



Supporting Young People Leaving Care in Scotland

*Regulations and Guidance on
Services for Young People
Ceasing to be Looked After
by Local Authorities*



SCOTTISH EXECUTIVE

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Regulations and Guidance

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CHAPTER 1

PRINCIPLES

Throughcare and aftercare

- 1.1 Local authorities have a duty to prepare young people for ceasing to be looked after (“throughcare”) and to provide advice, guidance and assistance for young people who have ceased to be looked after over school age (“aftercare”). This guidance and the Regulations at Annex A are intended to help local authorities to provide these services for young people who are or were previously looked after. It supersedes chapter seven on throughcare and aftercare of Volume 2 – *Children Looked After by Local Authorities* – of the guidance on the Children (Scotland) Act 1995.
- 1.2 There are around 11,000 children and young people looked after by local authorities in Scotland, of whom about 1,500 are over 15 years old. About 1,200 young people aged 16 or over cease to be looked after each year. These young people need planning and support to make a successful transition from being looked after to independent adult living.

Age when leaving care

- 1.3 An important factor in making this transition successfully is age. Looked after young people tend to be younger than their peers when they move to independent living, with an average age of 16/17 years old compared to an average of 22 years old for other young people. For some young people this can be a positive step, but it is normally better for young people to remain looked after longer. The general principle is that young people should continue to be looked after until 18, if it is in their best interests and this guidance should be read with that principle in mind.

Corporate parenting

- 1.4 Local authorities have a role as corporate parents to these young people, particularly those who cannot return to their families. This means that the local authority should look after these children as any other parents would look after their own children. The provision of care and support for young people by their parents does not generally cease at a particular age and may continue long after a young person has reached adulthood. It adapts to meet the changing needs of the young person as they grow up, and will, at different times, include accommodation and financial support as well as advice and assistance.
- 1.5 The role of corporate parent is not restricted to the social work department of the local authority but applies to all departments and agencies, who should recognise their own responsibility to promote the welfare of looked after young people and ensure that their needs are adequately addressed by each department. The success of throughcare and aftercare services will depend on a shared sense of corporate parenthood across an authority. The authority must also draw on the knowledge and experience of others in providing for these young people, for example foster carers will have a knowledge of the young people they have looked after and should be involved in planning throughcare and aftercare.

Employment, education and training

- 1.6 Social work departments and education departments should work together to ensure that young people who are looked after achieve their maximum potential within the education system. Young people moving to adulthood are often hampered by lack of formal academic qualifications. Good links between social workers and designated teachers will allow young people's progress to be monitored and encouraged.
- 1.7 Continuing education, training and employment can help young people establish themselves as successful and independent adults. Local authorities should work closely with Careers Scotland who can assist young people in making choices for education and training. A draft partnership agreement between local authorities and Careers Scotland is at Annex B.

Joint planning

- 1.8 One tool to encourage joined-up working is children's services plans, which should cover the range of services provided by authorities to children and families. Plans should be joint between local authorities, voluntary sector services and other partners, particularly NHS Boards and Trusts. At a local level, children's services plans should consider the full range of resources available and state clear plans for future resource use. Resources in the plans will also cover staffing, including a multi-disciplinary approach to work force planning, and appropriate references to joint provision, funding and training. This should include inter-agency co-operation on the provision of services for throughcare and aftercare. Local authorities will want to check any other plans they have to consider whether they are relevant to looked after children's issues, although the children's services plans should be the main vehicle for planning.
- 1.9 Section 21 of the Children (Scotland) Act 1995 makes provision, where it appears to the local authority, that an appropriate person could be doing certain things to help in the exercise of any of their functions, for the local authority to specify their nature and request the help of that person. Appropriate persons are defined as other local authorities, health boards, NHS Trusts and any person authorised by Scottish Ministers; and they are required to comply with such a request provided that it is compatible with their own statutory or other duties and obligations and does not unduly prejudice the discharge of any of their functions.
- 1.10 Responsibility for throughcare and aftercare services, and their co-ordination, needs to be at a senior level and one way of achieving effective management direction is to designate a senior officer in social work to be responsible for the development and maintenance of throughcare and aftercare services. Senior housing and education officers might also be designated with responsibility for housing and education contributions to the development of throughcare. Within housing, it would be helpful if the same officer had responsibility for housing and community care, and services for homeless people.

Aims and outcomes

- 1.11 It is of vital importance that young people are properly prepared for this crucial part of growing up and are given access to full support afterwards. The young people taking this step will do so from a variety of backgrounds and circumstances, at various ages and with various levels of support available to them from family and friends. They will include some of the most vulnerable looked after young people, who may have had little or no contact with their birth family and a large number of placements when looked after. It is crucial that the local authority successfully fulfils its role as corporate parent to these young people to enable them to make a successful transition to independent adult living.
- 1.12 The overall aim of this guidance and the regulations is to reinforce the parenting responsibility of local authorities for young people who may have no other support at this difficult time of transition; to re-emphasise the local authorities' power and duty to continue to look after them until, normally, they are 18; to ensure that they are prepared and ready for the time when they are no longer looked after; to improve the assessment, preparation and planning for that time; to provide better personal support, to strengthen the on-going contact between the local authority and young people beyond the age of 18 until at least 21.

***Pathways* assessment**

- 1.13 Central to the legislative changes accompanying this guidance is the duty to carry out an assessment of the needs of these young people. Materials have been prepared to help local authorities carry out this duty effectively and these have also been published under the title *Pathways*. This guidance should be read alongside those materials.

CHAPTER 2

LEGISLATIVE FRAMEWORK

2.1 This guidance and accompanying Regulations should be read in conjunction with the following legislation:

Children (Scotland) Act 1995

2.2 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 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 of the Act sets out the main local authority responsibilities to young people who leave care after school age.
 - Under Section 29(1) there is a duty to advise, guide and assist those under 19 unless the local authority is satisfied that the young person's welfare does not require it.
 - Under Section 29(2) there is a power to provide advice, guidance and assistance to young people between 19 and 21 who apply to the local authority, unless the authority is satisfied that the young person's welfare does not require it.
 - Section 29(3) states that assistance may include assistance in kind or in cash.
- 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

2.3 The Act modernises the regulation of care services and, at Section 73, strengthens the provisions of Section 29 of the Children (Scotland) Act 1995.

2.4 Section 73 (1) amends 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.

2.5 Section 73(2) gives 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;
- Procedures for considering representations including complaints.

Children (Leaving Care) Act 2000

2.6 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 Act, which deals with access to social security benefits for some young people leaving care, also applies to Scotland and is discussed in more detail in Chapter 8 of this Guidance.

CHAPTER 3

INVOLVEMENT OF YOUNG PEOPLE

Seeking the views of the young person

3.1 Identifying the needs of the young people is central to the new duty on local authorities. It is therefore crucial that the young person is closely involved in the process from the start. It is also essential that the local authority remains in contact with the young person to offer the necessary support. Local authorities have been asked to collect annual information on young people who cease to be looked after. This information enables local authorities to look at the outcomes for young people and to consider whether the services being offered are the right ones to meet their needs. Local authorities will have to build lasting relationships with the young people and close involvement of the young person will reinforce this relationship from the start.

3.2 The regulations put the involvement of the young person as one of their central principles. Local authorities must seek and take account of the views and wishes of the young person in assessing their needs and in preparing the plan that comes out of the assessment: the “pathway views” (see Chapter 6 below). If there are meetings, the authority should take steps to make sure that the young person can attend and take part, for example by paying travel and subsistence costs or providing an interpreter. The authority should also be aware that the timing of meetings could impact on a young person’s availability or willingness to attend. Meetings should therefore be arranged at a time and location that is suitable and accessible to the young person, bearing in mind the demands of education or employment.

Regulation 3

Regulation 3(1)(a)

Regulation 3(1)(b)

3.3 Young people are also put at the heart of the assessment process in the *Pathways* materials developed to aid local authorities in their new duties. The materials have been developed to be comprehensible and easy to use. If the young person has any particular needs because of impairment, the authority should make sure the materials are accessible to them. The Regulations make clear that young people should be involved as a matter of course **unless it is not reasonably practical to do so**. Such circumstances should be extremely rare and authorities will want to make every effort to ensure that this does not arise. However there may be occasions where the young person does not want to engage with the process at that time or has moved a considerable distance and lost touch. It should be borne in mind that although a young person may not wish to engage with the process in its entirety, they may be interested in some aspects that they feel would be useful to them at that time or they may wish to engage fully at a later date. Authorities should be prepared to be flexible and respond to the wishes of the young person.

Providing the young person with documents

3.4 The authority should also provide copies of all relevant documents to young people as soon as possible in a form they can understand. These will include a copy of the pathways folder and information on the complaints and appeals procedure. The pathways folder contains the assessment material prepared for local authorities to assist them in carrying out their assessment duties. It comprises of an initial agreement between the young person and the authority; a section to record the views of the young person (the pathway views); a section for the assessment of the young person’s needs (the pathway assessment) and a section with the action plan to meet the young person’s needs (the pathway plan).

Regulation 3(4)

Consent of the young person to sharing information

- 3.5. It is of vital importance that the consent of a young person to the sharing of any information about them is sought before and after any pathways work is undertaken. It should be made clear to the young person what they are giving consent to and why. They should also be made aware that they can refuse to give their permission or withdraw consent at any time. A section to record the young person's consent is included in the pathways folder.

Development of services

- 3.6 Young people should be encouraged to be involved in the development of services to ensure that they deliver what the young people want and need. Given the maturity of the young people, it will be important to work in partnership with them and encourage them to take the lead in aspects which will have such an impact on their future. Local authorities should also make sure that their young people have access to information detailing their rights and entitlements in their area.

Working with voluntary organisations

- 3.7 Many voluntary organisations have established programmes and good track records of working with disaffected and marginalised young people. Such services are often viewed as by young people positively, as not being stigmatising. Voluntary organisations can play a particularly important role in the development of drop-in services, independent advocacy services, counselling services and advice and information services. They also provide specialist services targeted at groups of young people such as single or young parents, and young people with disabilities. Authorities will want to ensure that details of local projects are well known and that there is an awareness of the role they can play in working with young people.

The young person's identity

- 3.8 The young person's religious persuasion, racial origin, and cultural and linguistic background will be important in maintaining a sense of personal identity and worth. Special consideration needs to be given to these matters in involving the young person in the planning of their throughcare and aftercare.

Additional needs

- 3.9 Some young people who are looked after will have additional support needs. These may be due to learning difficulties or physical disabilities. They may also have mental health difficulties, or difficulties with alcohol and substance misuse. These young people will have particular needs over and above the needs of other young people who are being looked after. These needs should be considered when preparing young people for the time when they cease to be looked after and in the subsequent provision of aftercare. Health care needs should be assessed by health care staff, and health services to meet the needs identified. Young people with disabilities who are entitled to an assessment under these Regulations should have their needs assessed in the usual manner. The pathway co-ordinator will need to liaise closely with any specialist services and community care workers. It may, in certain circumstances, be more appropriate for the resulting pathway plan to be taken forward by such workers. Whether this is the case will depend on the individual needs and views of the young person concerned.

3.10 Local authorities should have information on the resources and services necessary to meet the needs of young people with special needs. Liaison should take place between social work, education departments and health services. Voluntary organisations often provide specialist services; there should be good liaison and partnership agreements with them. The local authority needs to take any steps necessary to ensure that the views of these young people about their needs, and the ways in which they can be met, are taken into account. This may necessitate the use of skilled communicators and communication support, for example text telephones or interpreters for those with a hearing impairment.

Aims and outcomes

3.11 The aim of the throughcare and aftercare service is to enable the young person to make a successful transition to independent adult living. This means the young person must be empowered to make decisions and take control of their lives. To do this they must be at the heart of the assessment and planning process and fully involved in all aspects of their own throughcare and aftercare.

CHAPTER 4

CATEGORIES OF YOUNG PEOPLE TO BE SUPPORTED

Duty of local authority to assess need and provide support

- 4.1 The Children (Scotland) Act 1995 sets out the statutory duties for local authorities for young people leaving care. Under Section 29(5)(a) of that Act there is now a statutory duty for local authorities to carry out an assessment of the needs of **all** young people over school age leaving their care. This includes young people looked after at home, not just those provided with accommodation by the authority. Not all such young people will need the full range of services but the authority will need to be able to satisfy itself – and the young person – that they are providing the correct package of support. The provision of regular financial support should be limited to those who are under 18, have been looked after away from home for over 13 weeks since the age of 14 and ceased to be looked after over school age (see Chapter 8 below). However, each young person should have their circumstances considered before any decision is made, and the outcome of that decision should be recorded in writing and given to the young person.

Regulation 3(3) and 3(4)

Regulation 2

Categories of young person

- 4.2 In the Regulations the following terms are used to describe the different categories of looked after young people who are to be supported under these arrangements:

currently looked after person: a young person who is over school age but less than eighteen years of age and who is being looked after by a local authority. Under section 17(2) of the Children (Scotland) Act 1995, local authorities have a duty to provide advice and assistance with a view to preparing a young person for when they are no longer looked after by the local authority. That duty applies to **all** looked after children. The regulations specify the steps to be taken to prepare those who have passed school leaving age and are still being looked after.

compulsorily supported person: a young person to whom the local authority has a duty to provide support and assistance under section 29(1) of the Children (Scotland) Act 1995, that is a young person who has ceased to be looked after over school leaving age but who is under 19 years of age.

prospective supported person: a young person who has made an application to a local authority for assistance in terms of section 29(2) of the Children (Scotland) Act 1995, that is a young person who ceased to be looked after over school leaving age and is now nineteen or twenty years old.

discretionarily supported person: a young person to whom a local authority has agreed to provide support and assistance to in terms of section 29(2) of the Children (Scotland) Act 1995, that is a prospective supported person the authority has agreed to support.

