

Children and Young People (Scotland) Act 2014: Guidance on Part 11: Continuing Care

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Preface

The Scottish Government's commitment to supporting care experienced young people is reflected in the Children and Young People (Scotland) Act 2014 ("the 2014 Act"). The 2014 Act sets out the responsibilities that corporate parents have to support care experienced children and young people and introduced Continuing Care provision.

Since the inception of the 2014 Act, young people leaving care after their sixteenth birthday, and who have been looked after in foster, kinship or residential care, have been eligible for Continuing Care, with the effect that young people can remain in their eligible care setting and receive the same level of support up to their twenty-first birthday. Continuing Care has promoted a needs-based approach and has allowed young people to maintain and build upon the strong and positive relationships developed in their care settings, so that they can make the transition to independent living when they are more ready to do so.

Independent living might mean different things for different individuals; for example, for some disabled young people, living alone may not be an option. Statutory guidance on self-directed support defines independent living as "people of all ages having freedom, choice, dignity, and control, and fulfilling your rights to participate in society and live a full life. It does not mean living by yourself or fending for yourself"¹.

This refreshed guidance on Continuing Care aims to reflect developments in policy and practice as well as providing clarity to those who provide support services by addressing implementation gaps.

This guidance is intended primarily for local authorities. It is also important for other corporate parents (as listed in schedule 4 of the 2014 Act) and other individuals and organisations involved in supporting looked after children and young people and care leavers. This guidance, however, cannot provide answers or advice for every unique situation or particular set of circumstances. If necessary, looked after young people, local authorities and other corporate parents should seek independent legal advice.

Although the guidelines set out in this document are not in themselves statutory requirements, all local authorities and children's services planning partnerships should have regard to them. They reflect the expectations of Scottish Ministers, in accordance with current legislative requirements and may be referenced by scrutiny bodies in the course of external inspection.

The aims of this guidance are:

- a) to reinforce the legal and ethical responsibilities of local authorities towards looked after young people and care leavers;
- b) to outline the duty of local authorities when providing Continuing Care;

¹ [Social Care \(Self-directed Support\) \(Scotland\) Act 2013: statutory guidance.](#)

- c) to provide a framework for enhanced and improved personal support (based on on-going personal contact) for Scotland's young people when they cease to be looked after;
- d) to support a rights based, person centred, trauma-informed approach which builds on the values and principles of Getting it right for every child (GIRFEC)². 2

1. Introduction

For all young people, a successful transition to independent adulthood depends on having the right support at the right time. The right support and the right time might be very different for each individual depending on their circumstances. Too often care leavers are expected to look after themselves much sooner than their peers³ and in many cases, before they are ready.

Maintaining nurturing, positive relationships through Continuing Care is a key factor in helping young people achieve a successful and sustained level of developmentally appropriate independence, with a range of healthy inter-personal relationships, social supports and networks.

Continuing Care enables young people to retain a day-to-day relationship with their carer, and an on-going relationship with the local authority and other corporate parents (see Part 9 (Corporate Parenting) of the 2014 Act). In this sense, Continuing Care is about facilitating relationship-based practice with young people, and providing them with a continued feeling of belonging, permanence and stability to support and prepare them as they transition towards an appropriate level of independence. Like all young people, those leaving care need supportive relationships to enable them to thrive as they move into adulthood.

The Scottish Government is clear that a looked after young person leaving care should be allowed to remain in their care placement until the time is right for them to move on with a suitable care plan in place. Local authorities should work within the enabling spirit of the legislation to provide caring environments for all looked after young people as they transition to more independent living where appropriate and at a time and pace that suits them.

The priority must be that all looked after children will have a care plan which meets their individual circumstances and allows them to remain in their care placement if at all possible.

Continuing Care enables a young person to remain in the home they were in when they were looked after. Local authorities should consider Continuing Care among all the options available to young people ceasing to be looked after. It should not be used as an alternative

² More detail on GIRFEC can be found in the glossary.

³ [Housing Options and Care Leavers, Improving Outcomes into Adulthood, CELCIS, 2015.](#)

where continuing to be looked after under the Children (Scotland) Act 1995⁴ is in the best interest of the young person. A young person who is currently looked after should remain looked after up until the age of eighteen years if that is in their best interest.

1.1. Policy and Legislative Context

Continuing Care was introduced by Part 11 of the Children and Young People (Scotland) Act 2014 (“the 2014 Act”). The 2014 Act inserted a new section 26A into the Children (Scotland) Act 1995 (“the 1995 Act”) to place local authorities under a duty to provide Continuing Care in certain circumstances. Under Part 11 of the 2014 Act, eligible young people have the opportunity to remain in their care setting up to their twenty-first birthday.

1.2. Children and Young People Act (Scotland) 2014

The 2014 Act introduced Continuing Care, providing eligible care leavers with the option to continue with the accommodation and assistance they were provided with immediately before they ceased to be looked after. The 2014 Act encourages early offers of support rather than crises responses.

Underpinned by the Scottish Government’s commitment to the United Nations Convention on the Rights of the Child (“UNCRC”), and [Getting it right for every child](#) (GIRFEC), the 2014 Act established a new legislative framework for services to work together to support children, young people and families.

1.3. United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024

The UNCRC (Incorporation) (Scotland) Act 2024 (“the 2024 Act”) is a landmark piece of legislation which incorporates the UNCRC requirements and Optional Protocols 1 and 2 directly into Scots law within the limits of devolved competence. Most of the provisions in the Act will have come into effect by July 2024.

Section 6 of the 2024 Act makes it unlawful for a public authority to act in a way that is incompatible with the UNCRC requirements. Although the duty to act compatibly with the UNCRC requirements applies only when public authorities are exercising powers conferred by Acts of the Scottish Parliament or common law, public authorities are encouraged to uphold children’s UNCRC rights regardless of the legal source of their powers. More detail can be found at Appendix A: Legislative Framework.

1.4. Staying Put Scotland

⁴ [Children \(Scotland\) Act 1995 \(legislation.gov.uk\)](#).

Staying Put Scotland⁵ was published by the Scottish Government in 2013 to provide guidance for local authorities and other corporate parents on supporting looked after children and young people to remain in care, as part of a staged transition towards adulthood and greater independence.

