



Meeting of East Renfrewshire Health and Social Care Partnership	Integration Joint Board
Held on	29 January 2020
Agenda Item	10
Title	Continuing Care – finance and policy implications for kinship and foster care
<p>Summary</p> <p>This report advises of the Integration Joint Board of the impact of Part 11 of the Children and Young People (Scotland) Act 2014 in relation to Continuing Care. The report also outlines the financial implications of the policy implementation for looked after children and young people in East Renfrewshire in relation to kinship and foster care.</p>	
Presented by	Kate Rocks, Head of Public Protection and Children's Services (Chief Social Work Officer)
<p>Action Required</p> <p>The Integration Joint Board is asked to:-</p> <ul style="list-style-type: none"> • Approve the contents of the report; • Recognise the impact of legislative and policy change for the Health and Social Care Partnership and East Renfrewshire Council; • Agree for local guidance to be strengthened to better support carers and young people to financially plan for young people leaving care; and • Approve the projected financial commitment in respect of Continuing Care. 	
<p>Implications checklist – check box if applicable and include detail in report</p> <p> <input type="checkbox"/> Finance <input type="checkbox"/> Policy <input type="checkbox"/> Legal <input type="checkbox"/> Equalities <input type="checkbox"/> Risk <input type="checkbox"/> Staffing <input type="checkbox"/> Directions <input type="checkbox"/> Infrastructure </p>	

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EAST RENFREWSHIRE INTEGRATION JOINT BOARD

29 JANUARY 2020

Report by Chief Social Work Officer

**CONTINUING CARE – FINANCE AND POLICY IMPLICATIONS
FOR KINSHIP AND FOSTER CARE**

PURPOSE OF REPORT

1. This report advises of the Integration Joint Board of the impact of Part 11 of the Children and Young People (Scotland) Act 2014 in relation to Continuing Care. The report also outlines the financial implications of the policy implementation for looked after children and young people in East Renfrewshire in relation to kinship and foster care.

RECOMMENDATIONS

2. The Integration Joint Board is asked to:-
 - (a) Approve the contents of the report;
 - (b) Recognise the impact of legislative and policy change for the Health and Social Care Partnership and East Renfrewshire Council;
 - (c) Agree for local guidance to be strengthened to better support carers and young people to financially plan for young people leaving care; and
 - (d) Approve the projected financial commitment in respect of Continuing Care.

BACKGROUND

3. Part 11 (Continuing Care) of the Children and Young People (Scotland) Act 2014 introduced a new duty on local authorities to provide young people, born after 1st April 1999, who ceased to be looked after on or after their 16th birthday and whose final placement was 'away from home' with the continuation of the support they received prior to their 16th Birthday up to and including the age of 21. The legislative and policy intention is to provide looked after children with a more graduated transition out of care, reducing the risk of multiple simultaneous disruptions occurring in their lives while maintaining supportive relationships and improving their outcomes as adult citizens.
4. The new duty is separate from duties under [Part 10 \(Provision of aftercare\) of the Children and Young People \(Scotland\) Act 2014](#) that extended the existing section 29 provision within the Children (Scotland) Act 19915 so that local authorities could now provide advice, guidance and assistance to young people ceased to be looked after and eligible for aftercare up to the age of 26.

Young people leaving care

5. In Scotland, the average age for leaving care is between 16 and 18 years old, but the average age for leaving home is 25¹. The complexity of the needs of young people leaving care forms part of Scotland's current [Independent Care Review](#). Moving on from care too early or abruptly and at times without the benefit of informal support and social network can contribute to significantly poorer outcomes².
6. In recognition of the particular vulnerabilities and challenges faced by care leavers, and to reduce longstanding inequalities, on 16th June 2016, East Renfrewshire held an event "Keep Calm and be a Corporate Parent" where East Renfrewshire Corporate Parents signed up to the [Scottish Care Leavers Covenant](#), which sets out guiding principles for support to care leavers. The Covenant is supported by a number of local authorities and other public bodies, including the Care Inspectorate and NHS Scotland. A keystone of the Covenant is for corporate parents to encourage looked after and care leavers to remain in positive care settings until they are ready to move on.