Regulations 6(b) and 8(1)

Regulations 4(1) and 11

Regulations 6(c) and 6(d)

Duties of the local authority to the categories of young person

- 4.3 The authority has a duty to perform a pathway assessment on all **currently looked after, compulsorily** and **prospective supported** persons. It also has a duty to provide a pathway plan and appoint a pathway co-ordinator for all **compulsorily** and **discretionarily supported persons**, and may provide a pathway plan and a pathway co-ordinator for **currently looked after persons**.

Category of young person	Pathway views	Pathway assessment	Pathway plan	Pathway co-ordinator
Currently supported	Yes	Yes	Possibly	Possibly
Compulsorily supported	Yes	Yes	Yes	Yes
Prospective supported	Yes	Yes	No	No
Discretionarily supported	No	No	Yes	Yes

Note: a prospective supported person becomes a discretionarily supported person if the local authority decides to provide support under section 29(2) of the Children (Scotland) Act 1995 after a pathway assessment has been completed.

CHAPTER 5

RESPONSIBLE LOCAL AUTHORITY

- 5.1 Continuity of support is key to making a success of throughcare and aftercare services. The regulations make clear that the responsible authority is the local authority that is looking after, or last looked after, the young person.

Protocol between local authorities

- 5.2 It is recognised that young people will move from one local authority area to another but the responsible authority will remain the same under these regulations. Local authorities may wish to enter into agreements with each other for certain cases where a young person moves authority area if that is the most sensible way of proceeding. An inter agency protocol has been endorsed by COSLA and ADSW and is attached at Annex C. The following are principles from that document:

- If practically possible the responsible authority will remain directly involved with the young person, thus minimising the need for a receiving authority to become involved.
- Where a young person is moving from one authority to another on a planned or agreed basis, the receiving authority will provide that young person with exactly the same standard of care or service as they would to a young person in their own authority.
- Where a young person is moving from one authority to another on a planned basis, or arrives in another authority unannounced, the responsible and receiving authority will give each other maximum co-operation and work together in providing a service to that young person.

Young people moving between Scotland and England and Wales

- 5.3 Similar principles apply to young people leaving care who move between Scotland and England and Wales (or vice versa). The authority that last looked after the young person retains responsibility for their support, whether that authority is in Scotland or England and Wales. However, immediate support should be provided by Scottish local authorities to young people who have been looked after in England and Wales who now reside in their areas, if it is required by the young person. Local authorities should follow the principles in Annex C in providing this support.

Duties of responsible authority

5.4 The responsible authority is required to undertake the following:

- seek the pathway views of the young person *Regulation 3(1)*
- prepare a written policy statement on how it carries out pathway assessments *Regulation 7(1)*
- carry out a pathway assessment within the prescribed timescales *Regulations 8 and 9*
- prepare a pathway plan where required within the prescribed timescales *Regulations 10 and 11*
- arrange for the pathway plan to be reviewed *Regulation 12*
- arrange for a young person to have a pathway co-ordinator *Regulation 4*
- appoint a young person's supporter if requested to do so by the young person *Regulation 5*
- provide a package of support that meets the young person's requirements, including financial support in line with the regulations, and appropriate accommodation *Regulations 13 and 14*
- make sure that the young person has access to, and knowledge of, the appeals procedures *Regulation 3(4)(e)*
- provide the young person with the required information and documents *Regulation 3(4)*
- inform other local authorities if the young person moves to their area
- maintain an appeals procedure in line with the regulations *Regulations 16-20*

CHAPTER 6

ASSESSING THE NEEDS OF YOUNG PEOPLE AND PATHWAY PLANNING

Duties of local authorities

- 6.1 Amendments to section 29 of the Children (Scotland) Act 1995 require the authority to carry out a needs assessment for each young person who ceases to be looked after beyond school age, with a view to determining what advice, assistance and support the authority should provide. In addition, the regulations require the local authority to carry out a pathway assessment for aftercare services on young people who are over school leaving age but are still looked after.

Principles of assessment

- 6.2 The aim of the assessment process is not to push young people into the adult world before they are ready, but to ensure that they are equipped with the necessary skills when the time is right for them to move to adult living. Some young people may have had a limited opportunity to learn life skills. They should – like other young people – start to learn these skills when entering their teens and should be well advanced in them by the time they move to live independently. Those young people who spend a considerable amount of time in residential schools may miss out on particular learning opportunities and consideration should be given in these settings to the preparation they require. Schools should give young people a range of relevant experiences and this should be addressed at care reviews
- 6.3 Before embarking on throughcare and aftercare work with a young person, existing Looking After Children materials should be checked to see if they have been completed for the young person. This may avoid any duplication of effort on both the young person's and local authority's part.
- 6.4 In many cases the young person themselves will be best placed to know what approach to this process is most suitable and when it should start. Authorities should be flexible and sensitive in their response. For some young people still looked after, the Looking After Children 15 plus action and assessment record might be more appropriate than the pathways materials produced for assessing throughcare and aftercare needs, and might reduce any perceived pressure to move on. For others, the pathways materials will be more appropriate.
- 6.5 Continuity of placement is an important element in the success that a young person enjoys. In particular, foster placements where a young person is settled should not be disrupted unnecessarily and it may be more appropriate to use the Looking After Children 15 plus action and assessment record in these circumstances. Foster carers may continue to give advice, support and friendship after the end of the foster placement. They may also continue to provide accommodation or services on a paid basis.
- 6.6 Local authorities must develop a robust and transparent framework which both addresses the needs of the young person while they remain looked after and plans to meet their need for support once they leave care. The local authority should consider and agree with young people how their support is to be delivered. The young person's views will play a vital role in assessing and planning for their future (see Chapter 3). The needs assessment (known as the pathway assessment) along with the views of the young person (pathway views) will then be the basis for preparing the pathway plan.

Pathways

6.7 Materials have been circulated to local authorities which cover all the areas set out in the regulation that need to be addressed. This is entitled *Pathways* and includes:

Pathway views	– the views of the young person	<i>Regulation 3(1)</i>
Pathway assessment	– the assessment of the young persons needs	<i>Regulation 8</i>
Pathway plan	– how the local authority plans to meet the needs	<i>Regulation 10</i>

These should be seen as part of a single process in which the views of the young person are sought, their needs assessed and action identified to meet those needs. Although these elements are identified separately in the legislation and regulations they should not appear as distinct bureaucratic steps to the young person, but part of a continuous process of consultation, assessment and support.

Assessment policy statement

6.8 Each local authority must prepare a written policy statement setting out in general terms how the needs of compulsorily supported persons and discretionarily supported persons are to be assessed. This should give details of the authority's approach to carrying out pathway assessment, for example what materials the authority uses, whether the assessment will be done by a dedicated throughcare and aftercare team, and what meetings the young person will be expected to attend. The statement should include useful contacts within the authority, such as information on how to access throughcare and aftercare services and other agencies, such as the local Careers Scotland office. *Regulation 7(1)*

Initial agreement

6.9 For each individual case, the authority must specify – *Regulation 7(2)*

- who will be responsible for co-ordinating and taking forward the assessment (the pathway co-ordinator);
- the timetable for the pathway assessment; and
- who is to be consulted for the assessment.

The authority must make sure that the young person and those people whom it consults as part of the assessment process have a copy of the initial agreement. *Regulation 7(3)*

Timing of assessment

6.10 The responsible authority must complete the pathway assessment within three months of a young person becoming a compulsorily supported person or, in the case of a discretionarily supported person, their applying for assistance under section 29(2). However, only in exceptional circumstances should a young person have their pathway assessment and pathway plan completed after they cease to be looked after. It is expected that all young people will have had their pathway assessment, will have completed their pathway views and will have a pathway plan in place as to their future before they cease to be looked after. *Regulation 9*

- 6.11 If a local authority knows that a young person whom it is looking after is about to become a compulsorily supported person at school leaving age (that is, it is planned that the young person will cease to be looked after around their sixteenth birthday), they can undertake any preparatory work ahead of that date but the pathway views and assessment cannot be finalised until the young person is over school leaving age, as the regulations only apply to young people still being looked after over school leaving age. In other cases where the young person is still being looked after and accommodated the authority will want to balance the need for planning to meet the young person's needs when they do cease to be looked after with the risk of disrupting their care placement by raising expectations that they will be leaving care soon. Generally, a pathway assessment can be done and a pathway plan prepared for a currently looked after person without them needing to leave care, so authorities need not delay the process because of a perceived risk to the current placement.
- 6.12 When it puts together the timetable for a young person's assessment the authority should bear in mind any considerations such as forthcoming exams, and take all reasonable steps to avoid disrupting the young person's preparation for them.
- 6.13 As indicated at paragraph 3.5 the local authority should ensure that the issues around consent have been fully explored and discussed with the young person.

Pathway views

*Regulation 3(2) and
Schedule 1*

- 6.14 The pathway views of a young person must include the following :

The young person's hopes for the future.

The young person's emotional state, day to day activities, personal safety, influences on the young person and the young person's personal identity. (**Lifestyle**)

The young person's family relationships, own children, other caring responsibilities, life story, and friends and other significant people in their life. (**Family and Friends**)

The young person's general health (including any mental health needs), contact with health services, medical conditions and disabilities, activities that might affect the young person's health, and emotional and mental well being. (**Health and Well Being**)

The young person's future plans for study, training or work, schooling (including support needs), skills and experience, qualifications and certificates, and training and work. (**Learning and Work**)

The young person's accommodation arrangements, practical living skills, accommodation options for the future, and support required for living. (**Where I Live**)

The young person's sources of income, outgoings, savings and debts, requirement for financial support, and budgeting skills. (**Money**)

The young person's knowledge of their rights and legal entitlements, involvement in legal proceedings, including criminal proceedings as a victim, witness or alleged perpetrator. (**Rights and Legal Issues**)

Pathway assessment

- 6.15 In carrying out the pathway assessment the local authority must not proceed until the pathway views of the young person are complete (unless this is not reasonably practicable). It must take the views into account and note them in its record of the pathway assessment. *Regulation 8(2)*
Regulation 8(3)
- 6.16 In carrying out the pathway assessment the local authority shall take into account all the same matters as the pathway views (with the exception of the young person's hopes and aspirations). The pathway assessment should cover: **Lifestyle; Family and Friends; Health and Well Being; Learning and Work; Where I Live; Money;** and **Rights and Legal Issues**. The assessment process might indicate that the young person should have a more detailed or specialised assessment in a particular area – for example, health or employment – or the young person may already have had such an assessment. In such cases the pathway assessment should signpost the more detailed assessment required, and the resulting assessment can be included in the pathways folder and should be considered in the pathway plan. *Regulation 8(4) and*
Schedule 2
- 6.17 The responsible authority must keep a written record of the information obtained during an assessment, of the deliberations of any meeting held in connection with any aspect of an assessment; and the outcome of the assessment. *Regulation 8(5)*
- 6.18 The authority may consult a number of other people in carrying out the assessment as well as the young person themselves. These could include parents, or anyone with parental responsibility, any person who cares for them on a day to day basis, a representative of the school or college (such as a class teacher or someone chosen by the young person), the pathway co-ordinator, the GP or other appropriate health professional (such as a Looked After Children nurse), the young person's supporter, and anyone else who the responsible authority or the young person considers relevant. For example, the young person might already have access to an adviser from Careers Scotland. If the young person has any particular needs relating to communication or cognitive impairment it will be important that at least one person involved in the pathway assessment has a clear understanding of how they express their wishes and feelings. The views of these people can be essential in giving a full picture of the young person's needs in the areas detailed in the regulations. *Regulation 8(6)*
- 6.19 The young person themselves should play the central role in the assessment process and their wishes as expressed in their pathway views should be used to complete the assessment. When deciding who needs to be involved in the assessment, the responsible authority should take into account the wishes of the young person.

