Government publication - *These Are Our Bairns: A guide for community planning partnerships on being a good corporate parent*.

**18** of the local authorities referred specifically or by strong implication to a corporate parenting policy.

**17** referred to corporate parenting events for elected members.

**11** had set up groups to take the issue forward in their area.

**8** referred to a report to a committee or to elected members.

**9** referred to events or groups that involved children and young people.

**7** were developing some sort of “Children’s Champion” initiative, with senior officials or elected members being given responsibility for tracking the progress of individual looked after children.

**2** others had more general “Champion” models.

Elected members of CnES had visited the Council’s residential unit and the leaving care project operated by Action for Children.

## 5. ENGAGEMENT WITH HOUSING SERVICES

*Sweet 16?* identified the relationship between throughcare and aftercare workers with housing services as critical to good outcomes. Dialogue can be difficult where housing officials are unaware of the local authority’s corporate responsibility for care leavers. Particular difficulties can occur where the housing stock has been transferred to a housing association as the local authority will not have control over the means needed to satisfy a care leaver’s accommodation requirements. The Government has undertaken to take forward Recommendation 11 of *Sweet 16?*, that it should consider adding Registered Social Landlords (RSLs, including housing associations) to the list of those required to co-operate with local authorities to help them carry out statutory responsibilities towards children and young people. Section 21 of the Children (Scotland) Act 1995 authorises Scottish Ministers to add to this list.

**There has been some progress, but more needs to be done to ensure that local authorities are both willing and able to fulfil their corporate parent responsibilities in relation to housing.**



Responses to the survey question on relationships with housing services were mixed. There was much reference to protocols, strategies and meetings. There were a few very positive references, many more neutral ones, and some that indicated that there was still some way to go on this.

In relation to stock transfer, Inverclyde described the situation as “problematic”. CnES said the situation was “not straight forward”. They reported that Hebridean Housing Partnership (HHP) “does not altogether accept that its role is that of a corporate parent as it is obliged to balance the competing needs of all housing applicants. HHP does nevertheless accept that it is a part of a corporate family for these young people”. Glasgow refers to a successful protocol with GHA but also hopes for “stronger links” with them once the results of a recent survey are analysed.

While this is not likely to have been the original plan, its reality must be taken seriously. These young people have had a lot of disruption in their lives, so if they have made ties and want to remain in the community associated with the school, their view should carry a great deal of weight. Young people will already have had several moves of placement prior to being placed in a residential school, and they may well have lost connection to their family and old home area sometime before they settled into a residential school.

Placements in residential schools are often jointly funded by social work and education, but education can be reluctant to continue after school leaving age if there is no real commitment to education. Withdrawal of education funding can mean a young person losing their home and the associated relationships and returning to an area that has become unfamiliar to them with few, if any, personal links.

**It is important that decisions about ending a placement at a residential school acknowledge the fact that it is not just about education but about where a young person feels they belong.**

## 6. RESIDENTIAL SCHOOL PLACEMENTS

Young people do sometimes need to be placed in residential schools at a distance from their home area; usually because of the specialist nature of the provision, and sometimes because local authorities’ own resources are exhausted and they have to take a bed wherever they can find one. Despite this, for some young people, a placement some distance from their old home is a place where they find stability and a new start. Furthermore, residential and social work staff will always promote home visits, and attempt to work with the family as a whole. Nevertheless, as we are all aware, some families are very ‘broken’ and a few young people do not wish to return to their old ‘home’ area. Sometimes these young people are very glad to have found new connections and opportunities in the locality of their residential school.

**16** of the local authorities referred to joint decision-making between social work and education and **14** referred to joint funding of residential school places.

**4** of them had integrated their social work and education services into one department.

**3** were reviewing their out of area placements.

Some indicated a willingness to continue placements post 16: where that was in the young person’s interest (Clackmannanshire; Angus; Dumfries & Galloway; Midlothian; South Ayrshire). The process for joint decision-making was explained in the responses from Edinburgh, Inverclyde, North Ayrshire and West Dunbartonshire.

East Dunbartonshire referred to the posts of Principal Teacher (Looked After and Accommodated Children) within Education, and Care Plan Reviewing Officer within Social Work as contributions towards good communication between the two services, and reported that their involvement in the review process ensures that decisions are based on the young person's educational and social needs and not solely on their age.