This guidance played an important role in the shift away from a culture of young people in care being expected to leave home at 16. The guidance pre-dates the 2014 Act and other key developments, such as The Promise and the incorporation of the UNCRC into Scots law through the 2024 Act. While culture and practice has moved on significantly, the wider principles are still relevant today:

From Staying Put Scotland, 2013

- **Young people are encouraged, enabled and empowered to remain in positive care settings until they are ready to move on.** Local authorities and their partners – as corporate parents – will want to ensure that looked after young people are not only aware of their right to remain in their home, but that they have opportunity to exercise that right. They must be provided with information about the options available to them (in a timely manner), and given the support to evaluate those options properly; this may involve direct work with a young person to highlight the long term benefits of certain choices, in light of their personal circumstances.
- **No looked after young person leaves care without the skills and support necessary for success.** As if they were their own children, staff across local authorities – and all agencies with corporate parenting responsibilities – will want to ensure that a looked after young person leaves care with the practical skills and networks of supportive relationships that underpin successful adult life. This relies on proper needs-led, child-centred assessment, a commitment to providing training and / or practical support, and access to a range of accommodation options. As part of the assessment corporate parents will want to satisfy themselves that care leavers demonstrate an appropriate level of “emotional readiness”.
- **Local Authorities and their corporate parenting partners will have made explicit their commitment to the ‘Staying Put Scotland’ approach.** Local Children’s Services Plans and other relevant planning documents should be clear about the locality’s commitment to care leavers, and support for the ‘Staying Put Scotland’ approach. These plans will not only detail the policies and procedures which will make this practice real for looked after young people, but they will also identify the measures of success (i.e. outcomes for care leavers). Clear and explicit statements in strategic plans also encourage organisations to own the Staying Put agenda at a corporate level.

⁵[Staying Put Scotland Guidance, 2013.](#)

1.5. The Promise

In 2016, the First Minister announced “an independent, root and branch review of the care system” to look at “the underpinning legislation, practices, culture and ethos”. The Promise was the outcome of that review; the Promise⁶ outlines the transformational change that is required to ensure that services are centred around people to create a country that cares.

To keep the Promise we are working to ensure that services are effective. To be effective they must:

- be shaped around children, young people and families instead of around policy areas, budgets, legislation or monitoring;
- meet the needs of children, young people and families and stand ready to be accessed where they are needed and when they are needed; and
- listen to care experienced children and young adults in the delivery, inspection and continuous improvement of services and of care.

One of the foundations on which the Promise is built is Voice:

‘Children must be listened to and meaningfully and appropriately involved in decision-making about their care, with all those involved properly listening and responding to what they want and need. There must be a compassionate and caring decision-making culture focussed on children and those they trust’.⁷

Additional information on the legislative and policy framework is set out in Appendix A.

2. Aims of Continuing Care

The aims of Continuing Care are:

- 1) To address the inequalities between looked after children and their non-looked after peers by providing a stable home and ensuring that young people do not leave care until they are prepared and ready to leave;
- 2) To improve the assessment, preparation and planning for young people leaving care; and
- 3) To provide better personal support for young people after leaving care.

Local authorities have a duty⁸ to provide advice and assistance with a view to preparing the child for when they are no longer looked after by a local authority. Continuing Care is part of a continuum of support that prepares young people for a successful transition out of the

⁶ [Care Review Reports – Independent Care Review.](#)

⁷ [Care Review Reports – Independent Care Review.](#)

⁸ Children (Scotland) Act 1995, section 17.

care system, based on plans which reflect their needs and aspirations, backed up by consistent, personalised support from local authorities and other corporate parents.

Continuing Care is an opportunity to increase independence at a rate which suits the evolving capacity of the young person. All eligible looked after young people should be encouraged, enabled and empowered to stay in their home until they are able to demonstrate their readiness to move on to more independent living.

The only exceptions to the duty of a local authority to provide a young person with Continuing Care is where the accommodation the person was in immediately before ceasing to be looked after was secure accommodation; the accommodation the person was in immediately before ceasing to be looked after was a care placement and the carer has indicated to the authority that the carer is unable or unwilling to continue to provide the placement; or the local authority considers that providing the care would significantly adversely affect the welfare of the person. If the local authority does take the view that the young person's welfare would be seriously adversely affected by remaining in their current home, this must be evidenced in a Welfare Assessment that meets the requirements of the Continuing Care (Scotland) Order 2015 as soon as reasonably practicable before the person ceases to be looked after by the local authority. More information on Welfare Assessments can be found in section 7.

3. Eligibility for Continuing Care

Local authorities have a duty to provide eligible young people with Continuing Care⁹. The period to provide Continuing Care is from the date on which an eligible person ceases to be looked after by a local authority until the date of that person's twenty-first birthday.

People are generally eligible for Continuing Care if:

- they are at least sixteen years of age, up to their 21st birthday¹⁰; and
- they were looked after within the meaning of section 17(6) of the 1995 Act¹¹. In practice, this could include young people who have been in foster care, in formal kinship care, in residential care, or otherwise provided with accommodation under section 25 of the 1995 Act on or after their 16th birthday. This may include young people in foster care or

⁹ Section 26A(3) of the 1995 Act. This duty is subject to certain exceptions in section 26A(5).

¹⁰ Section 26A(1) of the 1995 Act states that the section applies where an eligible person ceases to be looked after by a local authority and section 26A(2) defines an "eligible person" as a person who is at least sixteen years of age and is not yet such higher age as may be specified in an Order made by Scottish Ministers. The higher age for 'eligible persons' was increased from twenty years of age to twenty-one years of age: SSI 2015/158, Article 2 amended by SSI 2019/91.

¹¹ As per section 17(6) of the 1995 Act, a child is "looked after" by a local authority whenever (a) the local authority is providing the child with accommodation under section 25 of the 1995 Act; (b) the child is subject to a compulsory supervision order or an interim compulsory supervision order and in respect of whom the local authority is the implementation authority; (c) the child is the subject of an order in accordance with which the local authority has responsibilities as respects the child; or (d) a permanence order has been made in respect of the child.

residential education/care purchased by the local authority from private and third sector providers.¹²

A young person who is the subject of a permanence order under section 80 of the Adoption and Children (Scotland) Act 2007 is looked after until eighteen years old. They are therefore eligible for Continuing Care and are entitled¹³ to request this prior to the end of a permanence order at any point on or after the young person's sixteenth birthday or on reaching age eighteen years. This should be discussed as part of the planning process for the young person leaving care.

Children and young people who are being cared for by means of a kinship care order under section 11 of the 1995 Act are not looked after and therefore are not entitled to Continuing Care. Good practice would be for local authorities to provide appropriate support, advice and guidance to young people when an order under section 11 of the 1995 Act comes to an end.