Pathway plan

- 6.20 The pathway plan records the actions to be taken as a result of the pathway views and the pathway assessment in an action plan for the young person's future.
- Regulation 11(1)* 6.21 A pathway plan must be completed for each compulsorily supported young person within 21 days of completion of the pathway assessment. For a prospective supported young person, applying for assistance under section 29(2), the local authority should decide whether to provide support to the prospective supported person within 14 days of completing the pathway assessment. The authority should notify the prospective supported young person of their decision within 7 days of reaching it. If the local authority decides to grant the application for assistance, it shall then prepare the pathway plan within 21 days.
- Regulation 11(3)*
Regulation 11(4)
- 6.22 The plan must cover the areas outlined in the pathway assessment and pathway views. The authority must also seek the views of the young person on the pathway plan itself. The pathways material are designed to bring together the pathway views, pathway assessment and pathway plan for each of the subjects, that is: **Lifestyle; Family and Friends; Health and Well Being; Learning and Work; Where I Live; Money; and Rights and Legal Issues.**
- Regulations 10(1), 10(2), 10(3) and Schedule 2*
Regulation 10(4)
- 6.23 For each of these, the plan must set out how the responsible authority plans to meet the needs identified through the assessment, and the timetable for actions required to do so. The plan should identify when other agencies will contribute to the targets set, whether within the authority like the housing department, or outwith it, like a training college or Careers Scotland.
- Regulation 10(6)*
- 6.24 The local authority may consult others in drawing up the pathway plan as for the pathway assessment. In addition, it is important to involve those that may be identified as providing services or contributing to actions under the plan. Any barriers to communication or joint working should be identified and dealt with.
- 6.25 It is important to recognise that a young person may not always be successful the first time that they attempt adult living and may need help more than once. Some young people will need more support than others and the pathway plan should reflect this. There should therefore be an element of contingency planning built into the pathways process, and fully explained and discussed with the young person.
- Regulation 10(5)*
Regulation 3(3)
- 6.26 The pathway plan must be recorded in writing. The responsible authority must keep a copy and must provide one for the young person in a form which is accessible to them. The authority should consider whether anyone else should have a copy of all or part of the plan. Normally any other agencies that are identified as helping to meet the targets should be informed of their proposed role. The authority should seek and obtain the consent of the young person to the plan being copied in this way.

Review of the pathway plan

6.27 It is important to recognise young people's expectations and circumstances can change quickly. Assessments and planning are not static documents but a continuously evolving cycle of updating and revision. The plan will therefore have to be a living document which recognises this and can be amended accordingly. The responsible authority must arrange a review if the young person asks for one; if the pathways co-ordinator asks for one; if the young person's supporter asks for one; or at least every six months. This will ensure that plans remain current and relevant for the young person. It will also provide an opportunity to make sure that any partners in delivery have met, or are meeting their agreements. Consideration should also be given to reviewing the plan six weeks after a young person who has been accommodated moves on, as this can be a critical and stressful time and local authorities will want to be in a position to offer early support. *Regulation 12(2)*

6.28 The purpose of regular review is to check that the goals and milestones are still right for the young person and are still being met, or to set new targets if the young person has achieved those previously identified. It will make sure that levels of support are adequate and are being delivered according to plan. It will take account of any unexpected developments and revise the plan accordingly. It is an opportunity to record the outcomes of any actions taken at an earlier date and consider what works and achieves best results for the young person. The views of the young person will again be central to this process and must be sought in reviewing the plan. *Regulation 12(4)*

6.29 It is also important that the young person is involved in the Review. If a young person needs to travel for this purpose, reasonable travel and subsistence costs should again be covered. If the young person cannot or will not discuss the plan face to face, the responsible authority should try to find an acceptable alternative to review the plan with them, for example by e-mail or telephone. If none of this is possible, the plan can be reviewed without the young person's help, but this should be the exception.

6.30 It will be important to seek and take account of the views of the same people as were involved in the assessment. It may also be appropriate for other people also to attend if, for example, they are contributing to one of the elements of the pathway plan or if they played an important role at the pathway assessment. *Regulation 12(5)*

6.31 The results of the review must be recorded in writing. The responsible authority and the young person should each have a copy. Other copies should be available as set out for the plan itself. *Regulation 12(6)*

Aims and outcomes

6.32 The process of gathering the young person's views, assessing their needs, planning to meet them, and reviewing progress and updating the plan accordingly is central to the new system of supporting young people leaving care. The aims are to identify properly and meet the needs of the young person, and to encourage the local authority and the young person to keep in touch. The young person should therefore feel they are getting something from the system of assessment and planning that will ensure they keep coming to the responsible authority for the support they need.

CHAPTER 7

PATHWAY CO-ORDINATOR AND YOUNG PERSON'S SUPPORTER

Pathway co-ordinator

- Regulations 4(1) and 6(d)*
Regulation 4(2) and 4(3)
Regulation 4(4)
- 7.1 It is important that there is someone who has overall responsibility for ensuring the pathways folder work is undertaken and action identified in the plan is taken forward. Under the regulations the local authority should appoint a pathway co-ordinator for each compulsorily and discretionarily supported person, and may do so for a currently looked after person. A pathway co-ordinator need not be an officer of the local authority but will act on behalf of the responsible authority, which will want to ensure that the co-ordinator is a suitable and capable person. The responsible authority must seek and take into account the views of the young person before appointing a pathway co-ordinator.
- Regulation 4(5)(a)*
- Regulation 4(5)(b)*
Regulation 4(5)(c)
Regulation 4(5)(d)
- 7.2 The pathway co-ordinator will provide advice and support to the young person on any throughcare and aftercare issues the young person raises. The co-ordinator should be responsible for ensuring that the young person's pathway views have been sought and taken into account when producing the pathway assessment and plan. As part of this, it is expected that the pathways co-ordinator will participate in the pathway assessment and the preparation of the plan. They will also be involved in the reviews of the plan. Liaison with the young person's supporter will be a key role for the co-ordinator and they will ensure that the supporter is informed of the pathway views, pathway assessment and pathway plan, subject to gaining the young person's consent to do this.
- Regulation 4(5)(e)*
- Regulation 4(5)(g)*
- 7.3 The pathway co-ordinator will also be charged with co-ordinating the provision of services identified in the pathway plan. There may also be cases where young people do not engage with the services that have been identified or engage for an initial period before withdrawing. The co-ordinator should keep themselves informed of the progress and well being of the young person to alert them to any of these potential issues. The co-ordinator should explore the reasons behind the young person taking this course of action and try to resolve the issues preventing the young person from engaging. The pathway co-ordinator should keep a written record of all contact with the young person.
- Regulation 4(5)(h)*

Young person's supporter

- 7.4 Some young people need a person to champion their needs and provide them with help and guidance. Meetings with professionals can be daunting or discussing their future might be difficult and stressful. In such circumstances having someone they know and trust available can allow them to articulate their wishes fully and lead to more productive results. Such a person might also help the young person to keep in touch with the local authority. The regulations allow for the young person to select such a person and have them involved in the throughcare and aftercare process. This person is known as the young person's supporter.
- 7.5 The role of the young person's supporter is to help the young person at each stage of the process. They can provide advice and participate in the steps such as the pathway views, pathways plan and reviews of the plan. The role of the young person's supporter is not to ensure that services are delivered. That is the function of the pathway co-ordinator.

7.6 Any young person to whom the regulations apply can ask the authority to appoint a supporter, that is currently looked after young people, compulsorily, prospective or discretionarily supported young people. The supporter must be an individual person (so not an organisation) and may or may not be a local authority official, but must not be the pathway co-ordinator. The choice of a supporter rests with the young person but the authority must satisfy itself that the young person's choice is a suitable person and capable of performing the role of a young person's supporter. The supporter themselves must agree to take on the role. Examples of supporters might be workers from voluntary organisations or advocacy groups, foster carers or relatives, as well as local authority workers.

Regulation 5(1)

Regulation 5(2)

Regulation 5(3)

7.7 The young person should decide what involvement they wish their supporter to have but they can be involved in the following:

Regulation 5(4)

- providing advice and support
- assisting the young person in giving their pathway views
- participating in the young person's assessment and preparation of the pathway plan
- participating in reviews of pathway plans.

In addition, anyone taking on the role must keep themselves informed of the progress and well being of the young person

Regulation 5(5)

7.8 It should be emphasised that the role of the supporter is to help the young person as the young person requests. The supporter does not take on any of the responsibilities of the pathway co-ordinator. Although the local authority must satisfy itself that the young person's choice is a suitable and capable person, the authority is not responsible for nominating and selecting supporters, or for how they carry out their function.

Aims and outcomes

7.9 Between them, the pathway co-ordinator and the young person's supporter should provide the young person with advice and assistance through the process. They should work together to ensure that the young person's views are known, their needs are assessed and a pathway plan is completed and reviewed. They should be in contact with each other about the young person and keep themselves informed about the young person's progress.

CHAPTER 8

MANNER IN WHICH FINANCIAL ASSISTANCE IS TO BE PROVIDED

Principles of financial assistance

- 8.1 Learning to manage money and a budget is an important step on the road to independent living. As corporate parents, local authorities will want to make sure that their looked after young people are given advice on saving and living within a set budget. Young people should be encouraged at an early age to open a suitable bank account and learn to manage money. Local authorities will wish to consider opening accounts for their young people as soon as they become looked after as part of learning about financial responsibility. This would also overcome any potential difficulties which may arise when young people try to open accounts at an older age. Where local authorities are giving financial assistance this should be paid through bank accounts except in exceptional circumstances.
- 8.2 Young people should receive a package of support which meets their assessed requirements. This will be based on individual circumstances and needs identified in the pathway assessment, although it would be expected to include the following as appropriate: rent, utility bills, food/household goods, laundry, insurance, clothing, travel and leisure.
- 8.3 Young people should be encouraged to take part in employment, training or education as this will assist them in fulfilling their potential and enable them to plan for the future. Local authorities may wish to use some form of incentives to do this, which could be in the form of extra financial payments or access to leisure facilities, but which are recognised and valued by the young people.
- 8.4 Young people who are in further or higher education should be encouraged and supported to continue their studies. As part of this, financial considerations should not affect the young person's wish to continue in education. It is not considered helpful for young people to be expected to take out full student loans and authorities, as corporate parents, will want to provide assistance.

Regular financial assistance

Regulation 13(1)

- 8.5 Given the different components that will make up such a package this could be cash and/or payment in kind. However, regular financial support to replace DWP benefits should normally only be given to young people under 18 years of age who ceased to be looked after over school age and who had been looked after away from home for over 13 weeks since the age of 14. It is this category that has had their entitlement to DWP benefits withdrawn under the Children (Leaving Care) Act 2000. These young people should receive a package at least the equivalent of the DWP benefits available to 16 and 17 year olds at any particular time. This information is available to local authorities from the DWP.

Regulation 13(3)

- 8.6 In assessing the financial payments to be made to a young person, the local authority should consider the factors the DWP would take into account in assessing a claim. In particular, the authority will want to take into account any earnings and savings the young person might have. The authority has the discretion to reduce payments or not according to the other income of the young person. Generally, the local authority should treat income and savings as the DWP would, because the young person will move to the DWP system at 18 years old and should not be faced with a loss of income at that point. The local authority will also want to encourage young people both to take employment or training places and to learn to save. In particular, where a young person has been awarded a sum in compensation for a criminal injury the local authority should normally disregard that capital entirely in calculating financial support. The local authority should ensure that young people have access to sound financial advice about the best use for such funds, bearing in mind that normal rules on benefit entitlement will apply when the young person reaches 18.
- 8.7 Where agreement on appropriate packages of support cannot be reached between the local authority and the young person, local authorities should pay the current DWP rate of payment to the young person as a minimum, if they are not in receipt of any other income.
- 8.8 Local authorities may want to work together to ensure consistency in the approach to the level of financial payments, and the way the income and savings are treated, whether in a particular area or across Scotland. There are precedents for a joint approach from Wales and areas of England.
- 8.9 In addition to regular financial support, the local authority may, under certain circumstances, consider that a financial payment to their young people who are either still looked after or have ceased to be looked after would be appropriate. For example, a young person may need suitable clothes for an interview and the authority would wish to assist with such a purchase. Regular financial support may also be made available to other young people in exceptional circumstances, for example they cannot live at the family home because of concerns about their safety, or they may have been looked after in England and Wales but they are not currently receiving support from the local authority that last looked after them. Local authorities may also wish in certain circumstances to assist by other means of support rather than financial support, for example when there is reason to believe any cash is likely to be spent on drugs.

Young people remaining eligible for DWP benefits

- 8.10 Some careleavers under 18 years of age will continue to be eligible for DWP benefits. In particular, those who are single parents or disabled are not generally excluded from DWP benefits. Local authorities should not normally pay regular financial support to those young people who remain eligible for DWP benefits. Local authorities will want to ensure they are familiar with these categories and work closely with their local DWP offices to ensure that young people who continue to be eligible for DWP support are correctly identified and receive their benefit. No young person should fall between the DWP and local authority and receive no support.

Young people returning home

Regulation 13(2)

8.11 A compulsorily supported person under 18 who returns home after leaving care should normally only be provided with regular financial support in circumstances where the DWP would pay benefits because of extreme hardship. This is in line with the position of other 16 and 17 year olds living at home. If such a person is at home but does not qualify for regular financial support from the local authority they may be eligible to apply for DWP benefits, but DWP will take into account similar factors as the local authority in making this determination. If a return home breaks down and the young person returns again to the local authority for help before reaching 18, they will again be eligible for regular financial support from the local authority in the same way as other careleavers under 18 not living with their family.

Young people turning 18 years old

8.12 Once a young person is 18 they will return to the DWP benefits system and the responsible authority does not have a primary financial support role for young people who are no longer looked after. The responsible authority will want to have done preparatory work for this with the young person, in particular on any differences between adjustments for income and savings and incentives between the local authority's system and the DWP approach. The local authority can continue making payments in certain circumstances but will want to be sure that any DWP benefits are not affected.

Health costs

8.13 Young people who receive financial support from the local authority can complete a claim form, HC1(SC) for help with health costs. An NHS charges certificate for full help will then be sent to the young person and lasts for 12 months or until the young person's eighteenth birthday, whichever is longer. Claim forms should be ordered from the Department of Health. Local authorities should hold a small supply of these forms and give one to each young person as soon as a decision to provide any form of financial support is made. Some health and other services will also be available directly to those receiving regular financial support from the local authority.