Stirling said they had funded transitional support from the residential school.

Falkirk reported that a recent review had noted the joint responsibilities beyond statutory school leaving date and that the work was ongoing.

## 7. PROMOTING 18 RATHER THAN 16 AS THE AGE FOR LEAVING CARE

*Sweet 16?* grouped the young people's reasons for leaving at 16 into 3 main themes:

- They did not know they could stay or felt pressure to move on;
- The current rules were too restricting; or
- They wanted "out of the system".

The pressure referred to might be explicit or implicit, fed by a cultural expectation that 16 is an appropriate age. Professional language and practice can feed this culture.

The survey asked what steps local authorities were taking with social care staff to promote 18 rather than 16 as the age for leaving care. **This showed that there is a lot of activity, but I urge local authorities to continue with steps to change the culture and to ensure its action is regularly monitored.**

**15** responses indicated there was no expectation that young people should leave at 16, but some (East Dunbartonshire, Falkirk, Highland, Inverclyde and West Dunbartonshire) nevertheless identified steps they were taking through encouragement, training or procedures to counter any such expectation.

Renfrewshire and Argyll & Bute said there was no pressure but they were nevertheless discussing the issue within their authority.

**7** local authorities said they were tackling the issue through procedures, **6** through training, **6** through encouragement and **6** through resources. Five said they were using guidance to change the culture. Resources included: more supported accommodation and supported lodgings; intensive social work assistance; increasing the Care Commission registration of children's units to 18 (Midlothian) or post 18 (East Dunbartonshire).

Edinburgh claimed significant progress in changing the culture of leaving at 16, largely through development of an Attachment Promoting model within residential units where the significance of relationships between young people and residential staff is recognised.



## 8. APPROPRIATE ACCOMMODATION

*Sweet 16?* noted the decline in availability of semi-independent living units for care leavers, meaning young people face a stark choice between group living and an independence for which they are not emotionally ready and for which have too often not been prepared. This is particularly critical for care leavers who are parents.

The survey asked about steps to provide better/more appropriate accommodation for care leavers. There were some encouraging signs of activity and **I urge local authorities to continue to develop these as a priority, even in face of the economic downturn.**

**11** responses indicated that semi-independent living units were either in place, planned or under consideration. Stirling said this kind of accommodation was available for young parents and had been successful in promoting parenting and keeping families together.

**10** responses referred to the development of supported tenancies; **4** to general provision of flats; **5** to support for young people living independently; **13** to supported lodgings; and **12** to processes designed to ensure accommodation is appropriate.

North Ayrshire noted that the lack of additional funding meant that options were limited, meaning that the protocol with Housing would have to foster creativity and innovation.

CnES reported that the chalets criticised in *Sweet 16?* were no longer used for care leavers, but there were significant difficulties in obtaining alternative accommodation in Stornoway. A youth housing strategy was being developed.

## 9. BEING MADE HOMELESS

*Sweet 16?* highlighted how care leavers can be encouraged to present as “homeless” in order to be prioritised for housing allocation. It recommended that local authorities should give them priority merely as an aspect of their corporate parenting responsibility.

There are some encouraging signs of progress, and **I urge local authorities who have not yet addressed this to take heed of how this has been progressed in other areas.**

**3** responses indicated that care leavers do not have to present as homeless to get priority.

**3** said procedures had changed so that they no longer have to present as homeless.

**3** said, with changes underway, they will soon no longer have to present as homeless.

**12** said the situation was under review.

**3** said it was being raised with housing services.

**1** said this practice was “positively discouraged”.



## 10. COMING BACK INTO CARE FOR SHORT PERIODS OF SUPPORT

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

Responses to the survey show that this does sometimes happen and that local authorities are aware of the issue. However, there are severe resource constraints as vacated beds are filled quickly. Some said it had not been an issue where young people were allowed to stay longer in care and the transition to independence was carefully planned. It will become less critical if we are successful in delaying the age of leaving care. But it will always be a need for some care leavers, as it is for the general population. **Commentators often say we should not accept less for young people leaving care than we would for our own children. This issue is a litmus test of whether we really mean that.**

20 local authorities say this sometimes happens. 9 said resources were a barrier. 6 indicated experience of both.