Continuing Care can be provided to some young people by residential schools¹⁴ that provide a targeted service¹⁵ but it may be that these schools can only offer Continuing Care until young people complete secondary education. Local authorities should ensure that proper planning for a move is in place at this point and the young person receives support of an equivalent standard provided previously by the school. While there are clear expectations of the role of schools in relation to transitions¹⁶, the ultimate responsibility rests with placing authorities (i.e. the authority which placed the young person in that school).

There is no requirement for young people to request or apply for Continuing Care in order for it to be considered as an option. Some young people may be deemed not to have capacity, for example due to learning difficulties or disability, and it is essential that this does not place them at a disadvantage in the process of planning for transitions.

For those young people who are ineligible for Continuing Care there will still be assessment and planning in regard to their transition to independent adulthood, and they may be entitled to support under Aftercare provision.

A young person in Continuing Care is not looked after, they are in Continuing Care. Continuing Care is a legal term to describe the support they are receiving. Young people in

¹² Section 26 of the 1995 Act outlines the types of accommodation which a local authority may provide for a looked after child under section 25 of that Act.

¹³ Subject to certain limited exceptions as set out in section 26A(5) of the 1995 Act.

¹⁴ i.e. a school that also provides accommodation for children and young people.

¹⁵ i.e. a school which provides additional support to children and young people; such support may be in place to assist a child or young person with additional or complex needs.

¹⁶ How Good Is Our School? ("HGIOS?") (4th Ed.) ([How good is our school? \(4th edition\) \(education.gov.scot\)](https://www.education.gov.scot/nr/rdonly.do?&cid=123456789)), under Quality Indicator 2.6 (Learning Provision: Transitions).

Continuing Care are entitled to the same supports (i.e. accommodation and other assistance) as they were when looked after¹⁷.

Children and young people who are looked after at home are not eligible for Continuing Care, but may go on to receive Aftercare support. Please see [Guidance on Part 10 \(Aftercare\) of the 2014 Act](#).

4. Exceptions to providing Continuing Care

There are three circumstances where a local authority does not have a duty to Continuing Care to an eligible young person¹⁸:

- a) if the young person was accommodated in secure care immediately before ceasing to be looked after;
- b) if the young person was in care where the carer/provider has indicated that they are unable or unwilling to continue to provide care; or
- c) if the local authority considers that providing the care would significantly adversely affect the welfare of the person¹⁹. This must be evidenced in a Welfare Assessment.²⁰ More detail on Welfare Assessments can be found at section 7.

The duty to provide Continuing Care ceases if²¹:

- a) the person leaves the accommodation of their own volition,
- b) the accommodation ceases to be available (see below), or
- a) in exceptional circumstances, the local authority considers that remaining in the current home would significantly affect the welfare of the person. This must be evidenced in a Welfare Assessment²².

The 1995 Act defines the situations in which the duty to provide Continuing Care ceases as a result of accommodation ceasing to be available²³; this includes:

- a) in the case of a care placement, where the carer indicates to the authority that the carer is unable or unwilling to continue to provide the placement,
- b) in the case of a residential establishment provided by the local authority, where the authority closes the establishment,
- c) in the case of a residential establishment provided under arrangements made by the local authority, where the arrangements come to an end.

¹⁷ Section 26A(4) of the 1995 Act.

¹⁸ As outlined in section 26A(5) of the 1995 Act.

¹⁹ Section 26(5)(c) of the 1995 Act.

²⁰ The Continuing Care (Scotland) Order 2015, Articles 4 and 7.

²¹ Section 26A(7) of the 1995 Act.

²² Continuing Care (Scotland) Order 2015, Articles 4 and 7.

²³ Section 26A(8) of the 1995 Act.

Where accommodation ceases to be available, this will only be applicable in exceptional circumstances such as a residential establishment closing without any alternative provision being provided, or where the arrangements under which the establishment was provided come to an end. It will not be due to the accommodation provider being unwilling to continue the placement, unless section 26A(7)(c) of the 1995 Act applies and the local authority considers that remaining in the placement would significantly adversely affect the welfare of the young person.

For whatever reason it ceases, once Continuing Care comes to an end the local authority is still under a duty to assess the young person for Aftercare support (by virtue of section 29(5) of the 1995 Act) and, if the young person applying for support is deemed to have eligible needs which cannot otherwise be met, the local authority is under a duty to provide the young person with such advice, guidance and assistance as it considers necessary for the purposes of meeting those needs (potentially up to their twenty-sixth birthday). If the young person is deemed not to have capacity, a guardian may apply on their behalf and should be provided with the advice and guidance necessary to meet the young person's needs.

5. Provision of Continuing Care

Local authorities should develop policies that provide carers with information and guidance relating to all aspects of continuing the young person's accommodation and support when they cease to be looked after.

Local authorities are required to provide eligible care leavers with a continuation of the same accommodation and other assistance as was being provided for the person by the authority, immediately before the person ceased to be looked after²⁴ unless any of the exceptions in section 26A(5) of the 1995 Act apply.

6. Planning

At the earliest opportunity, and well ahead of the young person's 16th birthday, young people and their carers should be made aware that Continuing Care is an option. Young people should be encouraged, enabled and empowered to stay in their current home until they are able to demonstrate their readiness to move on.

Planning must be a meaningful process that takes a flexible approach to supporting a young person to move towards independent adulthood. There should be a pathway plan for each young person who ceases to be looked after.

²⁴ Section 26A(4) of the 1995 Act.

It is critical that planning continues throughout the young person's time in Continuing Care. With effective planning, Continuing Care will ensure that the young person experiences ongoing preparation and support for transition to independent adulthood, tailored to their individual circumstances, maturity and development, so that their transition does not include a "cliff-edge" at any point.

Planning for moving on from care should be informed by the values and principles of Getting it right for every child using the GIRFEC National Practice Model²⁵, as this applies to all young people up to the age of 18. The key values and principles within the GIRFEC approach are:

- Placing the child or young person and their family at the heart, and promoting choice, with full participation in decisions that affect them;
- Working together with families to enable a rights-respecting, strengths-based, inclusive approach;
- Understanding wellbeing as being about all areas of life including family, community and society;
- Valuing difference and ensuring everyone is treated fairly;
- Considering and addressing inequalities;
- Providing support for children, young people and families when they need it, until things get better, to help them to reach their full potential; and
- Everyone working together in local areas and across Scotland to improve outcomes for children, young people and their families.