CHAPTER 9

ACCOMMODATION

Principles of accommodation

9.1 The provision of suitable accommodation can make an enormous difference to a young person in making a successful transition to adult living. Not all young people will be looking to move from their current placements and these young people should be encouraged to remain where they are until the time to move is right for them. The pathways assessment and plan will have set out what kind of accommodation best meets the needs of the young person and how this is to be obtained. Moving to new accommodation can be stressful and authorities will want to make sure that the levels of support they provide meet the needs of each individual. Some young people will need more support than others and authorities should have a range of services which addresses these differences.

National Care Standards

9.2 National Care Standards for Housing Support Services are used by the Care Commission to monitor the quality of housing support services. They describe what individuals can expect from the service provider.

Duties of local authorities

9.3 Where the responsible authority has assisted a compulsorily or a discretionarily supported person by providing them with or supporting them in accommodation the authority must ensure that any such accommodation is suitable. This means that a young person's particular health issues should be taken into account when considering whether accommodation meets a young person's needs. Consideration should also be given to where the accommodation is located. For example, it may be important for a young person to be close to support networks or to have easy transport links to their place of study or employment. Young people should not be placed in unsuitable bed and breakfast or hostel accommodation. However, it is recognised that some young people will want to stay in accommodation that may not be considered suitable by the authority. These issues should be explored in the pathway plan and the young person's wishes taken into account.

Regulation 14

9.4 While there is no one model of accommodation provision, supported lodgings, shared accommodation, and independent tenancies should be available for young people. Accommodation and support services should be flexible and focus on the individual needs of the young person:

- reflecting the realities of young people's lifestyles
- ensuring a balance of needs when accepting referrals
- ensuring young people are involved in decision making with regards to how accommodation projects are developed, managed and evaluated
- ensuring young people are listened to and their views acted on
- ensuring young people are given the opportunity to gain skills at their own pace
- ensuring shared accommodation models are modest in scale.

- 9.5 Young people should be given the maximum security of tenure appropriate to their accommodation. Where local authorities have responsibility for meeting young people's rent costs this should not interfere in any way with their statutory or common law rights as tenants. When living in self-contained social rented flats Scottish Secure Tenancies should normally be offered (in line with the Housing (Scotland) Act 2001). When living in social rented shared accommodation SFHA Model Occupancy Agreements should normally be used. In specialist forms of supported accommodation, occupancy agreements should maximise occupancy rights including periods of notice.
- 9.6 Accommodation providers should be involved in the throughcare and aftercare planning process of individual young people to ensure that appropriate accommodation is being offered and that young people are familiar with the provider.
- 9.7 The accommodation in which a young person resides when ceasing to be looked after should not be a barrier to them progressing in other areas of their lives and the location of the young person's accommodation should be in an area where the young person does not fear attack or harassment as a result of discrimination.

Regulation 14(2)(b)

- 9.8 If the accommodation provider will come into direct contact with the young person references should be taken up and appropriate checks carried out. These checks should satisfy authorities that the accommodation is safe and appropriate.

Regulation 14(3)

- 9.9 One of the main worries for young people in further or higher education is their accommodation arrangements during vacations. Local authorities will therefore need to ensure they are aware of the accommodation terms and make arrangements to cover any vacation gap.
- 9.10 Local authorities should bear in mind the provisions of section 30 of the Children (Scotland) Act 1995. This empowers authorities to give financial assistance towards the expenses of education or training of a young person under the age of 21 who at the time of ceasing to be of school age was being looked after by the local authority. Contributions can also be made to the cost of accommodation and maintenance of such a person in any place where he or she may be receiving such education or training. These powers are exercisable until the young person reaches the age of 21 or, if over 21, until they finish the course of education or training. If after they have reached 21, the course is interrupted, assistance may only be continued if they resume the course as soon as practicable.
- 9.11 Assistance may be granted to enable a young person who at the time of ceasing to be of school age was being looked after by the local authority, to meet expenses in respect of contributions to the accommodation and maintenance of the person in any place near their employment.

Homelessness legislation

9.12 The Housing (Scotland) Act 2001 requires local authorities to undertake an assessment of housing needs and conditions in their area and produce a Local Housing Strategy. It is for individual authorities to determine local priorities but their Local Housing Strategy must complement Community Plans and the Homelessness Strategy. Local authorities will want to ensure that the needs of their young people ceasing to be looked after are reflected in the Local Housing Strategy.

9.13 The Homelessness etc. (Scotland) Act 2003 has amended section 25 of the Housing (Scotland) Act 1987. This amendment means that persons aged 16 or 17 assessed as homeless are now included in the statutory definition of applicants to be considered as having a priority need for accommodation. In addition, anyone assessed as homeless who is aged 18 to 20 who was looked after by a local authority when they ceased to be of school age or at any subsequent time will also be considered to be in priority need. However, this legislation should not be used as the main route for accessing accommodation for young people ceasing to be looked after.

Supporting people

9.14 Some formerly looked after young people received assistance with housing support services to 1 April 2003 under the arrangements for Transitional Housing Benefit. New arrangements for housing support services were introduced on 1 April 2003 under the Supporting People initiative and careleavers will still be able to access these services. Local authorities will want to ensure that the needs of young people ceasing to be looked after are reflected and addressed within their Supporting People Strategy.

CHAPTER 10

RIGHT TO APPEAL AND MAKE COMPLAINTS

Principles of appeals and complaints

10.1 It is important that young people have swift access to an appeals system that is transparent and easy to understand. The Regulations set out the procedures that must be followed by the responsible authority should they receive a representation from a young person appealing against their decisions on the manner or level of support to be provided, or a decision not to provide support to a prospective supported person. The responsible authority should continue providing support to the young person while any appeals process is continuing.

Regulation 16(1)

10.2 The young person also has the right to make a complaint to the local authority about the service they have received or how an appeal has been handled. Complaints should be made through the normal methods of complaint about social work service under the Social Work (Scotland) Act 1968 or any other appropriate complaints procedures. Current Guidance and Directions on the 1968 Act procedure were laid out in Circular Number SWSG 5/1996 of 15 March 1996.

Appeals under the regulations

10.3 The authority should appoint a nominated officer to co-ordinate the authority's appeal procedures.

Regulation 16(3)

10.4 Appeal can be made orally or in writing. If the appeal is made orally the authority should record the appeal in writing, allowing the young person the opportunity to comment on the written version.

Regulation 17

10.5 The emphasis in all cases should be on swift and informal resolution of the appeal. No detailed procedural requirements are laid down for the informal resolution of appeals, but young people should have access to independent advocacy services to assist them when making a case and to help them see their case through its conclusion. The authority should seek to discuss the appeal with the young person, taking account of their point of view together with any representation made on their behalf. The pathway co-ordinator and young person's supporter should be involved throughout the process. The authority should ensure appropriate access to meetings and information for those young persons with particular needs related to impairment. The authority should facilitate attendance of the young person at meetings by appropriate support, including paying travel and subsistence costs. If both parties wish to continue to explore the possibility of informal resolution beyond the timescales laid down, they may do so provided there is mutual agreement to any extension.

Regulation 18

10.6 Where the appeal has not been resolved informally within five working days, or the agreed extension, then the nominated officer should be informed and an independent person appointed by the authority to assist in considering the appeal. A formal response should be prepared for the authority by an officer who was not involved in the original decision and who is more senior than the officer who dealt with matters at the informal stage. Before preparing this response, the senior officer and independent person should meet together with the appellant, nominated officer, pathway co-ordinator, young person's supporter and any other person whom the appellant wishes to attend. All persons at the meeting should be given the opportunity to make verbal or written submissions. The senior officer should send to all persons at the meeting a formal written decision on the appeal within 10 working days of the end of informal stage.

Regulation 19

10.7 The local authority should, within two working days of the formal part of the appeal being completed give its decision and details of any further action to: the appellant; the independent person; the nominated officer; the pathway co-ordinator; the young person's supporter and any person the authority thinks has an interest in the case. *Regulation 20*

10.8 There is no further appeal against decisions under these regulations. Any further representations should be made under the complaints procedures under the Social Work (Scotland) Act 1968, or any other appropriate corporate complaints procedures for the local authority or other service providers. *Regulation 20(3)*

CHAPTER 11

INFORMATION GATHERING AND SHARING

Performance indicators

11.1 It is important for local authorities to have good monitoring arrangements and clear performance measures for throughcare and aftercare services to enable local authorities, the Executive and young people to gauge service development and delivery. The following performance indicators have been developed:

- local authorities should have accurate information about the number of looked after young people leaving care over school age in their area by age and last placement up to 19 years of age
- there should be a pathway plan for each young person ceasing to be looked after
- there should be nominated pathway co-ordinators for all young people ceasing to be looked after
- local authorities should know the destination and accommodation arrangements of those ceasing to be looked after over school age up to 19 years of age, including number of moves and periods of homelessness
- local authorities should know the education, employment, or training status of those ceasing to be looked after over school age up to 19 years of age, including length of placements and any periods of unemployment and incapacity.

11.2 Further performance indicators are likely to be introduced as services develop. These may include: service user satisfaction; the existence of partnership agreements, policy statements and inclusion of throughcare and aftercare in the Children's Services Plans; involvement of young people in developing the service; an information pack for young people leaving care; information on young people receiving an enhanced section 29 service and how much financial support is being provided; completion of assessment and action planning; information on basic health factors, for example, number registered with a dentist/GP, lone parenthood; and information on appeals and complaints received and how they have been resolved.

Information sharing

11.3 Careers Scotland is able to provide local authorities with statistical information, in line with performance measurement requirements, on further education, training and employment. To allow Careers Scotland to do this local authorities will have to provide Careers Scotland with sufficient information to allow them to contact, keep in touch and work effectively with young people. A model partnership agreement which would allow information to be exchanged between local authorities and Careers Scotland is at Annex B.

11.4 Local authorities should also consider the arrangements they need to make with other organisations – such as training colleges, accommodation providers and health services – to allow information to be exchanged. Local authorities must check to see whether the consent of the young person is required to the exchange of information.

ANNEX A

THE SUPPORT AND ASSISTANCE OF YOUNG PEOPLE LEAVING CARE (SCOTLAND) REGULATIONS 2003

2003 No. 608

CHILDREN AND YOUNG PERSONS

**The Support and Assistance of Young People Leaving Care
(Scotland) Regulations 2003**

Made - - - - - 18th December 2003

Laid before the Scottish Parliament 19th December 2003

Coming into force - - - 1st April 2004

The Scottish Ministers, in exercise of the powers conferred by section 73(2)(a), (c) and (d) and (3) of the Regulation of Care (Scotland) Act 2001 (a) and section 17(1) of the Children (Scotland) Act 1995 (b) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Support and Assistance of Young People Leaving Care (Scotland) Regulations 2003 and shall come into force on 1st April 2004.

Interpretation

2.–(1) In these Regulations, unless the context otherwise requires–

“the 1995 Act” means the Children (Scotland) Act 1995;

“appellant” means any person who has made representations under regulation 16 relating to the matters referred to therein concerning section 29(1) or (2) of the 1995 Act;

“compulsorily supported person” means a young person to whom a local authority is obliged to provide advice, guidance and assistance in terms of section 29(1) of the 1995 Act;

“currently looked after person” means a person who is over school age, but is less than eighteen years of age and who is being looked after by a local authority;

“discretionarily supported person” means a young person to whom a local authority has agreed to provide advice, guidance and assistance in terms of section 29(2) of the 1995 Act;

“further education” has the meaning given to it in sections 1 and 6 of the Further and Higher Education (Scotland) Act 1992 (c);

“higher education” has the meaning given to it in section 38 of the Further and Higher Education (Scotland) Act 1992;

“independent person” means a person appointed by the local authority under regulation 19 to assist in considering an appeal under these Regulations, which person shall not be a member

(a) 2001 asp 8.

(b) 1995 c.36. Section 103(2) contains a definition of “prescribed” relevant to the exercise of the statutory powers under which these regulations are made. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(c) 1992 c.37.

of the political party forming the ruling group on the local authority or an officer of any local authority, and who has not been such a member or officer during the period of one year prior to being appointed to assist in considering an appeal under these Regulations;

“looked after” has the meaning given to it in section 17(6) of the 1995 Act;

“nominated officer” means the officer appointed under regulation 16(3).

“parent” has the meaning given to it in section 15(1) of the 1995 Act;

“parental responsibilities” has the meaning given to it in section 1 of the 1995 Act;

“pathway assessment” means an assessment of need carried out under section 29(5) of the 1995 Act;

“pathway co-ordinator” means a person appointed by the responsible authority in terms of regulations 4 or 6;

“pathway plan” means a written plan setting out details of the advice, guidance and assistance that a local authority intends to provide pursuant to its duties under section 29(1) or 29(2) of the 1995 Act;

“pathway views” means the views of the young person given under regulation 3;

“prospective supported person” means a young person who has made an application to a local authority for assistance in terms of section 29(2) of the 1995 Act which has yet to be determined;

“responsible authority” means-

- (a) in relation to a currently looked after person, the local authority looking after that person; and
- (b) in relation to a compulsorily supported or a discretionarily supported person, the local authority which last looked after the person; and

“young person’s supporter” means a person appointed by the responsible authority in terms of regulation 5.

(2) Any reference in these Regulations to anything done in writing or produced in written form includes a reference to an electronic communication, as defined in the Electronic Communications Act 2000(a), which has been recorded and is consequently capable of being reproduced.

