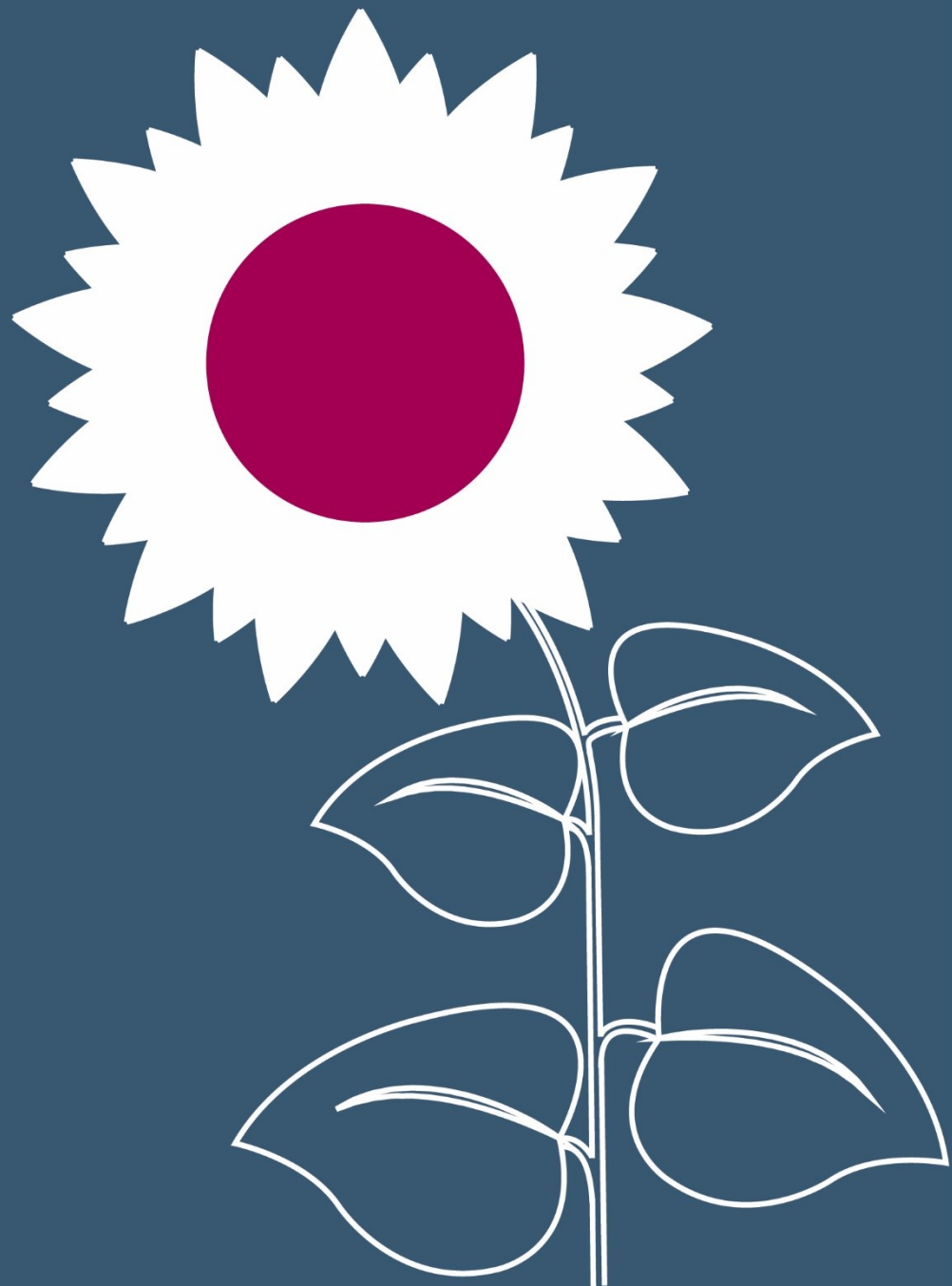




City of  
**Stoke-on-Trent**

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## 1. Definition of Qualifying Child

**Qualifying children are defined as young people who:**

For children who were previously subject to private fostering arrangements;

- Are aged between 16 and 25 years of age.
- Were looked-after by Children’s Services for a period of time between their 16<sup>th</sup> and 18<sup>th</sup> birthday.
- Was not looked after by Children’s Services for at least 13 weeks, from the age of 14, or if they were, they were not looked-after for at least 1 day after their 16<sup>th</sup> birthday.

For children who were looked after by a local authority immediately before the making of a special guardianship order Section 24(1A) of the 1989 Act provides that the child must:

- may qualify for advice and assistance under the 1989 Act,
- if they have reached the age of 16, but not the age of 21;
- if less than 18 years old, have a special guardianship order in force;
- if 18 years old or above, have had a special guardianship order in force when they reached that age; and
- have been looked after by a local authority immediately before the making of the special guardianship order.

## 2. Scope of this Policy

To explain what qualifying children are entitled to:

- The Local Authority must undertake an assessment of their needs

To explain what is meant by:

- Give advice and support
- Keep in touch with the young person
- May also help with paying expenses related to the young person's education.
- If in full-time further or higher education and need accommodation during holiday periods, the City Council must provide accommodation or financial support for accommodation.

## 3. Legal Documents

- Children (Leaving Care) Act 2000
- Children and Young Persons Act 2008
- Care Standards Act 2000
- Care Leavers Regulations 2010
- The Children Act 1989 Guidance and Regulations - Volume 3: Planning Transition to Adulthood for Care Leavers
- Children and Social Work Act 2017

## 4. Practice Guidance

Local authorities may give advice, guidance and assistance to certain groups of young people who "qualify" for leaving care support. Some "qualifying children" will be as vulnerable and have very similar needs to eligible, relevant or former relevant children.