For some looked after children who have complex needs, planning will require detailed discussion and collaboration by all relevant parties to agree a level of support that meets the needs of the young person and is supported by the carer. All corporate parents have a duty to collaborate in order to meet the needs of looked after children under their Corporate Parenting responsibilities in Part 9 (Corporate Parenting) of the 2014 Act²⁶.

The Education (Additional Support for Learning) (Scotland) Act 2004²⁷ sets out the responsibilities of education authorities specifically in relation to post-school transition planning for children and young people with additional support needs.

7. Welfare Assessments

Local authorities must consider whether providing an eligible person with Continuing Care would significantly adversely affect the welfare of that person²⁸. This must be done as soon

²⁵[Getting it right for every child \(GIRFEC\) Practice Guidance 1 - Using the National Practice Model, Scottish Government, 2022](#)

²⁶[Children and Young People \(Scotland\) Act 2014: Statutory Guidance on Part 9 Corporate Parenting, 2015](#)

²⁷ [Education \(Additional Support for Learning\) \(Scotland\) Act 2004](#)

²⁸ Section 26A(5)(c) of the 1995 Act.

as reasonably practicable before the person ceases to be looked after by them,²⁹ and by carrying out a Welfare Assessment of that person in accordance with Article 7 of the Continuing Care (Scotland) Order 2015.

Local authorities must publish a written statement detailing the manner in which the welfare of eligible persons is to be assessed.³⁰

The Continuing Care (Scotland) Order 2015 makes provision detailing how a local authority is to carry out Welfare Assessments. Local authorities must:

- Seek and have regard to the views of the young person and take all reasonable steps to enable the young person to attend and participate in any meetings relating to the Welfare Assessment³¹ unless it is not reasonably practicable to do so;
- Ensure that a written record of the views of the young person is prepared and made available to the young person, as soon as is reasonably practicable. The written record must be taken into account and recorded as part of the Welfare Assessment³²;
- Ensure that a written record is prepared of: the information and views obtained in the course of carrying out the Welfare Assessment; the deliberations at any meeting held in connection with any aspect of a Welfare Assessment; and the results of a Welfare Assessment³³; and
- Provide the young person with a copy of the written record of the results of the Welfare Assessment and ensure that the contents of that record are explained to the eligible person as soon as reasonably practicable³⁴.

Local authorities' functions in relation to children and young people should be exercised in a way that safeguards, supports and promotes the wellbeing of children and young people. The GIRFEC wellbeing indicators³⁵ should be considered as a core part of the assessment and the GIRFEC National Practice Model³⁶ should be used, as this applies to all young people up to the age of 18.

The Welfare Assessment can be incorporated within an existing assessment or as a new Continuing Care assessment. In either case it should be explicitly clear that it is a Welfare Assessment. The Care Inspectorate Practice Note on Continuing Care and the Welfare Assessment³⁷ provides helpful guidance:

²⁹ Article 4 of the Continuing Care (Scotland) Order 2015.

³⁰ Article 6 of the Continuing Care (Scotland) Order 2015.

³¹ Article 7(1) of the Continuing Care (Scotland) Order 2015.

³² Article 7(3) of the Continuing Care (Scotland) Order 2015.

³³ Article 7(6) of the Continuing Care (Scotland) Order 2015.

³⁴ Article 7(7) of the Continuing Care (Scotland) Order 2015.

³⁵ The wellbeing indicators listed in section 96(2) of the 2014 Act: Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible, and Included.

³⁶ [Getting it right for every child \(GIRFEC\) Practice Guidance 1 - Using the National Practice Model, Scottish Government, 2022](#)

³⁷ [Continuing Care and the Welfare Assessment: Practice Note](#)

‘Individual care plans and service planning processes should anticipate, expect and plan for children and young people electing to ‘stay put’, with relational practice informing, guiding and supporting this. Additionally, service planning and commissioning processes should anticipate, expect and plan for young people remaining in positive care placements as a matter of course.’

Local authorities have developed local guidance on assessment and planning to reflect local arrangements.

Whatever assessment process is used, effective practice is to incorporate the assessment outcomes into the young person’s plan. A copy of the plan should be shared with the young person and the service provider in relation to the young person, unless they consider that to do so would place the young person at risk or be incompatible with any legal obligation to which the authority is subject.

A young person over sixteen years’ old in Continuing Care, who remains in the same home, may require to undergo a Disclosure check depending on their specific individual circumstances e.g. where there are unrelated children in the same household. Some young people find this process unsettling, as they may feel it suggests they cannot be trusted, or that it introduces doubt around the young person being able to remain in the same home. Practitioners have told us that it can be helpful to explain that this process is standard practice for birth families being considered for fostering, and that the process reflects the young person’s role as part of the family and the home.

If there are concerns as a result of the Disclosure check, there will need to be a robust assessment of the needs of the young people in the home and advice should be sought from the Care Inspectorate. In some cases, such as young people who have spent time outwith the UK, it will not be possible to complete a Disclosure check. In such cases, assessment of needs can be based on what information is available and advice sought from Care Inspectorate if necessary.

Practitioners have told us that the requirement for foster carers to undergo the approval process for a Continuing Care placement can add uncertainty for the carers as well the young people involved. Some authorities have found applying for a carer to be approved as a supported carer for a specific young person can reduce the pressure and uncertainty faced by carers and the young people involved.

8. Reviewing Welfare Assessments

Once a young person is in Continuing Care, the local authority must carry out Welfare Assessments to consider whether continuing to provide Continuing Care would significantly adversely affect the welfare of that person. The local authority will want to ensure that

arrangements are still meeting the needs of the young person and that future planning is discussed and future plans are in place.

Welfare Assessments must be carried out at intervals not exceeding twelve months (the first interval starting from the date on which the person ceases to be looked after by the local authority)³⁸.

The local authority's duty to provide Continuing Care ceases if the local authority considers that continuing to provide the care would significantly adversely affect the welfare of the young person³⁹.

In any situation in which a local authority has evidence of an issue significantly affecting the young person's welfare, it is in the best interests of the young person and carer(s) that the assessment takes place as soon as practicably possible, rather than delay until the next scheduled annual review meeting. For this reason, it should be rare that a regular review meeting will recommend anything other than the continuation of the current arrangements.

If a Welfare Assessment assesses a situation as potentially significantly adversely affecting the welfare of a young person in Continuing Care, all reasonable steps should be taken to address the issue in order to allow the arrangements to continue.

9. Providing Continuing Care

If a compulsory supervision order (CSO) is being removed prior to Continuing Care beginning (as opposed to Continuing Care beginning when the young person reaches their 18th birthday), this will be agreed at a children's hearing. The children's hearing will need to be assured that appropriate provision has been made for the young person. The explanation regarding the entitlement to Continuing Care should have already been discussed with a looked after young person as part of their throughcare support and prior to a hearing. This information should be included in the report for the hearing.