Involvement of the young person

3.–(1) When carrying out a pathway assessment, the responsible authority shall, unless it is not reasonably practicable to do so-

- (a) seek and have regard to the views of the young person to whom it relates (“the pathway views”); and
- (b) take all reasonable steps to enable the young person to attend and participate in any meetings at which the pathway assessment relating to that young person is being considered.

(2) In seeking the pathway views of the young person, the responsible authority shall include each of the matters referred to in Schedule 1.

(3) The responsible authority shall ensure that a written record of the pathway views is prepared and maintained (“the written record of the pathway views”).

(4) The responsible authority shall, as soon as reasonably practicable, provide the young person with copies (where appropriate) of-

- (a) the written record of the pathway views;
- (b) the written record of the results of the pathway assessment;
- (c) the pathway plan;
- (d) the written record of the results of each review of the young person’s pathway plan; and

(a) 2000 c.7. Section 15 contains a definition of “electronic communications”.

- (e) an explanation of the procedure for making representations under these Regulations, and shall ensure that the contents of each document are explained to the young person.

Pathway co-ordinator

4.–(1) A local authority shall appoint for each compulsorily supported person and each discretionarily supported person in respect of whom it is the responsible authority, a pathway co ordinator.

(2) A pathway co ordinator shall be an individual person who is, in the opinion of the responsible authority, suitable and capable of performing the functions specified in paragraph (5).

(3) A pathway co ordinator may or may not be an officer of the responsible authority, but shall in either event act on its behalf.

(4) Before appointing a pathway co ordinator, the responsible authority shall seek and take into account the views of the young person as regards that appointment.

(5) The functions of a pathway co ordinator in relation to a compulsorily supported person or a discretionarily supported person are to–

- (a) provide advice and support;
- (b) ensure that person’s pathway views are sought and taken into account;
- (c) participate in that person’s pathway assessment and the preparation of the relevant pathway plan;
- (d) participate in reviews of the pathway plan;
- (e) ensure where relevant that person’s supporter is informed of that person’s pathway views, pathway assessment, and pathway plan, subject in each case to that person’s written consent having been obtained;
- (f) co ordinate the provision of services arising from the pathway plan or its review;
- (g) keep themselves informed about the progress and well being of that person; and
- (h) maintain a written record of their discussions with that person.

Young person’s supporter

5.–(1) A young person to whom these Regulations apply may ask the responsible authority to appoint a person to support them (“young person’s supporter”) in relation to some or all of the functions specified in paragraph (4).

(2) A young person’s supporter shall be an individual person (who is not the pathway co-ordinator) and may or may not be an officer of the responsible authority.

(3) A young person’s supporter shall be nominated by the young person to the responsible authority which shall appoint the person so nominated, subject to that person being willing to accept the appointment and subject also to the responsible authority considering that person to be suitable and capable of performing the functions specified in paragraph (4).

(4) The functions of a young person’s supporter are where requested to–

- (a) provide advice and support;
- (b) assist the young person in giving their pathway views;
- (c) participate in the young person’s pathway assessment and the preparation of the relevant pathway plan;
- (d) participate in reviews of the pathway plan.

(5) The young person’s supporter shall keep themselves informed about the progress and well being of the young person.

Preparation for when no longer looked after by a local authority

6. In carrying out its duties under section 17(1)(a) of the 1995 Act to prepare a currently looked after person for when that person is no longer looked after, a local authority shall, in relation to each currently looked after person in respect of whom it is the responsible authority–

- (a) seek their pathway views;
- (b) carry out a pathway assessment with a view to determining what advice, guidance and assistance it would be appropriate for the authority to provide to that person to prepare them for when they are no longer looked after;
- (c) if the responsible authority considers it necessary or desirable to do so, prepare a pathway plan for that person; and
- (d) if the responsible authority considers it necessary or desirable to do so, appoint a pathway co ordinator for that person.

Pathway assessment – general

7.–(1) The responsible authority shall prepare and publish a written statement detailing the manner in which the needs of currently looked after persons, compulsorily supported persons and prospective supported persons are to be assessed.

(2) In relation to each young person whose needs are to be assessed, the responsible authority shall conclude a written agreement with the young person (“the initial agreement”) setting out details of–

- (a) the name of the pathway co ordinator;
- (b) the timetable for the pathway assessment; and
- (c) the persons who are to be consulted for the purposes of the pathway assessment.

(3) The responsible authority shall provide a copy of the initial agreement to the young person and, so far as reasonably practicable to do so, and subject also to the young person’s written consent first having been obtained, to those persons who are to be consulted for the purposes of the pathway assessment.

(4) Nothing in these Regulations shall prevent the carrying out of any assessment or review under these Regulations at the same time as there is being carried out any assessment or review or other consideration under any other enactment.

Pathway assessment – individual cases

8.–(1) When carrying out its duties under section 29(5) of the 1995 Act, the responsible authority shall assess, in accordance with these Regulations, the needs of each compulsorily supported person and each prospective supported person who does not already have a pathway plan.

(2) Unless it is not reasonably practicable to do so, the responsible authority shall not complete a pathway assessment without the pathway views of the young person having been obtained and the written record of the pathway views being available.

(3) The responsible authority shall take into account the written record of the pathway views of the young person, which shall be recorded in the pathway assessment.

(4) In carrying out a pathway assessment, the responsible authority shall include each of the matters referred to in Schedule 2.

(5) The responsible authority shall ensure that a written record is maintained of the–

- (a) information obtained in the course of completing a pathway assessment;
- (b) deliberations at any meeting held in connection with any aspect of a pathway assessment; and
- (c) results of a pathway assessment.

(6) In carrying out a pathway assessment, the responsibilities authority may seek the views of–

- (a) the parents of the young person;
- (b) any person who is not a parent but has parental responsibilities for a compulsorily supported person;
- (c) any person who on a day to day basis cares for, or provides accommodation for, the young person;
- (d) the head teacher or principal of any school or college attended by the young person or the education authority for the area in which the young person lives;
- (e) any person providing health care or treatment to the young person;
- (f) any pathway co ordinator appointed for the young person;
- (g) any young person's supporter appointed for the young person; and
- (h) any other person whose views the responsible authority, or the young person, consider may be relevant,

and the responsible authority shall take into account any such views that have been obtained.

Pathway assessments – timescales

9. The pathway assessment shall be completed-

- (a) in the case of a compulsorily supported person, not more than three months after the date on which that person becomes a compulsorily supported person; and
- (b) in the case of a prospective supported person, not more than three months after the date on which that person makes an application for advice, guidance and assistance under section 29(2) of the 1995 Act.

Pathway plans

10.–(1) In completing a pathway plan the responsible authority shall take account of the pathway assessment.

(2) In completing a pathway plan the responsible authority shall take into account the pathway views of the young person and shall seek and record the views of the young person on the pathway plan.

(3) In completing a pathway plan the local authority shall include each of the matters referred to in Schedule 2.

(4) A pathway plan shall, in relation to each of the matters referred to in Schedule 2, set out the–

- (a) manner in which the responsible authority proposes to meet the needs of the young person; and
- (b) date by which, and by whom, any action required to implement any aspect of the pathway plan will be carried out.

(5) The responsible authority shall ensure that a written record is maintained of the–

- (a) information obtained in the course of completing a pathway plan;
- (b) deliberations at any meeting held in connection with any aspect of a pathway plan; and
- (c) pathway plan.

(6) In completing a pathway plan, the responsible authority may seek, and shall if it does so take account of, the views of the persons or body referred to in regulation 8(6).

(7) The responsible authority shall distribute copies of the pathway plan to any person or body which it considers may have an interest in it, subject however to the young person's written consent to do so first having been obtained.

Pathway plans – timescales

11.–(1) Within 21 days after completion of a pathway assessment for a compulsorily supported person, the responsible authority shall prepare a pathway plan for that person.

(2) Within 14 days after completion of a pathway assessment for a prospective supported person, the responsible authority shall, after taking the pathway assessment into account, decide whether to grant the prospective supported person's application for advice, guidance and assistance in terms of section 29(2) of the 1995 Act.

(3) The responsible authority shall notify the decision under paragraph (2), in writing, to the prospective supported person within 7 days of the decision being reached.

(4) Within 21 days after the grant of an application for advice, guidance and assistance under section 29(2) of the 1995 Act, the responsible authority shall prepare a pathway plan for the discretionarily supported person.

Review of pathway plans

12.–(1) The responsible authority shall review the pathway plan relating to each compulsorily supported person and each discretionarily supported person, in accordance with this regulation.

(2) The responsible authority shall carry out such a review-

(a) if requested to do so by the young person; or

(b) in the event that the responsible authority, or the pathway co ordinator, or young person's supporter considers a review necessary; and

(c) in any other case, at intervals not exceeding 6 months.

(3) In carrying out a review the responsible authority shall consider whether, in relation to each of the matters set out in Schedule 2, any change requires to be made to the pathway plan.

(4) In carrying out a review the responsible authority shall seek and record the views of the young person.

(5) In carrying out a review, the responsible authority may seek, and shall if it does so take account of, the views of the persons or body referred to in regulation 8(6).

(6) The responsible authority shall ensure that a written record is maintained of the-

(a) information obtained in the course of reviewing the pathway plan;

(b) deliberations at any meeting held in connection with any aspect of the review of the pathway plan; and

(c) results of the review of the pathway plan.

(7) The responsible authority shall distribute copies of the written record of the results of the review of the pathway plan to any person or body which it considers may have an interest in it, subject however to the young person's written consent to do so first having been obtained.

Manner in which financial assistance is provided

13.–(1) Save in exceptional circumstances and subject to paragraphs (2) and (5), the responsible authority shall only provide regular financial support to a compulsorily supported person less than eighteen years of age who has been looked after and accommodated for a period of or periods totalling 13 weeks or more since the age of 14.

(2) The responsible authority shall not provide regular financial assistance to a person who falls within paragraph (1), and who lives with their family, except where that person would have been entitled to receive social security benefits but for the operation of the regulations made pursuant to section 6 of the Children (Leaving Care) Act 2000(a).

(3) The responsible authority shall ensure that the value of any assistance given to a compulsorily supported person (whether in cash or in kind) is not less than the value of social

(a) 2000 c.34.

security benefits that the young person would have been entitled to, but for the operation of the regulations made pursuant to section 6 of the Children (Leaving Care) Act 2000.

(4) A local authority shall provide to a compulsorily supported person or a discretionarily supported person such assistance (whether in cash or in kind) as it considers necessary in the circumstances until such time as the young person's pathway assessment and (where appropriate) pathway plan have been completed.

(5) In calculating the period of 13 weeks referred to in paragraph (1), no account shall be taken of periods in which the young person has been looked after in circumstances where—

- (a) the local authority arranged to place the young person in a pre-planned series of short term placements, none of which individually exceeds 4 weeks (even if they may amount in all to a period of 13 weeks or more); and
- (b) at the end of each such placement the young person returns to the care of their family.

(6) In this regulation—

- (a) "social security benefits" means income support, income based job seeker's allowance and housing benefit as such benefits may be varied, amended or replaced from time to time;
- (b) "family" includes any person who has parental responsibilities for the young person and any person with whom the young person was living prior to being looked after by a local authority, but does not include a local authority; and
- (c) "accommodated" means provided with accommodation by a local authority pursuant to its duties under section 25 of the 1995 Act or in compliance with a direction made in a supervision requirement under section 70(3) of that Act, but it does not include circumstances where the young person has been placed with that young person's family either under arrangements made under section 26(1)(c) of the 1995 Act or in compliance with a direction made in a supervision requirement under that Act.

Assistance by way of accommodation

14.—(1) The responsible authority shall, if necessary, assist a compulsorily supported person or a discretionarily supported person by providing that person with, or supporting that person in, suitable accommodation.

(2) In this regulation, "suitable accommodation" means accommodation—

- (a) which, so far as reasonably practicable, is suitable for the young person having regard to that young person's needs, including their health needs and any needs arising from any disability;
- (b) in respect of which the responsible authority has satisfied itself as to the suitability of the Landlord or other provider; and
- (c) in respect of which the responsible authority has, so far as reasonably practicable, taken into account the young person's—
 - (i) wishes and views; and
 - (ii) education, training or employment needs.

(3) Where the responsible authority is satisfied that a compulsorily supported person or a discretionarily supported person who is in full time further education or higher education requires accommodation during a vacation, because that person's term time accommodation is not as a result of that vacation available, it shall give assistance to that person by—

- (a) providing that person with suitable accommodation during that vacation; or
- (b) paying that person such amount as it considers sufficient to enable them to secure such accommodation themselves.

Retention and confidentiality of records

15.–(1) All records relating to pathway assessments, pathway plans and reviews of pathway plans shall be retained by the responsible authority until the 75th anniversary of the date of birth of the young person to whom it relates, or for a period of 25 years beginning with the date of death of the young person, whichever is the later.

(2) The requirement in paragraph (1) may be complied with by retaining the original written records or copies of them, or by keeping all or part of the information contained in them in some other accessible form, including electronic form.

(3) The records mentioned in paragraph (1) shall be kept securely and may not be disclosed to any person except in accordance with any–

- (a) provision of, or made under, or by virtue of, a statute under which access to such records is authorised;
- (b) court order authorising access to such records; or
- (c) other provision contained within these Regulations.