5 said separate crisis accommodation was either available or planned.

2 said the issue was identified in individual care plans.

East Dunbartonshire identified a difficulty in receiving young people over 18 back into units where registration requirements did not allow anyone over that age.

North Lanarkshire reported that a move to locality based social work services has meant that all children's service options are open to all young people, so there is no change in service once they are 16.

## 11. BED & BREAKFAST

*Sweet 16?* highlighted the inappropriate use of bed and breakfast accommodation for young people leaving care, and recommended that it be banned through revision of the Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2004.

The Scottish Government acknowledged the problem but did not accept the solution, preferring to reinforce through guidance existing messages that B&Bs are not "generally" appropriate for care leavers. Ministers and officials are reported to have publicly challenged local authorities on this issue.

The survey asked how many care leavers in the current financial year had been discharged into bed and breakfast establishments, including those that provide "informal" support.



Those replying that they had used B&B were:

LOCAL AUTHORITY	NUMBER	COMMENT
<b>Aberdeen City</b>	4	All female (2 from residential units and 2 from foster placements).
<b>Aberdeenshire</b>	2	
<b>Argyll and Bute</b>	4	On "Supported Bed and Breakfast" in 2008
<b>Dumfries and Galloway</b>	4	Out of 22 care leavers
<b>East Lothian</b>	1	
<b>East Renfrewshire</b>	2	One was discharged from care into temporary homeless accommodation and was subsequently offered B&B after being placed in a hostel for the homeless. A second care leaver was offered B&B in response to a crisis situation but was later moved.
<b>Edinburgh</b>	2	Short term pending identification and accessing of suitable accommodation
<b>Falkirk</b>	2	
<b>Glasgow</b>	?	No figures for current year – would need a survey of case files. Of the 297 care leavers to end of 2008, some of the 8 "homeless" accommodation (see next question) may have been to B&B.
<b>Highland</b>	2 former care leavers	Not discharged into B&B but may move at a later date due to changes in circumstances. In the 2 cases, the accommodation was safe and had kitchen facilities.
<b>Midlothian</b>	4	
<b>Moray</b>	1	1 young person for one week while awaiting a tenancy to become available.
<b>Renfrewshire</b>	1	For one night due to a crisis situation in a children's unit.
<b>Scottish Borders</b>	2	
<b>South Lanarkshire</b>	1	
<b>West Lothian</b>	1	
<b>TOTAL</b>	<b>33</b>	

Stirling and North Lanarkshire reported no such use. Stirling commented that, “This has been a marked improvement from previous years and the result of stronger transitional planning”.

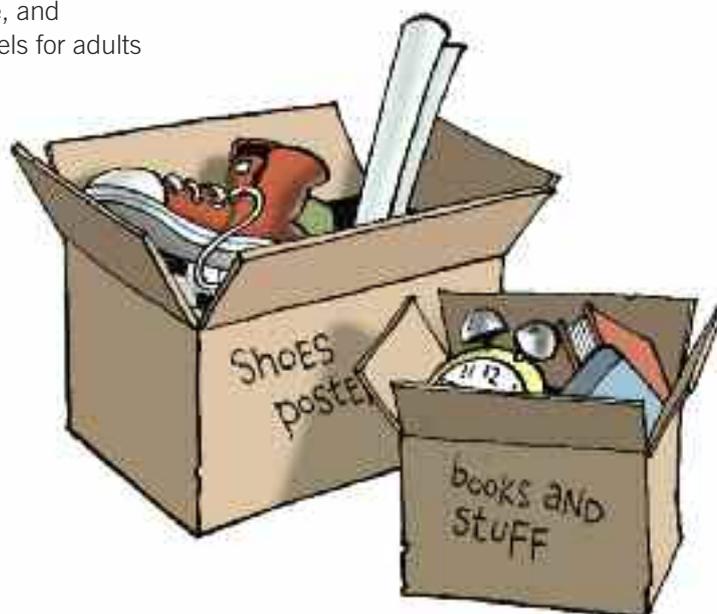
**I call on the Scottish Government to set a timetable for prohibiting the use of Bed and Breakfast accommodation, which is never an appropriate environment for care leavers who need considerable practical and emotional support to make a successful transition to independent living.**