East Renfrewshire Kinship and Foster Care

7. East Renfrewshire has a registered foster care service and since 2017, a registered adult placement service which provides young people who are ceased to be looked after with a supported care placement. These services have been recently evaluated very positively by the Care Inspectorate across all services.
8. Over the last few years, significant work has been undertaken to successfully shift the balance of care by ensuring that we are working to improve outcomes by securing children's permanent futures. However, some older children remain within our care and are unable to return home safely.
9. For looked after children and young people aged under 18yrs, on 17th February 2016, East Renfrewshire Health and Social Care Partnership³ adopted a local financial parity model for formal kinship and foster care allowances. This pays kinship care allowances that are the equivalent to foster care allowances minus benefits i.e. child benefit and tax credits. The model has successfully addressed local inequalities between fostering and formal kinship care, ensuring that East Renfrewshire is compliant with human rights law in a sensitive way.
10. Prior to the legislative changes in the Children and Young People (Scotland) Act 2014, in East Renfrewshire and elsewhere, where a young person in foster care reached the age of 18 and ceased to be looked after, but was assessed as continuing to require care, the placement changed from that of foster care to supported care. Supported care attracts a lower level of allowance for the child and fee for the carer, reflecting the difference in the care task and an expectation that the young person does not require the same level of support. For young people who reached the age of 18 within a formal kinship care placement, financial support ceased. This approach is no longer compliant with the legislative intentions of the Children and Young People (Scotland) Act 2014.
11. We are aware from our own carers and national experience that with reduced or no allowances, financial hardships are experienced and in some circumstances, have contributed to young people moving on earlier than they were perhaps ready to do.

¹ <https://www.celcis.org/our-work/key-areas/throughcare-and-aftercare/our-throughcare-and-aftercare-work/>

² <https://www.whocaresscotland.org/who-we-are/media-centre/statistics/>

³ <http://www.eastrenfrewshire.gov.uk/CHttpHandler.ashx?id=16131&p=0>

REPORT

12. The Children and Young People (Scotland) Act 2014 has brought in legislative changes to enable young people to remain in their placement on or after the age of 16 when they ceased to be looked after. Prior to the 2014 Act coming in to force, East Renfrewshire young people already remained supported in their foster and formal kinship care placements until the age of 18 (if not continuing in education in kinship this age would be 16) when they ceased to be looked after. After the age of 18, some young people were able to be supported to remain with their foster carer where the placement could be converted to a supported care placement. However, whilst the fee for the carer was reduced (reflective of the difference in the care task), the rate of the allowance for the young person's care was also reduced.
13. From the 1st April 2015, young people ceasing to be looked after on or after their 16th birthday, have been legally entitled to have their placement continue on the basis of continuing care up until and including the age of 21. East Renfrewshire Health and Social Care Partnership have put in place arrangements to support legislative duties, including the registration of an additional adult placement service (Supported Care).
14. In providing those young people eligible for and requesting the provision of continuing care from the age of 18yrs and to ensure that there is no conflict with the legislative duty to enable them to remain in their placement, the allowance payable for the young person's care requires be the same amount as that provided prior to their 18th birthday. In effect, there is a significant cost increase in the funding of placements between the ages of 18 and 21 years. The greatest impact is for continued funding for kinship care placements which previously did not attract funding post 18yrs.
15. In providing financial parity for continuing care allowances, East Renfrewshire Council is discharging their legislative duties on a fair and equitable basis and in recognition that financial hardship can be a contributing factor to placement breakdown and young people leaving care too early. The proposed funding for young people continues the child allowance for those remaining within a foster care or kinship care placement up to age 21 as the table below illustrates:

Foster care to continuing care – total average financial support per week including allowance for young person and skills fee for carer					
Current		Current		Proposed	
Under 18yrs	£456.79 Includes child allowance and carer fee	18-21yrs	£329.21	18-21yrs	£357.41
Kinship care to continuing care - total average financial support per week including allowance for young person					
Current		Current		Proposed	
Under 18yrs	£182.70 Includes child allowance	18-21yrs	£0 No allowance given	18-21yrs	£182.70