Appeals – general

16.–(1) Any representation, the substance of which is an appeal by any person mentioned in section 29(1) or (2) of the 1995 Act against a local authority decision not to provide advice, guidance and assistance under section 29(2) of the 1995 Act, or in relation to the level or nature of advice, guidance and assistance, to be provided under section 29(1) or section 29(2) of the 1995 Act shall be dealt with as an appeal in accordance with paragraphs (3) and (4) of this regulation, and regulations 17 to 20.

(2) All complaints, representations or appeals not falling within paragraph (1) shall be dealt with in accordance with the procedure established under section 5B of the Social Work (Scotland) Act 1968^(a)

(3) Each local authority shall appoint one of their officers as the nominated officer, to assist the authority in co ordinating their consideration of any appeal under paragraph (1).

(4) Each local authority shall send to the appellant an explanation of the procedure set out in these Regulations for appeals under paragraph (1).

Appeals – procedural matters

17.–(1) An appeal under these Regulations may be made, either orally or in writing, to the responsible authority.

(2) In the event that an appeal under these Regulations is made orally, the responsible authority shall immediately record in writing the making of such appeal, together with the details thereof (“the written record”).

(3) A copy of the written record shall immediately be sent to the appellant, who shall have the opportunity to comment on it.

(4) The responsible authority shall have regard to any comments made by the appellant under paragraph (3), and shall amend the written record as necessary, to take account of the appellant’s comments.

(5) The written record, as amended in terms of paragraph (4), shall represent the appeal under these Regulations.

(6) An appeal under these Regulations may be withdrawn by the appellant at any stage, upon giving written notice to that effect to the responsible authority.

(a) 1968 c.49; section 5B of the 1968 Act was inserted after section 5 of that Act by section 52 of the National Health Service and Community Care Act 1990 (c.19).

Informal resolution of appeals

18.–(1) Where a local authority receives an appeal under these Regulations, it shall–

- (a) provide the nominated officer with a written summary of the details of the appeal;
- (b) subject to paragraph (2), endeavour to resolve the appeal, by informal means, within a period of 5 working days, which period will commence when an appeal under these Regulations is made, either orally or in writing, in terms of regulation 17(1); and
- (c) subject to paragraph (2), if at the end of that 5 day period no such resolution has been achieved, notify the nominated officer.

(2) The aforementioned 5 day period may be extended by mutual agreement between the parties to that effect.

Formal resolution of appeals

19.–(1) Where an appeal under these Regulations has not been resolved in terms of the procedure set out in regulation 18, the local authority shall appoint an independent person to assist in considering the appeal.

(2) The appeal shall be considered, at a meeting, by an officer of a local authority not involved in the decision appealed against (which officer shall be of a higher grade or rank than that of the officer previously involved) together with an independent person.

(3) At the meeting referred to in paragraph (2), said officer, together with the independent person, shall consider any oral or written submissions made by the–

- (a) appellant and by the local authority; and
- (b) pathway co-ordinator, young person’s supporter (if appointed) nominated officer, or by any other person nominated by the appellant to speak on their behalf in terms of paragraph (5).

(4) The appellant, together with the appellant’s pathway co-ordinator and young person’s supporter, and the nominated officer, shall be invited to attend the meeting referred to in paragraph (2).

(5) The appellant may also be accompanied by another person of their choice, and may nominate that person to speak on their behalf at the meeting.

(6) The independent person shall assist the officer of the local authority, as referred to in paragraph (2), in considering the appeal, but the decision upon the appeal shall be made by the officer of the local authority, alone.

(7) The independent person shall participate in any discussions held by the local authority to determine the action (if any) to be taken as a consequence of the authority’s decision upon the appeal (“the appeal decision”).

(8) The procedure under this regulation shall be completed within 10 working days of notification being made to the nominated officer in terms of regulation 18(c).

Notification of decision and right of further appeal

20.–(1) The local authority shall give written notice, within 2 working days of the procedure under regulation 19 being completed, to–

- (a) the appellant;
- (b) the independent person;
- (c) the nominated officer;
- (d) the pathway co ordinator;
- (e) the young person’s supporter (if one has been appointed); and
- (f) any other person whom the local authority considers has an interest in the case,

of the appeal decision together with any further action which it proposes to take.

(2) The written notice shall record any dissent on the part of the independent person in relation to the appeal decision.

(3) There shall be no further appeal under these Regulations against a decision made under them, but so far as not exhausted by that process the appellant shall be entitled to make representations in terms of the procedure established under section 5B of the Social Work (Scotland) Act 1968.

EUAN ROBSON

Authorised to sign on behalf of the Scottish Ministers

St Andrew's House,
Edinburgh
18th December 2003

SCHEDULE 1

regulation 3(2)

Matters to be included in the pathway views

1. The young person's hopes for the future.
2. The young person's emotional state, day to day activities, personal safety, influences on the young person and the young person's personal identity.
3. The young person's family relationships, their children, other caring responsibilities, life story, friends, and other significant people in their life.
4. The young person's general health (including any mental health needs), contact with health services, medical conditions and disabilities, activities that might affect the young person's health, and emotional and mental well being.
5. The young person's future plans for study, training or work, schooling (including support needs), skills and experience, qualifications and certificates, and training and work.
6. The young person's accommodation arrangements, practical living skills, accommodation options for the future, and support required for living.
7. The young person's sources of income, outgoings, savings and debts, requirement for financial support, and budgeting skills.
8. The young person's knowledge of their rights and legal entitlements, involvement in legal proceedings, including criminal proceedings as a victim, witness, or alleged perpetrator.

SCHEDULE 2

regulation 8(4)

Matters to be included in the pathway assessment, pathway plan and review of the pathway plan

1. The young person's emotional state, day to day activities, personal safety, influences on the young person and the young person's personal identity.
2. The young person's family relationships, their children, other caring responsibilities, life story, friends, and other significant people in their life.
3. The young person's general health (including any mental health needs), contact with health services, medical conditions and disabilities, activities that might affect the young person's health, and emotional and mental well being.
4. The young person's future plans for study, training or work, schooling (including support needs), skills and experience, qualifications and certificates, and training and work.
5. The young person's accommodation arrangements, practical living skills, accommodation options for the future, and support required for living.
6. The young person's sources of income, outgoings, savings and debts, requirement for financial support, and budgeting skills.
7. The young person's knowledge of their rights and legal entitlements, involvements in legal proceedings, including criminal proceedings as a victim, witness, or alleged perpetrator.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which come into force on 1st April 2004, deal with the provision of aftercare under section 29 of the Children (Scotland) Act 1995 (“the 1995 Act”) for young people who have been looked after by local authorities, but are no longer looked after by them. They also provide for throughcare preparation for young people leaving care, under section 17 of that Act.

The Regulations fall broadly into 3 parts. Firstly, they make provision for assessment of the young person’s needs and in particular the preparation of an assessment of need (“pathway assessment”) and a plan setting out details of the assistance to be provided to the young person (“pathway plan”). They then deal with the manner, form and circumstances in which assistance can be provided and, finally, they set out a procedure for local authorities to consider representations made to them about the discharge of their functions under section 29 of the 1995 Act.

Regulation 3 provides that, in carrying out the pathway assessment, local authorities are required to involve the young person in that process, taking account of their views on a range of matters which are set out within Schedule 1, and providing them with copies of the documentation relating to the whole assessment process.

Regulation 4 provides for the appointment of a person to co-ordinate the assessment process and to act on the local authority’s behalf in that regard (“pathway co-ordinator”), and sets out the functions which that individual is to carry out in relation to persons being assisted by a local authority under section 29(1) or (2) of the 1995 Act.

Regulation 5 provides for the appointment by the local authority of an individual to support the young person (“young person’s supporter”), if so requested by the young person. Paragraphs (4) and (5) set out the range of functions which the young person’s supporter may require to carry out.

Regulation 6 sets out the action to be taken by a local authority in carrying out its duties under section 17(1)(a) of the 1995 Act in relation to preparing a person who is currently looked after by the authority for when they are no longer looked after.

Regulation 7 deals with miscellaneous matters concerning the pathway assessment to be carried out in relation to the young person, and provides that the local authority shall conclude a written agreement with the young person setting out the timetable for the pathway assessment, and the persons to be involved in that process.

Regulation 8 sets out the issues to be taken into account by a local authority in completing the pathway assessment, which include the issues listed in Schedule 2, and lists the range of persons whose views they may seek in that connection.

Regulation 9 details the timescales within which the pathway assessment requires to be carried out.

Regulation 10 deals with the completion of the pathway plan, to be prepared once the pathway assessment has been carried out. The plan is to include the matters referred to in Schedule 2 and, in completing it, the local authority can seek the views of the persons detailed in paragraph (6).

Regulation 11 details the timescales within which the pathway plan requires to be completed.

Regulation 12 deals with the review of pathway plans, setting out the circumstances in which a review requires to be carried out and the matters to be taken into account in that connection.

Regulation 13 sets out the manner and circumstances in which financial assistance is now to be provided by local authorities, to take account of the terms of UK Regulations which are made under section 6 of the Children (Leaving Care) Act 2000.

Regulation 14 deals with local authorities’ responsibilities in relation to the provision of assistance by way of accommodation.

Regulation 15 sets out the periods for which records are to be retained, the manner of their retention, and the circumstances in which those records may be disclosed to others.

Regulations 16 to 20 set out a procedure for representations or appeals under these Regulations.

In terms of Regulation 16(1), representations relating to decisions concerning the provision of advice, guidance and assistance under section 29(1) or (2) of the 1995 Act are to be dealt with under paragraphs (3) and (4), and regulations 17 to 20. Other complaints, representations or appeals not falling within paragraph (1) are to be dealt with in accordance with procedures established under section 5B of the Social Work (Scotland) Act 1968. Paragraph (3) provides for the appointment of an officer of the local authority (“nominated officer”) to assist the authority in co-ordinating their consideration of any appeal under paragraph (1).

Regulation 17 deals with procedural issues and provides for the preparation of a written record of the appeal.

Regulation 18 provides for an informal resolution process, in the first instance. Local authorities shall endeavour to resolve appeals, by informal means, within a period of 5 working days, which period may be extended by mutual agreement.

Regulation 19 sets out the process for formally resolving appeals where the procedure under regulation 18 has not succeeded. It provides for the appeal to be considered at a meeting, where oral and written submissions can be made, and details the persons who may attend that meeting. The appeal is to be heard by an officer of a local authority not involved in the decision appealed against, together with an ‘independent person’ (defined within regulation 2), to be appointed by the local authority to assist it in considering the appeal. The decision on the appeal is however to be made by the officer of the local authority, alone. The procedure under regulation 19 requires to be completed within 10 working days of notification having been made to the nominated officer to the effect that the appeal has not been resolved under the informal process set out in regulation 18.

Regulation 20 provides that written notice of the appeal decision requires to be issued within 2 working days of the procedure under Regulation 19 being completed. No further appeal lies under these Regulations but so far as not exhausted by that process representations can be made in terms of the procedure established under section 5B of the 1968 Act.

2003 No. 608

CHILDREN AND YOUNG PERSONS

The Support and Assistance of Young People Leaving Care
(Scotland) Regulations 2003

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ANNEX B

Partnership Agreement with Careers Scotland

This Partnership Agreement is between Careers Scotland and () Council Social Work Service.

1.0 It refers to young people under the age of 21 who are, or have been looked after by the local authority.

Every young person in Scotland matters. Scottish Ministers are committed to ensuring social justice for all. Their vision is of a Scotland in which every young person has the opportunities, skills and support to make a successful transition to working life and active citizenship.

Research indicates care leavers are particularly vulnerable when making the transition from school to post school provision. Many leave school with no formal qualifications and find it difficult to move successfully into further/higher education, training or employment.

Careers Scotland and () Council Social Work Service are committed to work together in partnership to help improve the educational attainment and outcomes (further/higher education, training and employment) of care leavers.

This Partnership Agreement reflects the aim of both organisations to strengthen existing joint services offered to care leavers in ().

The Partnership Agreement will be incorporated into the area Services Plans for Children and Young People, in keeping with the aim of promoting a unified and coherent approach to delivery of services.

2.0 Aims:

2.1 Careers Scotland and () Council Social Work Service, along with other relevant services of the Council, will work together in an integrated manner to achieve a seamless transition for care leavers into adulthood. Each agency aims to make this transition a positive experience for these young people.

2.2 This Partnership Agreement reflects the desire of each agency to strengthen existing services and joint working arrangements.

2.3 Careers Scotland and () Council Social Work Service are committed to working together to improve outcomes for young people who have been looked after. This agreement relates to supporting care leavers to progress successfully into appropriate education, training and employment opportunities.

3.0 Duties and Responsibilities:

3.1 Local Authority Duties:

In terms of the Children (Scotland) Act 1995, local authorities have a statutory duty to provide a service which prepares young people who have been looked after for the transition to independent living and to support them through that process and beyond.

Priority (in terms of legislation and vulnerability) is given to:

- Young people who are or have been Looked After and Accommodated by a local authority under the age of 21 years
- Young people who are or have been Looked After by the local authority under the age of 19 years.

The Regulation of Care (Scotland) Act 2001, Section 73, amends the Children (Scotland) Act and introduces regulatory provision of throughcare and aftercare. Local authorities will be required to carry out a needs assessment of all care leavers, and must meet the young person's identified needs under specific Regulations and Guidance. In addition, local authorities will have new financial responsibilities for Care Leavers under Section 6 of the Children (Leaving Care) Act 2000.