If it is in the best interest of a young person to remain looked after until eighteen years of age then this should be the recommended option. It is crucial that the young person understands that if they leave Continuing Care at any time they are unlikely to be able to return to Continuing Care.⁴⁰ This does not prevent a local authority re-accommodating a young person under section 25 of the 1995 Act (whereby parents voluntarily place a child, or young person into the care of a local authority). If at all possible, the local authority should consider whether the same home as before would be suitable for the young person.

³⁸ Article 5 of the Continuing Care (Scotland) Order 2015.

³⁹ Section 26A(7)(c) of the 1995 Act.

⁴⁰ Section 26A(7)(a) states that continuing care ceases if the person leaves the accommodation of their own volition.

Local authorities may also provide a voluntary placement under section 25 of the 1995 Act if it is in the best interest of the young person. However, a placement under section 25 of the 1995 Act should not be used as an alternative to a Continuing Care placement. The only exception to this is if the young person has left Continuing Care but it is subsequently in their best interests to return to care. Continuing Care offers significantly more security for the young person than a placement under section 25 of the 1995 Act.

Where the Continuing Care provider is a foster carer, the young person in Continuing Care does not count towards the number of placements permitted in the same home, although realistically at a practical level foster carers are likely to be limited by the number of bedrooms available.

It may be that a foster carer providing Continuing Care will need to apply to be registered as an adult placement in addition to any current registration with children's services. Whilst this may be seen as an additional responsibility for the service provider it may be required to fulfil their responsibilities to provide Continuing Care in the spirit of the legislation. Further advice is available from the Care Inspectorate⁴¹.

Failing to register carers as an adult placement provider is not a sufficient reason for not providing a young person with Continuing Care. Local authorities as corporate parents are expected to work collaboratively with providers of foster care to fulfil their obligation to provide Continuing Care. They are also required to report to Scottish Ministers on how they have fulfilled their role as corporate parents.

10. Ending Continuing Care

Every effort should be made to resolve issues before they can be considered as a reason for ending Continuing Care arrangements. If the home was suitable when the young person was looked after it is unlikely it would not be suitable when they cease to be looked after. Only in the most exceptional of circumstances would it be expected that an issue identified in a Welfare Assessment as significantly adversely affecting a young person's welfare would be unresolvable.

A young person's Continuing Care placement can only be ended if the welfare of the young person in Continuing Care is significantly adversely affected. As such, a young person's Continuing Care placement should not cease where there are concerns about another person's welfare or wellbeing in the same placement. This does not mean that a challenging relationship within the placement should not be considered as part of a Welfare Assessment, but it must be shown that the welfare of the young person in the Continuing Care placement will be significantly adversely affected by the challenging relationship and by continuing to live in the same accommodation.

⁴¹ [Care Inspectorate website](#)

The Welfare Assessment should explicitly evidence and record that every effort has been made for the young person to remain in the home and that all options have been exhausted before concluding that there is no option but to end the placement.

The relationship between a carer and a looked after child is of paramount importance and one of the main reasons that Continuing Care should be encouraged, along with a consistent home environment.

11. Managing the end of Continuing Care

A young person can choose to leave Continuing Care at any point. If Continuing Care is assessed as the best option for the young person, practitioners should make this clear to them, and should ensure that the young person understands that if they leave the placement the local authority will no longer have a duty to provide Continuing Care.⁴²

The duty to provide Continuing Care ceases when the young person leaves the placement of their own free will⁴³. The local authority can consider other suitable options appropriate to the young person's needs, including Aftercare under section 29 of the 1995 Act.

Young people from all backgrounds need support when they first start to live independently. Many young people with no care experience find that they need to return to the family home at some point. Local authorities should consider how best to support young people with care experience making the transition to independent living if they need to be re-accommodated. It may be through section 25 of the 1995 Act in alternative accommodation, or if the Continuing Care placement or looked after placement is still available, there is no reason why the young person cannot return to it as accommodation provided under section 29 (Aftercare) of the 1995 Act.

The duty to provide Continuing Care may also cease if the accommodation in which the young person is staying ceases to be available⁴⁴, such as:⁴⁵

- a) in the case of a care placement, where the carer indicates to the authority that the carer is unable or unwilling to continue to provide the placement,
- b) in the case of a residential establishment provided by the local authority, where the authority closes the establishment,
- c) in the case of a residential establishment provided under arrangements made by the local authority, where the arrangements come to an end.

⁴² Though this should not preclude local authorities considering other suitable options appropriate to the young person's needs.

⁴³ Section 26A(7)(a) of the 2015 Act.

⁴⁴ Section 26A(7)(b) of the 1995 Act.

⁴⁵ As set out in section 26A(8) of the 1995 Act.

12. Alternatives to Continuing Care

If neither the relationship between a young person and their carer nor the accommodation can be maintained, it may be that the alternative provided by the local authority comes from another part of the service such as the Aftercare service.

As corporate parents, all local authority departments, including housing departments, must work collaboratively to provide suitable accommodation for care leavers. Whatever the resource and service provided, the local authority should ensure that the transition for the young person is as seamless as possible whilst best meeting their needs.

Where the duty to provide Continuing Care does not apply, or where it cannot be provided due to the circumstances above, the local authority should make every effort to provide support of an equivalent standard, including maintaining existing relationships with carers and siblings, if appropriate.

There may be challenges in providing equivalent support and accommodation, particularly if a young person is no longer able to stay within a long-established foster placement. The local authority should provide accommodation and support which best meets the needs of the young person and should reflect the support and accommodation that would have been offered had Continuing Care been available.

13. Continuing Care allowances

It is strongly advisable that young people remain looked after until eighteen years old. Continuing Care under the age of 18 should be considered only if a compulsory supervision requirement needs to be removed. A local authority should carefully consider the financial implications of offering a Continuing Care placement on the carer to ensure that a lack of financial support is not a barrier to the continuation of the placement regardless of the placement type.

Finance should be considered early in the planning process for a Continuing Care placement and as part of throughcare support. While the young person should be included in all aspects of planning their Continuing Care placement, in most cases it will not be appropriate for them to be aware of the exact amount that their foster carers receive for their care.

Young people in Continuing Care are entitled to the same support they received prior to ceasing to be looked after.⁴⁶ This includes financial support. Although a young person being provided with Continuing Care is not eligible for Aftercare financial support, the support they receive should be no less than a young person in receipt of Aftercare support.