16. The table below provides an estimate of the cumulative additional costs 2019 – 2022 in providing allowances for placements equivalent to foster or kinship care. This is a conservative estimate, based on young people who will be eligible for continuing care requesting this and assuming an additional 6 placements across kinship and foster care by 2022:

Year	Additional cost of young people provided with continuing care	
2019/20	Continuing care (Foster Care)	£5,881.71
	Continuing care (Kinship)	£19,053.00
	TOTAL	£24,934.71
2020/21	Continuing care (Foster Care)	£25,997.91
	Continuing care (Kinship)	£42,906.83
	TOTAL (cumulative)	£68,904.74
2021/22	Continuing care (Foster Care)	£44,624.90
	Continuing care (Kinship)	£88,735.30
	TOTAL (cumulative)	£133,360.20

17. Current indications evidence that additional funding will be required in order to comply with the legislation. This is included in the budget process for 2020-21.
18. Young people in receipt of continuing care legally require to have an assessment and plan, and this will be subject to regular review. Work is being undertaken to revise the existing planning arrangements to better align this with the current practice model (Signs of Safety). This will ensure a strengths based assessment to support young people and risk sensible planning into adulthood.
19. Revised guidance is currently being developed for children's social work. Importantly, we will work with carers and young people to strengthen the financial planning advice, guidance and support provided to young people to better assist them in their transition to adulthood.

CONSULTATION AND PARTNERSHIP WORKING

20. There are existing multi-disciplinary authorisation panel arrangements in place to ensure robust decision making takes place in relation securing and improving young people's futures. Quality assurance is crucial to ensure that arrangements for the assessment/planning and monitoring of placements are in line with legislation and guidance and also consider the financial impact for HSCP.
21. East Renfrewshire has a strong and proud history in relation to the participation of looked after children and young people. Our Children's Champions Board actively engages with looked after children and young people across a range of issues affecting them and a key theme for our young people has been financial support both during their placement that prepares them for independent living and having a good life in adulthood.

IMPLICATIONS OF THE PROPOSALS/...

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Finance

22. There are financial implications in relation to the funding of continuing care as outlined in this paper and in line with legislative duties. Given the fluidity of looked after and accommodated young people, the full implications for future years are difficult to accurately predict. The table at paragraph 16 includes all known costs to date and a budget pressure bid is included in the 2020-21 budget process.

Legal

23. Legal services are aware of the implications of the Children and Young People (Scotland) Act 2014 and continue to support the planning for children's permanent futures.

Equalities

24. The conclusion within this report is in line with the vision, policy and practice intentions already in place in East Renfrewshire to ensure parity for children living in formal kinship care.

25. IT
None

26. Staffing
None

27. Property
None

CONCLUSIONS

28. The Children and Young People (Scotland) Act has resulted in legislative changes that entitles young people who cease to become looked after either on or after their 16th birthday to remain in their placement up to and including the age of 21.

29. To address financial hardship, minimise placement breakdown and to comply with legislative duties, it is proposed that foster and formal kinship care placements allowance for the child/ young person continue at their present rate of financial support. By providing parity of financial and practical support during placement and working with young people to financially plan for their futures. It is hoped that this will reduce significant inequalities for care experienced young people.

30. There are significant financial implications attached to this policy and it is not possible to accurately predict future numbers of young people.

RECOMMENDATIONS

31. The Integration Joint Board is asked to:-

- (a) Approve the contents of the report;
- (b) Recognise the impact of legislative and policy change for the Health and Social Care Partnership and East Renfrewshire Council;
- (c) Agree for local guidance to be strengthened to better support carers and young people to financially plan for young people leaving care; and
- (d) Approve the projected financial commitment in respect of Continuing Care.

REPORT AUTHOR AND PERSON TO CONTACT

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8 January 2020

Chief Officer, IJB: Julie Murray

BACKGROUND PAPERS

IJB PAPER 17.02.2019: Kinship Care and Residence Orders- Financial and Policy Implications
<http://www.eastrenfrewshire.gov.uk/CHttpHandler.ashx?id=16131&p=0>