3.2 Careers Scotland Duties:

Careers Scotland will work in partnership with () Council Social Work Service, and other relevant Services of the Council, to assist them in meeting the above responsibilities by providing a quality service that meets individual need in relation to career advice, guidance and support.

The Education and Training Act 1973, as amended by the Trade Union Reform and Employment Rights Act 1993, places a duty on the Scottish Executive to secure the provision of a careers guidance and placing service to young people in schools and colleges.

Careers Scotland has embraced the recommendations of the Beattie Committee to offer the support to young people, including those who have been looked after and accommodated, who may have particular difficulty making the transition from school. This support can be provided by an appropriate member of Careers Scotland staff.

4.0 () Council Social Work Service agree to the following:

4.1 () Council Social Work Service will provide Careers Scotland with:

- Relevant details of all young people who are looked after at least 3 months prior to their statutory school leaving date. This information will include placement details, assigned social worker/Pathway Co-ordinator, DOB, school, NI number (if known) and legislative status and any other information pertinent to the placing of the young person in education, employment or training.
- A copy of relevant sections of the young person's Pathway Assessment, where appropriate and with the young person's permission.

4.2 () Council Social Work Service will apply for a NI number for those young people who have not yet been allocated or advised of their number.

4.3 () Council Social Work Service will invite the appropriate person from the Careers Scotland Team to participate in child care reviews, where post school options are being discussed.

4.4 () Council Social Work Service will ensure that all relevant careers guidance information is incorporated into a young person's care plan and Pathway plan.

4.5 () Council Social Work Service will provide, on request, with the young person's agreement, appropriate financial information to Careers Scotland to enable them to discuss with the young person the financial implications of any educational, employment or training options they are considering.

5.0 Careers Scotland agree to the following:

- 5.1** Careers Scotland will provide a named Adviser for each young person who is looked after. If the young person is attending school, this will be the school based Adviser or Key Worker. If the young person has left school, this will be an Adviser working in the local Careers Scotland Centre, with additional support offered by a Key Worker, as appropriate and available.
- 5.2** Careers Scotland will offer each care leaver expert, impartial and realistic career planning support operated in the spirit and practice of equal opportunities. Particular regard will be paid to the career planning support required by young people identified as having additional support needs.
- 5.3** The Careers Scotland named Adviser will provide the young person and their Social Worker/ Pathway Co-ordinator with a copy of the person's Career Plan of Action or "Learning and Work" section of Pathway Plan and any relevant supporting information. Any provision of information to a 3rd party will be with the young person's permission
- 5.4** The relevant Careers Scotland Adviser will attend and contribute to child care reviews, as appropriate.
- 5.5** The Careers Scotland Adviser will provide () Council Social Work Service with relevant financial information, on request, to allow them to calculate levels of payment where the young person is affected by the relevant regulations.
- 5.6** The Careers Scotland Adviser will encourage the young person to make use of the range of Careers Scotland products and services on an ongoing basis where appropriate.

6.0 Joint Agreement:

- 6.1** Careers Scotland and () Council Social Work Service will encourage each young person to sign an agreement allowing appropriate information to be transferred between the organisations.
- 6.2** All relevant information will be shared, subject to the agreement of the young person.
- 6.3** Careers Scotland and () Council Social Work Service will work together to agree and provide aftercare support for care leavers.
- 6.4** Careers Scotland and () Council Social Work Service will seek to train staff on a joint basis as far as possible.
- 6.5** Careers Scotland and () Council Social Work Service are both required to provide the Scottish Executive with statistical returns in relation to young care leavers. Both organisations agree to share the appropriate information required for these returns of young people affected by the new local authority duties. In particular Social Work Service will advise Careers Scotland of the young people affected by the new duties, and Careers Scotland will provide statistical information on their employment, education and training outcomes.
- 6.6** Careers Scotland and () Council Social Work Service will inform their counterparts in other authorities/areas where a young person moves, or intends to move to that area. Written information will follow, on request and with the young person's permission.
- 6.7** Careers Scotland and () Council Social Work Service will assist each other in meeting targets set by the Scottish Executive for young people affected by the new duties.

7.0 Monitoring and Evaluation:

- 7.1 () Council Social Work Service and Careers Scotland will agree targets for outcomes for care leavers on an annual basis.

- 7.2 The work of Careers Scotland and () Council Social Work Service in relation to young care leavers will be monitored through a local Working Group. This Group will consider appropriate methods of evaluating outcomes, and seek ongoing improvements in the longer term.

- 7.3 Regular joint meetings will take place between the Lead Officer or implementation officer for Social Work Leaving Care Services and the local Inclusion Manager/ Co-ordinator for Careers Scotland, with a view to agreeing priority areas for development and ensuring quality of service, in accordance with each organisation’s quality management systems.

- 7.4 This agreement will be reviewed on a 6 monthly basis.

8.0 Agreement:

Careers Scotland

Name:

Position:

Signature:

Date

() Council

Name:

Position:

Signature:

Date

ANNEX C

AGREEMENT ON THE MANAGEMENT OF LEAVING CARE WORK WHERE YOUNG PEOPLE MOVE BETWEEN LOCAL AUTHORITIES IN SCOTLAND

1 INTRODUCTION

The purpose of this Agreement is to try to achieve clarity and consistency across Local Authorities in Scotland as to how each will deal with young people leaving care living in, or moving into, a different Authority within Scotland other than the one where they were last “looked after”.

In reaching this Agreement the aim is to formally adopt certain “good practice” guidelines and in so doing ensure a consistent response is given to young people across Scotland. These “good practice” guidelines automatically include the principles that young people’s views and wishes will be taken into consideration and that the original Authority from which the young person moves (the “Responsible” Authority) and the Authority to which the young person goes to live (the “Receiving” Authority) will co-operate and give one another maximum assistance in ensuring young people’s needs are met.

2 TERMINOLOGY AND CLARIFICATION OF LEGAL POSITION

S29 of the Children (Scotland) Act 1995 sets out local authority responsibilities to young people who leave care after they are over school leaving age. Under S29 (1) there is a duty – unless the local authority is satisfied that the young person’s welfare does not require it – to advise, guide and assist those under 19. Under S29 (2) there is a power to provide advice, guidance and assistance to young people between 19 and 21 who apply to the local authority, unless the authority is satisfied that the young person’s welfare does not require it. Local authority assistance may be in cash or in kind.

S73 (1) of the Regulation of Care (Scotland) Act 2001 amends S29 to include a duty on local authorities to:

- carry out an assessment of the needs of young people leaving care who they have a duty or power to advise, guide or assist under S29;
- establish a procedure for considering representations, including complaints, made to them about the discharge of their functions under S29

S73 (2) of the same Act gives the Scottish Executive power to make regulations about:

- the manner in which assistance is to be provided to young people leaving care under S29
- 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 recording of the results of an assessment
- the considerations to which the local authority are to have regard in carrying out an assessment
- procedures for considering representations including complaints

The section also provides that Scottish local authorities have a duty to assist young people leaving care, some from England and Wales, who are in their area. Similar reciprocal arrangements exist south of the border for Scottish young people leaving care. Ministers may make regulations to exclude these people from the duties if they are the responsibility of a local authority in England or Wales.

The Children (Leaving Care) Act 2000 makes provisions for throughcare and aftercare similar to S29 of the Children (Scotland) Act 1995. The 2000 act makes detailed provision for the support to be provided to young people leaving care, by amending the Children Act 1989.

S6 (4) of the 2000 Act allows UK Ministers to make regulations removing the entitlement of certain young people being looked after or leaving care to DWP benefits in Scotland. The young people included in the regulations must correspond to those categories of young people whose benefit entitlement is removed in England and Wales by other provisions in S6. These are essentially young people of 16 or 17 who have been looked after (in terms of the Children Act 1989, rather than Scottish legislation) for 13 weeks since the age of 14, were being looked after at their school leaving date and are either still being looked after (“currently looked after person”) or have now left care (“compulsorily supported person”).

S17 (6) of the C(S)Act defines the term “looked after”.

Young people referred to as “looked after and accommodated” have been provided with accommodation as defined in S25 (and S70) of the C(S)Act.

The 2000 Act clarifies the duties and responsibilities toward formerly looked after and accommodated young people as follows:

FIGURE 1. DUTIES RE: YOUNG PEOPLE LEAVING CARE

	Looked After and Accommodated / Move to live independently	Looked After and Accommodated and Returning Home	Looked After at Home
1.1 New Duties			
Assessment	✓	✓	✓
Finance	✓	✓	✗
Access to Resolutions/ Complaints System	✓	✓	✓
Leaving Care Plan	✓	✓	✓
Key Worker	✓	✓	✓
Post Care Reviews	✓	✓	✓
Performance Measures Apply	✓	✓	✓
1.2. Existing Duties			
Sect 17 (2) (prep. For leaving care)	✓	✓	✓
Sect 29 (advice, guidance, support)	✓	✓	✓
Sect 30 (advice etc. those in training, FE beyond age 21 years)	✓	✓	✓

The 2000 Act introduces the concept of the **Responsible Authority**, ie the authority which last legally “looked after” the young person. It is the **Responsible Authority’s duty** to ensure that the provisions the Act imposes in respect of formerly looked after and looked after and accommodated young people are carried out, regardless of where that young person later moves to live. Responsible Authorities may ask Receiving Authorities to exercise day to day duties in respect of young people who have moved but the receiving Authority will only do so *on behalf of* the Responsible Authority. The Act makes it very clear that the *financial responsibility* in exercising these duties lies with the Responsible Authority, not the Receiving Authority.

3 TO WHOM DOES THIS AGREEMENT RELATE?

This agreement only relates to

- Formerly “Looked After” and
- Formerly “Looked After and Accommodated” young people.

This agreement does not relate to

- Young people still legally “Looked After” and “Looked After and Accommodated”, towards whom Local Authorities continue to have duties and responsibilities imposed by various sections of the Children (Scotland) Act itself. Arrangements for “Receiving” Authorities to supervise “Looked After” young people on behalf of “Responsible” Authorities will therefore continue as previously.
- Young people “in need” or qualifying under Section 22 of the Children (Scotland) Act. Under this Section, Local Authorities have a duty to safeguard and promote the welfare of children in their area and provide a range of services appropriate to the children’s needs. If a young person moves from one Authority to another, the new Authority will become responsible for reassessing whether that young person is in need and for deciding whether to offer services and support accordingly. There will thus be no ongoing responsibility for the Authority where the young person previously resided.

4 GOOD PRACTICE GUIDELINES

Where a young person ceases to be looked after or looked after and accommodated and moves to another Authority, or remains in the Authority in which they are currently placed but this is not the Responsible Authority, the following general principles will apply: -

- 1) If at all practically possible, the Responsible Authority will itself remain directly involved with the young person, thus minimising or avoiding the need for a Receiving Authority to become involved.
- 2) The Responsible Authority, with the exception of very limited emergency/short-term assistance will retain complete financial responsibility as regards both duties and powers prescribed by the Children (Leaving Care) Act and the Children (Scotland) Act, in respect of the young person who has moved.
- 3) If a young person is to move, or does move, to another Authority, the Responsible Authority will do all in its power to ensure that this move takes place in as planned a fashion as possible.
- 4) Where a young person is moving from one Authority to another on a planned basis, or arrives in another Authority unannounced, the Responsible and Receiving Authorities will give each other maximum co-operation and work together in providing a service to that young person.
- 5) Where a young person moves from one Authority to another on a planned or agreed basis, the Receiving Authority will provide the young person with exactly the same standard of aftercare service as they would to a young person from their “own” Authority.
- 6) In all moves between Authorities, young people should be involved throughout in the planning of such decisions, be clear as to what information about them is being exchanged between Authorities and be clear what new arrangements are being made for their ongoing support once they have moved.