⁴⁶ Section 26A(4) of the 1995 Act.

There should be no difference between the planning for a young person's finances before they ceased to be looked after and when they are in Continuing Care. Each case should be assessed based on individual circumstances. Local authorities should consider carefully how to balance meeting a carer's costs and providing financial support to the young person as part of their developing independence and personal responsibility.

Once a young person reaches their sixteenth birthday, they may be eligible for Universal Credit, disability benefits and/or Housing Benefit. As corporate parents, local authorities and other partners should work collaboratively to ensure that young people in Continuing Care receive all the support to which they are entitled. This should be included in the young person's plan.

Any payments made to the young person or their carer in the provision of Continuing Care should be disregarded by the Department for Work and Pensions when calculating entitlement to income-related benefits for the young person or carer. This means that such payments will not be taken into account in any benefits claim⁴⁷.

If a carer is caring for a sixteen or seventeen year old in a Continuing Care placement, it may be that the young person is eligible for Universal Credit. This allowance should not impact on any benefits claim made by the carer. The local authority must cover the full cost of the continuing care placement. This may affect a very small number of carers and local authorities should make every effort to offset any financial burden.

14. Aftercare

For whatever reason it ceases, once the Continuing Care placement comes to an end the local authority still has a duty to assess the young person for Aftercare support⁴⁸. Local authorities have a duty to provide Aftercare support to all young people who leave care after they turn sixteen, until their nineteenth birthday⁴⁹. Care leavers who are at least nineteen but less than twenty-six years of age may apply to their local authority for Aftercare support⁵⁰.

If the young person is assessed as having eligible needs⁵¹ which cannot otherwise be met, the local authority is under a duty to provide the young person with such advice, guidance and assistance as it considers necessary for the purposes of meeting those needs (potentially up to their twenty-sixth birthday).⁵²

⁴⁷ As set out in the Children and Young People (Scotland) Act 2014 (Consequential Modifications) Order 2016.

⁴⁸ Section 29(5) of the 1995 Act.

⁴⁹ Section 29(1) of the 1995 Act.

⁵⁰ Section 29(2) of the 1995 Act.

⁵¹ Eligible needs are defined in Article 2 of the Aftercare (Eligible Needs) (Scotland) Order 2015.

⁵² Section 29(5A)(a) of the 1995 Act.

If the young person is not found to have eligible needs, a local authority can still provide advice, guidance and assistance as it considers appropriate having regard to the person's welfare⁵³. A local authority may also provide Aftercare to a care leaver beyond the age of twenty-six years old, but they are not legally required to do so.⁵⁴

15. Disputes and Complaints

The Scottish Social Services Council sets out codes of practice that social workers, social care, early years and young people's workers - and their employers - should meet.

The Social Work (Scotland) Act 1968 requires that the local authority instigate an informal problem-solving stage where every attempt is made to resolve the complaint. If this is not successful, unresolved complaints will then be investigated by specially designated staff.

Information about how to complain and support, such as advocacy, must be available to young people in a format they can understand.

Looked after disabled young people also need access to complaints and this might require additional support from the local authority.

The young person should also be made aware of other bodies they can seek advice from, such as the Care Inspectorate⁵⁵ or the Children and Young People's Commissioner Scotland⁵⁶.

A young person receiving Continuing Care may make a complaint to the local authority about the service they have received or how any dispute has been handled. Complaints should be made through the normal methods of complaint about social work services⁵⁷. Child Friendly Complaints-handling Principles should underpin how the complaint is handled and investigated from or involving children, in a way that respects their rights under the UNCRC.

Children and young people wishing to make a complaint should use the complaints process for the relevant local authority. If they are not satisfied with the outcome of the local authority complaints process, they may raise their complaint with the Scottish Public Services Ombudsman⁵⁸.

⁵³ Section 29(5A)(b) of the 1995 Act.

⁵⁴ Section 29(5B) of the 1995 Act.

⁵⁵ [Care Inspectorate website](#)

⁵⁶ [Children and Young People's Commissioner Scotland website](#)

⁵⁷ [Complain about a social work department.](#)

⁵⁸ [How to complain about a public service | SPSO.](#)

16. Reporting on Deaths of Young People in Continuing Care

In the event of the death a young person in Continuing Care, the local authority must, as soon as reasonably practicable, notify the Scottish Ministers and the Care Inspectorate.⁵⁹

Notifications should be made to Scottish Ministers by email to: looked_after_children@gov.scot; and to the Care Inspectorate at cistrategicteamnotification@careinspectorate.gov.scot.

While there is no specific requirement in legislation to inform parents, local authorities should, as far as is reasonably practicable, inform every parent of the young person.

Reviews should be conducted on the deaths of all young people who are in receipt of Continuing Care at the time of their death.

More detailed guidance can be found in the national guidance when a child or young person dies^{60 61}.

17. Throughcare and Aftercare Process Flowchart

CELCIS published an easy-to-follow [flowchart](#) aimed at practitioners and young people. It's a useful guide through the various processes that are followed as a young person begins to think about supported transition from care towards more independent living and young adulthood.

It takes account of the changes introduced by the Children and Young people (Scotland) Act 2014 and is intended to help practitioners to apply good, transparent practice, and informs others about these key processes. In addition to the steps set out in the flowchart, the Welfare Assessment must be carried out at the earliest reasonably practicable opportunity before the person ceases to be looked after.

⁵⁹ Section 26A(10) of the 1995 Act.

⁶⁰ [National Hub for Reviewing and Learning from the Deaths of Children and Young People: National guidance when a child or young person dies](#)

⁶¹ [Looked After Children \(Scotland\) Regulations 2009: Regulation 6 – The Death of a Looked After Child](#)

Appendix A: Legislative Framework

This guidance should be read in conjunction with the following legislation:

Education (Additional Support for Learning) (Scotland) Act 2004

The [Education \(Additional Support for Learning\) \(Scotland\) Act 2004](#) provides the legal framework for identifying and addressing the additional support needs of children and young people who face a barrier, or barriers, to learning. The Act aims to ensure that all children and young people are provided with the necessary support to help them work towards achieving their full potential. It also promotes collaborative working among all those supporting children and young people and sets out the rights of children, young people and parents within the system. The Act has been subsequently amended by the Education (Additional Support for Learning) (Scotland) Act 2009, the Children and Young People (Scotland) Act 2014 and the Education (Scotland) Act 2016.