## 12. HOSTELS FOR THE HOMELESS

Many young people who contributed to *Sweet 16?* talked about living in fear when placed in hostels for the homeless. However, the Scottish Government has said it has no plans to take action on this, arguing that there are many different types of hostels, some of them providing small scale, supportive environments. At a conference in November 2008 organised by the Scottish Throughcare and Aftercare Forum, some young people described hostels as congested with drug addicts and alcoholics, presenting a culture shock to vulnerable care leavers. They spoke of “temptation” and the fear of picking up these habits themselves. But some workers confirmed the government perspective that small hostels specifically for young people were acceptable, and distinguishing these from hostels for adults or “rough sleepers”.

In follow-up correspondence with the Scottish Government, I suggested that current classifications give no clue as to the standard of accommodation and level of support. I suggested reclassifying and regulating the small hostels for young people, linking them more with a category of regulated supported accommodation or semi-independent living units with qualified workers. This would facilitate a clear prohibition on discharging young people into adult establishments. The Government has indicated that it will consider this in the context of current work on throughcare and aftercare and that any review of the relevant regulations would look at this issue and **I call on the Scottish Government to take this forward.**

The survey asked how many care leavers in the current financial year had been discharged into hostels for the homeless.



Those replying that they had used such hostels (or analogous accommodation in the case of Angus) were:

LOCAL AUTHORITY	NUMBER	COMMENT
Angus	0	However, 6 YP have been discharged into homeless accommodation: 3 YP into a Homeless Unit where they've had their own room as well as access to communal facilities; 3 YP into non secure tenancies on a temporary basis.
Dumfries and Galloway	8	8 out of 22 (This includes those local resources which are supported such as Hope Place/ Reston) (Benyellary/ Annabank).
East Lothian	1	
East Renfrewshire	2	Prior to opening the Young People's Supported Living Unit in January 2009.
Edinburgh	3	Short term, pending the identification and accessing of suitable accommodation.
Falkirk	4	Into a supported accommodation facility specifically for young people in this area.
Glasgow	1?	Says None – but comment re B&B refers to 8 discharged to homeless accommodation and 1 to hostel accommodation.
Midlothian	3	
Moray	1	As being the safest and most protective local option available.
North Ayrshire	1	This was the choice of the young person and was agreed as the best option, given the individual circumstances.
Perth and Kinross	1	This figure does not include 3 young people who entered a throughcare residential (Housing Support) accommodation in a planned and constructive way. However, in order to access this provision they had to be designated "homeless".
Renfrewshire	4	
West Lothian	3	
<b>TOTAL</b>	<b>32</b>	

## 13. CARE COMMISSION BULLETIN

In January 2009, the Care Commission published a Bulletin on Throughcare and Aftercare Provided for Children and Young People in Residential Care. It cited and confirmed the findings of *Sweet 16?* about lack of staff training (17% of residential care services) and being pushed out of care at 16. It reported that 50 percent of services had been made subject to requirements or recommendations arising out of their failure to provide adequate help.

**In light of this, I suggest that the Scottish Government consider introducing a mechanism similar to that established for education by section 70 of the Education (Scotland) Act 1980. This allows Scottish Ministers to order the authority to fulfil its statutory duty, or to do so itself and recover the money from the authority.**

## 14. CONCLUSIONS

There has been some progress in addressing the recommendations of *Sweet 16?*, but there are also new threats related to the economic downturn. I am currently hearing anecdotes about services for care leavers being cut back or reconfigured, possibly to save money. It is too early to have hard evidence, but by the time we have it, it will be too late for those young people who have suffered from lack of services. The damage will have been done. We need to send out clear messages now to prevent this damage. And more than that – **we need to act.**



## APPENDIX 1: SUMMARY OF SWEET 16? REPORT

### The Issue

The 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.

### The Research

The 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.