Where a qualifying child has been previously looked after, the local authority must assess their needs to establish whether they require advice and assistance. Where, following a **Child and Family Assessment**, the authority concludes that support will be necessary over a period of time, they should draw up a plan with the young person outlining the support that will be provided. In order to determine the extent of the support required, an Assessment may be required and the plan that follows might follow the same format as a pathway plan for a relevant or former relevant child.

The plan will outline the support to be provided to the young person, including, if necessary, any financial support. The plan should be drawn up by a social worker or suitably qualified person.

### **Special guardianship and Private Fostering**

The relevant local authority should make arrangements for young people who meet these criteria to receive advice and assistance in the same way as for any other young person who qualifies for advice and assistance under the 1989 Act. Regulation 22 of the Special Guardianship Regulations 2005 provides that the relevant local authority is the one that last looked after the child.

Local authorities should also set out what assistance can be provided to young people who are deemed 'Qualifying' as a result of being looked after immediately prior to becoming subject to a Special Guardianship Order or subject to a private fostering arrangement. Local authorities will need to be clear about which local authority is responsible for the provision of services to qualifying young people.

### **Young people who return home and young people living at home**

A young person's status as a care leaver can also change if they leave care and return home to live with their birth family. A 16 or 17 year old who has lived for a continuous period of six months with a parent or someone with parental responsibility will not be a relevant child. However, if this arrangement breaks down before they turn 18 and the young person ceases to live with the person concerned they would again become relevant child.

Where, following a statutory review, young people who are 'accommodated' under section 20 of the 1989 Act by arrangement with their parents return home in a planned manner, they will cease to be looked after and be 'relevant' children. On returning home the young person's parent/s are able to claim child benefit as long as the young person is undertaking full time education and training. After six months, and following a review that these arrangements are successful, the young person will become a qualifying child.

Local authorities should set out how they propose to support financially young people in these circumstances, taking into account the financial circumstances of their parent/s. Local authorities will need to consider equity issues in relation to siblings who may not have been looked after. For example, it may not be appropriate to provide the full range of transition to adulthood allowances such as birthday and Christmas/festival allowances if this creates disparities between other siblings who have not been looked after and therefore undermines parent's financial circumstances and independence.

## **Financial assistance for qualifying young people**

For care leavers who do not become relevant children but who qualify for advice and assistance under section 24(2), the primary financial support role remains with the Department for Work and Pensions. However, local authorities may also give financial assistance to these young people on account of their particular needs over and above those of other young people and, where appropriate, may provide assistance to the same level of that provided to an eligible, relevant or former relevant child.

This assistance may be in kind or, in exceptional circumstances, in cash. It should, however, be borne in mind that the local authority's power to provide assistance to these care leavers extends until they reach the age of 21, or 25 where the young person is engaged in education or training. Where a young person has no parent to turn to for help, or where the parent does not have the capacity to provide assistance, it is to be expected that they will turn to the local authority for help. In these circumstances and following an assessment of need the local authority may provide support to the same level as that provided to other care leavers.

Local authorities are encouraged to be pro-active in advising young people of the circumstances in which assistance can be provided and to take into account the fact that the reference to the provision of financial assistance in "exceptional circumstances" refers to the individual young person rather than to the general policy of the authority. It will be for the authority to decide in each case whether the provision of financial assistance would be appropriate, but the presumption should be that such assistance should be provided where this is necessary to protect the young person's welfare and it cannot be made available by any other agency. Local authorities are encouraged to be flexible in deciding what leaving care assistance can be given for and to consider a young person's wishes about the way in which any assistance should be spent.

Disabled young people who have been provided with short term breaks may be particularly in need of financial assistance, especially if they have high communications needs that make it difficult for them to apply to other agencies, such as voluntary organisations, for help.

## **Qualifying Young People in Education Employment and Training**

Local authorities have a specific power to provide assistance to these care leavers where this is connected with the young person's employment, education, or training, this can be up to the age of 24 and may include issues around accommodation.

### **Vacation accommodation**

The local authority must ensure that any care leaver in full time residential further education or higher education, regardless of whether they are a former relevant child or qualifying child, has suitable accommodation if they need it during a vacation. The local authority must be satisfied that the young person needs accommodation because their term-time accommodation is not available.

This assistance may take the form of either providing the young person with suitable accommodation, or by paying them enough to secure suitable accommodation themselves.

### **Which Authority is responsible**

In the case of a young person formerly looked after by a local authority, the relevant authority is the one which last looked after him. In the case of someone qualifying for advice and assistance under any of the other provisions at section the relevant authority is the authority in whose area the person has asked for help.

## **5. How to ensure we capture all Qualifying Care Leavers**

This policy will be available to all social work staff for induction purposes and also kept on the Practice Hub for future guidance. Training will be offered to all social workers in relation to the qualification process for a Qualifying Care Leaver and will be reminded by managers to ensure that they keep the process in mind for all children within the groups outlined above.

As a follow up, once a month, the Performance Team will send to the Service Manager for the Next Steps Team, a list of young people who fulfil the above criteria. In conjunction with the Post Adoption Support Team Manager, the Next Steps service will ensure that the young person receives a letter outlining their entitlements as a Qualifying Care Leaver. The Post Adoption Support Team will also keep details of the young person's details should there be a need for family support in the future.

The Next Steps Service Manager will ensure that the City Council holds up to date contact details in order to not breach GDPR rules.