Children and Young People (Scotland) Act 2014

The [Children and Young People \(Scotland\) Act 2014](#) is a significant piece of legislation, which introduced major changes to the planning, operation and delivery of children's services in Scotland. The Act is particularly important for looked after children and care leavers, putting 'corporate parenting' (Part 9) onto a statutory footing, extending 'Aftercare' support to a wider population of care leavers (Part 10) and introducing a new provision of 'Continuing Care' for some care leavers (Part 11). The Act also requires all adoption agencies to use Scotland's Adoption Register (Part 14), and amends the Children (Scotland) Act 1995 to ensure assessments consider a child or young person's 'wellbeing' (section 95).

Children (Scotland) Act 1995

The [Children \(Scotland\) Act 1995](#) centres on the needs of children and their families. It sets out the duties and powers available to public authorities to support children. The following sections relate to Throughcare and Aftercare and Continuing Care duties:

Under section 17 the local authority has a duty to provide advice and assistance with a view to preparing a child for when he or she is no longer looked after by a local authority.

Section 21 sets out details of co-operation between authorities and other bodies.

Section 29 sets out the main local authority responsibilities to young people who leave care.

Under section 29(1) there is a duty to advise, guide and assist those less than nineteen years old unless the local authority is satisfied that the young person's welfare does not require it. Section 29(1) was amended by section 66(2) of the 2014 Act to make any young person at

least age sixteen but not yet nineteen who ceases to be looked after by a local authority on or after their sixteenth birthday eligible for Aftercare services from their local authority.

- a) Under section 29(2), as amended by section 66(2) of the 2014 Act, young people between nineteen and up to age twenty-six who were formerly looked after have the opportunity to apply to their local authority for Aftercare.
- b) Section 29(3) states that assistance may include assistance in kind or in cash.
- c) Section 29(5) currently provides that a local authority must, in relation to any person to whom they have a duty under section 29(1) or who makes an application under section 29(2), carry out an assessment of that person's needs. Subsection 5A provides that if, after carrying out that assessment, the local authority is satisfied that a person who applies to them under section 29(2) has eligible needs which cannot be met by other means, the local authority must provide them with such advice guidance and assistance as it considers necessary for the purposes of meeting those needs. A local authority may, but it is not legally required to, provide Aftercare to a care leaver beyond the age of twenty-six (new subsection (5B)).

Section 30 sets out when local authorities may give financial assistance towards the education or training expenses of those who have ceased to be looked after.

Regulation of Care (Scotland) Act 2001

The [Regulation of Care \(Scotland\) Act 2001](#) modernised the regulation of care services and, through section 73, strengthened the section 29 of the Children (Scotland) Act 1995.

Section 73(1) amended section 29 to include duties on local authorities to:

- Carry out an assessment of the needs of young people who have been looked after who they have a duty or power to advise, guide or assist under section 29;
- Establish a procedure for considering representations, including complaints, made to them about the discharge of their functions under section 29.

Section 73(2) also gave the Scottish Ministers a power to make regulations about:

- The manner in which assistance is to be provided under section 29 to young people who have been looked after;
- Who is to be consulted in relation to an assessment of needs;
- The way an assessment is to be carried out, by whom and when;
- The considerations to which the local authority are to have regard in carrying out an assessment;
- The recording of the results of an assessment; and
- Procedures for considering representations including complaints.

Children (Leaving Care) Act 2000

The [Children \(Leaving Care\) Act 2000](#) changed the system for providing services to young people leaving care in England and Wales. Its aim was to keep young people in care until they are prepared and ready to leave; to improve the assessment, preparation and planning for leaving care; to provide better personal support for young people after leaving care and to improve the financial arrangements for care leavers. Section 6 of the Children (Leaving Care) Act 2000, which deals with access to social security benefits for some young people leaving care, also applies to Scotland.

Looked After Children (Scotland) Regulations 2009 and Adoption and Children (Scotland) Act 2007

The Looked After Children (Scotland) Regulations 2009⁶² replaced the Arrangements to Look After Children (Scotland) Regulations 1996 and Fostering of Children (Scotland) Regulations 1996. They also affect parts of the Residential and Other Establishments (Scotland) Regulations 1996 where they apply to the placement of a child or young person in a residential establishment. They brought together regulation of the care planning services offered to looked after children and their families with the care provision required when children are separated from their birth parents. They also reflect more detailed and consistent requirements when children are looked after by kinship carers.

Social Work (Scotland) Act 1968

The [Social Work \(Scotland\) Act 1968](#) sets out the legislative framework for raising complaints to the local authority about the service they have provided or how an appeal has been handled. Current Guidance and Directions on the 1968 Act procedure were laid out in Circular Number SWSG 5/1996 of 15 March 1996.

Children and Young People (Scotland) Act 2014: Statutory Guidance on Part 9: Corporate Parenting

The [Children and Young People \(Scotland\) Act 2014: Statutory Guidance on Part 9: Corporate Parenting](#) provides corporate parents with information and advice about how they should fulfil the duties set out in the 2014 Act. Subject to specific exemptions, all corporate parents must have regard to this guidance. Compliance is monitored through reviews of corporate parenting reports (carried out by Scottish Ministers) and independent inspection.

The guidance sets out the parameters within which corporate parents should develop their own approaches, either individually or in partnership. Those approaches should also be shaped by the corporate parent's primary functions, and informed by the needs, views and experiences of looked after children and care leavers.

⁶²[The Looked After Children \(Scotland\) Amendment Regulations 2009](#)

United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024

The UNCRC (Incorporation) (Scotland) Act 2024 is a landmark piece of legislation which incorporates the UNCRC requirements and Optional Protocols 1 and 2 directly into Scots law within the limits of devolved competence. Scotland is the first country in the UK, and the first devolved nation in the world, to incorporate the UNCRC. Most of the provisions in the Act will have come into effect by July 2024.

Section 6 of the Act makes it unlawful for a public authority to act in a way that is incompatible with the UNCRC requirements. Although the duty to act compatibly with the UNCRC requirements applies only when public authorities are exercising powers conferred by Acts of the Scottish Parliament or common law, public authorities are encouraged to uphold children's rights regardless of the legal source of their powers. Under the Act, listed public authorities will be required to report not only on the actions they have taken to comply with the compatibility duty, but also on how they are securing better or further effect to children's rights more generally.

Non-statutory guidance on taking a Children's Rights approach is available⁶³ and statutory guidance on the Act will be published in due course. The Children's Rights page of the Scottish Government website is a useful source of information about the Act and supporting resources.