### 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.

### 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 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.

### 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.

### 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.

### 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.



## 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.

## 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.

## Conclusion

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

## 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.



## APPENDIX 2: RECOMMENDATIONS OF SWEET 16? REPORT

### 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**

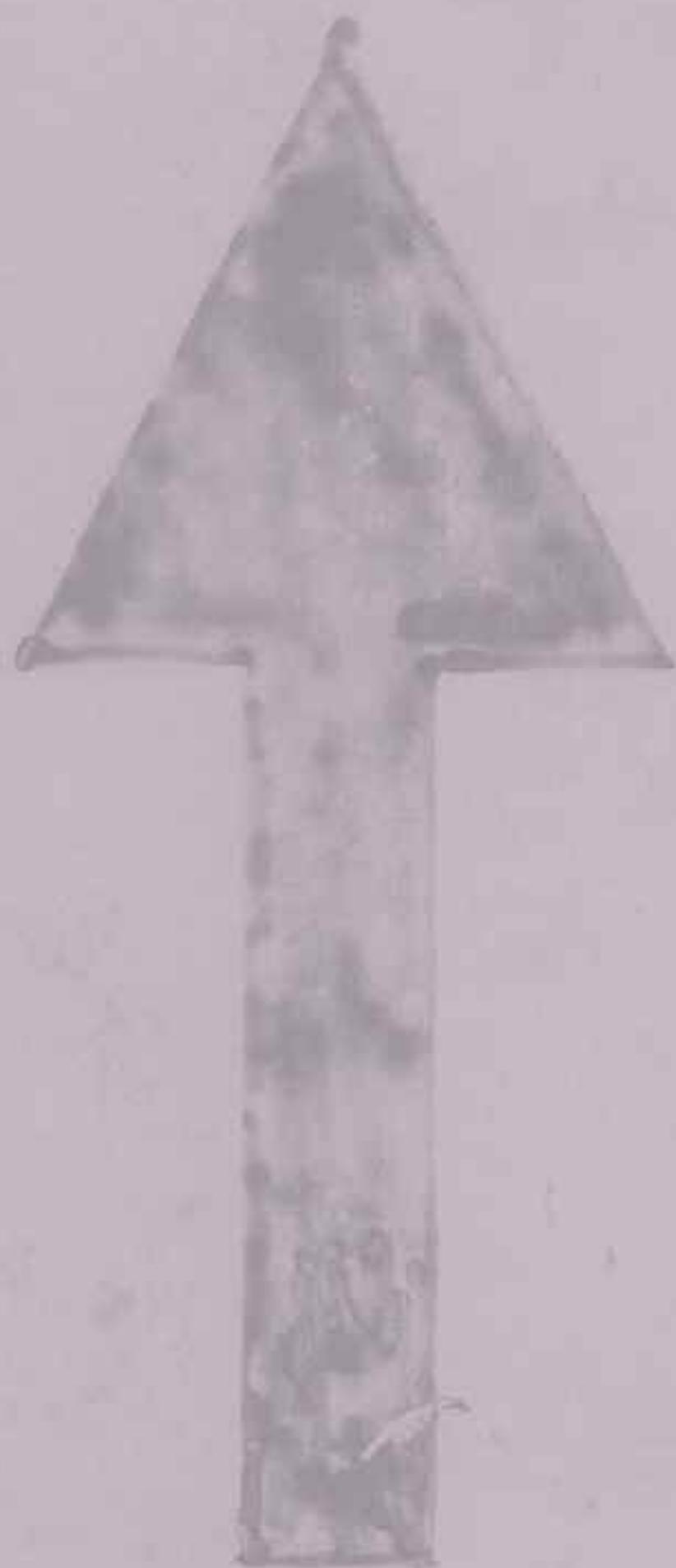
Elected members in Comhairle nan Eilean Siar should, as part of their commitment to corporate parenting: monitor the number of care leavers living in bed and breakfast establishments; visit the area where the chalets used for care leavers are located and assess their desirability, taking account of information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





**Further copies of this report, along with the full report, summary and young people's version are available online at [www.sccyp.org.uk](http://www.sccyp.org.uk) or by contacting:**

**Scotland's Commissioner for Children and Young People**

85 Holyrood Road  
Edinburgh EH8 8AU  
Scotland, UK

**Tel:** 0131 558 3733

**Young People's Freephone:**

0800 019 1179

**Fax:** 0131 556 3378

**Email:** [info@sccyp.org.uk](mailto:info@sccyp.org.uk)

**Website:** [www.sccyp.org.uk](http://www.sccyp.org.uk)

If you would like to receive this report in another language or format please contact SCCYP.