⁶³ [Taking a children's human rights approach: guidance](#)

Glossary

Aftercare - advice, guidance and assistance provided to care leavers under section 29 of the 1995 Act. Any young person who ceases to be looked after on or after their sixteenth birthday and is less than twenty-six years of age are eligible (between sixteen and nineteen) or potentially eligible (between nineteen and twenty-six) for Aftercare⁶⁴. Aftercare applies to all care leavers, regardless of their placement type while they were looked after.

Care Leaver – for the purposes of this guidance, a care leaver is a young person who ceased to be looked after on, or at any time after, their sixteenth birthday.

Care Placement - a placement for a looked after child with a family, relative or other suitable person or residential establishment⁶⁵.

Carer - the family or persons with whom the placement is made⁶⁶.

Continuing Care - this refers to a local authority's duty under section 26A of the 1995 Act to provide certain eligible young persons with the opportunity to continue with the accommodation (foster/kinship/residential) and assistance they were provided with immediately before they ceased to be looked after up until their 21st birthday.

Corporate Parent - an organisation or individual listed, or within a description listed, in schedule 4⁶⁷ of the 2014 Act.

Corporate Parenting - "An organisation's performance of actions necessary to uphold the rights and safeguard the wellbeing of a looked after child or care leaver, and through which physical, emotional, spiritual, social and educational development is promoted."⁶⁸

The necessary actions or duties of corporate parents are set out in Part 9, section 58 (Corporate Parenting responsibilities) of the 2014 Act.

Eligible need - Eligible needs are defined in Article 2 of the Aftercare (Eligible Needs) (Scotland) Order 2015 as:

- a) financial support to meet essential accommodation and maintenance costs, such as travel and other necessary living expenses;
- b) support, in the form of information or advice, to assist the person to access education, training, employment, leisure and skills-related opportunities; and

⁶⁴ Section 29(1) and (2) of the 1995 Act.

⁶⁵ Section 26(1)(a) of the 1995 Act.

⁶⁶ Section 26A(13) of the 1995 Act.

⁶⁷ [Children and Young People \(Scotland\) Act 2014, schedule 4 corporate parents](#)

⁶⁸ Definition is adapted from Sonia Jackson's definition of "parenting" presented in M. Davies (ed)(2000) The Blackwell Encyclopedia of Social Work, Oxford, Blackwell, and cited in the Scottish Government (2008) [These Are Our Bairns: A Guide for Community Planning Partnerships on Being a Good Corporate Parent](#)

c) insofar as not covered by sub-paragraph (b), support, in the form of information or advice, relating to the person's wellbeing.

Any assessment of a young person's wellbeing will include the wellbeing indicators (as described in section 96 of the 2014 Act).

Eligible needs can be further described as needs which cannot be met through existing universal services and supports.

Getting It Right For Everyone - Building on learning from Getting it right for every child (GIRFEC), the Scottish Government is currently co-designing Getting It Right For Everyone (GIRFE), a multi-agency approach of support and services from young adulthood to end of life care. GIRFE is about providing a more personalised way to access help and support when it is needed – placing the person at the centre of all decision making that affects them to achieve the best outcomes, with a joined-up, coherent and consistent multi-agency approach regardless of the support needed at any stage of life. GIRFE will form the future practice model of all health and social care professionals and shape the future design and delivery of services.

The GIRFE principles are:

- I have the information that I need to make decisions about my own health and social care, and I am trusted to know what is right for me.
- The people who support me take the time to listen and understand me as a person and we consider my whole life when making decisions about my health and social care.
- I know that I can be clear about what matters to me, and I trust that my choices will be respected and understood by the people who support me.
- Treating everyone with kindness, dignity and respect is the foundation of my health and social care support.
- The people involved in the conversations around my health and social care support work together with me to share information and develop a clear understanding of how to support my wellbeing.

Independent living – Independent living might mean different things for different individuals; for example, for some disabled young people, living alone may not be an option. Statutory guidance on self-directed support⁶⁹ defines independent living as "people of all ages having freedom, choice, dignity, and control, and fulfilling your rights to participate in society and live a full life. It does not mean living by yourself or fending for yourself".

Looked After Child - A child is looked after by a local authority when he or she is:

- a) provided with accommodation by a local authority under section 25 of the 1995 Act;
- or

⁶⁹ [Social Care \(Self-directed Support\) \(Scotland\) Act 2013: statutory guidance](#)

- b) subject to a compulsory supervision order or an interim compulsory supervision order made by a children’s hearing in respect of whom the local authority is the implementation authority (within the meaning of the 2011 Act); or
- c) living in Scotland and subject to an order in respect of whom a Scottish local authority has responsibilities, as a result of a transfer of an order under regulations made under section 33 of the 1995 Act or section 190 of the 2011 Act; or
- d) subject to a Permanence Order made after an application by the local authority under section 80 of the 2007 Act.

The definition is set out in section 17(6) of the 1995 Act, as amended by the Adoption and Children (Scotland) Act 2007 (the 2007 Act) and Children’s Hearings (Scotland) Act 2011 (the 2011 Act).

To assist in the provision of their care some children and young people with disabilities are looked after by local authorities (often under section 25 of the 1995 Act arrangement). These children and young people, who are provided with accommodation by a local authority under section 25, are therefore looked after, and so covered by the duties set out in Part 11 of the 2014 Act.

In this guidance the terms “looked after young person” and “looked after young people” refer to any individual falling into the definition provided above.

As young people can be uncomfortable with the label “looked after child”, and in view of the focus of this guidance (Continuing Care), the terms “looked after young person” or “looked after young people” are used.

A child who has been adopted, or a child who is secured in a placement with friends or relatives by means of a Kinship Care Order (under section 11 of the 1995 Act), is not considered looked after.

Throughcare - advice and assistance provided to looked after young people to prepare them for when they are no longer looked after by a local authority. Local authorities are under a duty to provide such assistance to all looked after children and young people⁷⁰. For more guidance on throughcare, refer to the [Supporting Young People Leaving Care in Scotland: Regulations and Guidance on Services for Young People Ceasing to be Looked After by Local Authorities](#) published in 2004.

Wellbeing – Any assessment of a child or young person’s wellbeing should be founded on the 8 wellbeing indicators: Safe, Healthy, Active, Nurtured, Achieving, Respected, Responsible, Included, sometimes referred to as SHANARRI. The wellbeing indicators are informed by the UNCRC. They are overlapping and connecting areas that are fundamental to understanding what children and young people need in order to grow, develop and thrive.

⁷⁰ Section 17(2) of the 1995 Act.



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