5 PROCEDURES

A. PLANNED MOVES

- 1) The Responsible Authority will decide whether it is practically possible for it to remain involved directly with the young person and wherever this is the case should do so. This will especially apply to situations where a young person is moving to/is leaving care just across the borders of a neighbouring authority (and may well be nearer the offices of the Responsible rather than the Receiving Authority).
- 2) The responsible Authority, even in such instances as 1) above, can nevertheless expect to receive from the Receiving Authority advice and information as to local procedures and facilities which are available to young people leaving care within that area.
- 3) The Responsible Authority will notify the Receiving Authority in writing that a young person entitled to aftercare support is living in their area, providing that the young person agrees, and that the Responsible Authority will be continuing to assume responsibility for that young person's support. (See standard Letter of Notification – Appendix One).
- 4) Where distance and access to knowledge of local resources make it difficult or impractical for the Responsible Authority to exercise its duties directly itself, it will request a Receiving Authority to carry out those duties on its behalf. When this is the case the following will apply:
 - Irrespective of which Authority within Scotland the young person is moving to, the Responsible Authority will retain primary responsibility for carrying out its duties in respect of that young person and remain actively involved with them, for a minimum period of three months from the date that young person takes up residence in the Receiving Authority.
 - During this period the case will not be transferred to the Receiving Authority and there will be no expectation, other than as listed in the points detailed below, for the Receiving Authority to become directly involved with that young person. This will retain a minimum period of continuity for the young person and ensure that that young person really is likely to remain living in the Receiving Authority.
 - During the minimum three month period, the Responsible Authority can expect to receive from the Receiving Authority advice and information as to local facilities, procedures and information that the young person will need living in their new area, plus a "minimum" service to the young person.
 - A minimum service from the Receiving Authority could involve telephone information; exchange of written information, in accordance with the young person's consent form, or attendance at meetings to provide such information; or a 'duty' service in line with how that Receiving Authority might deal unallocated cases within its own area.
 - Once it is clear that the young person is likely to remain in their "new" area, and having decided it is not practicable for the Responsible Authority to continue to carry out its ongoing duties directly itself, the Responsible Authority will refer the young person to the Receiving Authority.
 - The process of making a referral will be that, with the young person's consent, the Responsible Authority will send to the Receiving Authority a copy of the young person's most recent Pathway Plan (and any such other information that may be relevant), as well as completing whatever usual referral form/process the Receiving Authority would normally expect to receive. A further expectation is that, wherever appropriate, Risk Assessments on that young person will be shared. In providing such information and making such a referral, it is understood that the young person will have seen the information being sent, preferably had an input into its collation, been involved in the process of referral and understood why information about them is being exchanged with another Service.
 - On receipt of such a referral, the Receiving Authority will, other than in exceptional local circumstances, allocate a Worker to that young person within 20 working days of receipt of that referral.
 - Once a worker has been allocated, the expectation will be that at least one (and wherever necessary more) joint meeting(s) will take place between the young person and the workers from the Responsible and Receiving Authorities. Besides obviously introducing the new Worker to the young person, the meeting will review the Pathway Plan and set a clear date for the new worker and Receiving Authority to assume responsibility for the young person's case. This whole process should be completed within a maximum period of 3 months of the Receiving Authority receiving the referral, and in most cases considerably sooner.

- The Receiving Authority will then, from the agreed date of transfer, give the young person a Leaving Care service based on their assessed need. This will remain the case so long as the young person remains living in that Authority and so long as they qualify for an aftercare service.
- 5) As the Receiving Authority is carrying out duties on behalf of the Responsible Authority, two further expectations will be met:
- First, that the Responsible Authority will give to the Receiving Authority the name of a “Named Person” in that Authority (who could be a Worker or Manager) so that the Receiving Authority has someone to make a reference to in respect of the young person, especially in regard to financial matters.
 - Secondly, the Receiving Authority will make available to the Responsible Authority periodic information as to how they have carried out the legal duties in respect of the young person, particularly in relation to the tracking and regular review of the Pathway Plan. In order to do this, each Authority may keep records which differentiate its “own” young people from those of other Local Authorities.
- 6) A situation that commonly arises is that a young person, Looked After by a Responsible Authority and becoming eligible for aftercare, has been placed for some time within the area of another Authority. This most often occurs in a foster home or placement with a relative/friend etc. The young person then wishes to remain in the Authority, to which they have become used, established support networks, made friend’s etc. In many cases, such a young person will be referred by either the Responsible or Receiving Authority (who could be supervising the case at the request of the Responsible Authority) to the local aftercare service at the same time as any other young person legally Looked After by that Authority. In these instances the three month minimum qualifying period will be deemed to have been met. Referral can thus take place by sending that Authority a copy of the young person’s Pathway Plan, etc. and transfer proceeds as above.

B. UNPLANNED MOVES

Formerly Looked After young people will sometimes move to the area of another Authority of their own accord or without the knowledge of their Responsible Authority. They may then present themselves to, or be referred to, the Receiving Authority in whose area they are living, and ask for help and assistance. In such instances the following will prevail: -

- a) The Receiving Authority will initially interview the young person, or the person making the referral, and obtain a picture of that young person’s immediate circumstances.
- b) The Receiving Authority will then make contact with the young person’s Responsible Authority to seek guidance as to how best to respond. This will be especially important as regards formerly Looked After and Accommodated young people who, being 16 or 17, will still be completely financially dependent on their Responsible Authority, who therefore in turn will be responsible for meeting that young person’s accommodation and personal expenses.
- c) Depending on the advice of the Responsible Authority, the Receiving Authority will give the Young Person appropriate advice and assistance to access emergency accommodation and money if required. The costs of doing so will need to be agreed in advance with the Responsible Authority and recharged to them accordingly.
- d) If the situation is not an emergency, and the Responsible Authority agrees to fund wherever a young person is living or agrees for the young person to remain where they are now, then the two Authorities should discuss together how best to continue providing support to that young person and in so doing meet the duties and obligations of Section 6 of the Children (Leaving Care) Act and the Children (Scotland) Act.
 - If the young person has very recently been receiving support from their Responsible Authority then that Authority should re-establish such responsibility, at least for the 3 month period, and in so doing later decide whether or not to transfer the case in a planned way as above.
 - If the young person has been estranged from their Responsible Authority for a significant period the Receiving Authority will endeavour to provide a service, bearing in mind however that it will be doing so on behalf of the Responsible Authority, with the implications financial and otherwise that go with this.

6 FINANCIAL ISSUES

- a) The responsibility of meeting formerly Looked After or Accommodated young person's accommodation and personal expenses costs, in relation to one off payments, accommodation and personal expenses costs, miscellaneous payments, top up payments, incentive payments, leaving care grants, educational grants etc will be met by the Responsible, not the Receiving, Authority (according to whatever financial criteria that Responsible Authority has determined for its "own" young people living in its "own" locality.
- b) Under the above circumstances, it will be required by all Receiving Authorities to request permission of the Responsible Authority (by whatever procedure exists locally in that Authority) in any circumstance in which the Receiving Authority is to spend money on a young person on behalf of the Responsible Authority.
 - Wherever young people are moving to, or live within, the boundaries of a Receiving Authority on a planned basis, this should always be possible and strictly adhered to.
 - In unplanned, emergency situations, some common-sense on behalf of both parties will need to be accepted but the principle will remain that the Receiving Authority will make contact with, and seek agreement from, the Responsible Authority. This should be done in the shortest possible time, and the Responsible Authority will be reasonable in its expectations of the Receiving Authority as to what resources and expenditure are realistically needed in the context of the local situation.
 - The above process will include, where realistic, a Receiving Authority trying to contact a Responsible Authority's "Out of Hours" service wherever possible.
- c) The duties of Responsible Authorities are clearly laid out in Regulations and Guidance (Chapter 5). This agreement proposes that authorities should not charge one another for the "social work/aftercare work" element of assisting a formerly Looked After or Accommodated young person. Charging arrangements are seen as likely to lead to disputes between Authorities, to generate considerable administrative and bureaucratic time and, not least, to lead to a confusing and non "needs led" service for young people. Instead Authorities will operate the same reciprocal agreements as they do now with children/young people Looked After, whereby one Authority supervises the child/young person on another Authorities behalf. Young people should be able to receive a service based on the level of their assessed need.

APPENDIX A

Address of SWD/
Throughcare Team

from Responsible
Local Authority

Dear.....

(Receiving Local Authority Team Manager)

I write to inform you that the following previously Looked After / Accommodated young person is now living in your Local Authority.

Name of Young Person

.....

Date of Birth

N.I Number

.....

Address where living

.....

.....

.....

Our Local Authority will, however, be remaining responsible for them for the foreseeable future.

Social Worker / Aftercare Worker

whose Manager is

Tel No.

Address

.....

Yours faithfully,

(Responsible Local Authority Representative)

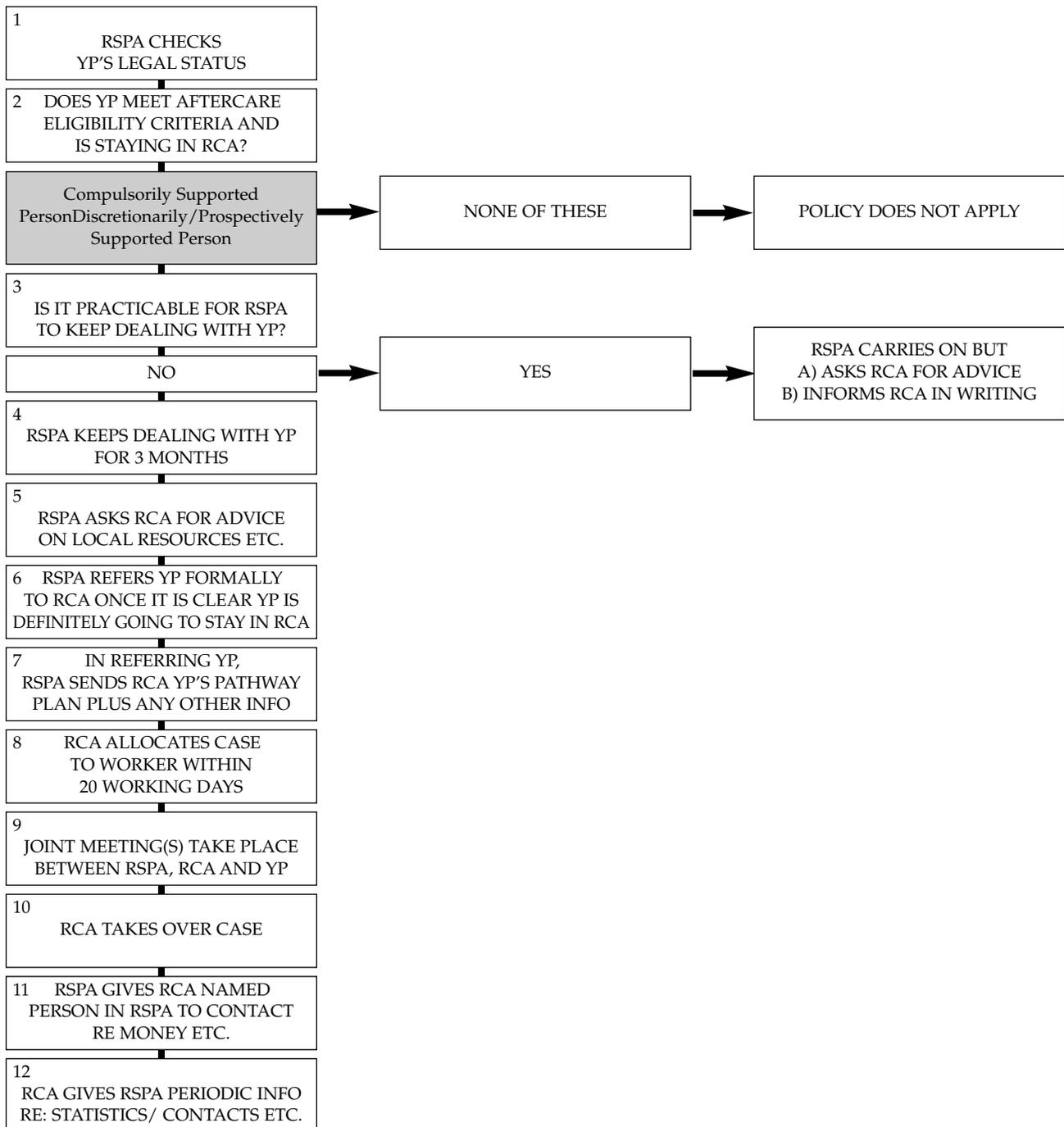
YOUNG PEOPLE MOVING BETWEEN AUTHORITIES LEAVING CARE

FLOW CHART

PLANNED MOVES

**YOUNG PERSON IS ABOUT TO GO TO LIVE IN ANOTHER AUTHORITY/
IS ALREADY LIVING IN ANOTHER AUTHORITY
AND WANTS TO REMAIN THERE ON A PLANNED BASIS**

RSPA = RESPONSIBLE AUTHORITY RCA = RECEIVING AUTHORITY YP = YOUNG PERSON



ADDENDUM: PATHWAY PLANNING AND REVIEWS

1. Definitions

A Pathway Plan (or its amendment/revision etc) is a written document, setting out what will happen, by who(m) and when, in respect of a young person. [C(S)A 1995, s29(5)]

A Review is the process of looking at a Pathway Plan, to later confirm it, amend it or redraft it. The review process can be by telephone, in supervision, at a meeting etc. [C(S)A 1995, s29(5)].

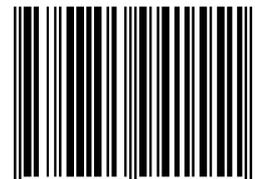
2. Process

1. The Responsible Authority will always complete the initial Pathway Assessment and Plan. In instances where this is being done with a young person who has already been living in a Receiving Authority (e.g. a young person fostered in another Authority), and therefore the three month criteria under the Transfer of Cases Protocol has already been met, good practice would suggest that the Responsible Authority formulate this Plan in consultation with relevant personnel in the Receiving Authority as they are most likely to know the resources and support available locally.
2. Where a case is being transferred to a Receiving Authority following the three month rule, one of the key documents the Responsible Authority will share with the Receiving Authority is the initial (or revised) Pathway Plan for the young person. As per the protocol, the Responsible Authority will additionally complete/follow whatever referral information/procedure the Receiving Authority require.
3. Once the Receiving Authority takes over working with a young person they will execute, develop and amend the Pathway Plan accordingly in relation to routine matters. However any significant changes, especially financial, must be made in consultation with the Responsible Authority. In an emergency the Receiving Authority will act on the behalf of the Responsible Authority in securing the best option for the young person but will speak to the Responsible Authority at the earliest opportunity. It should be noted that the Responsible Authority must always give to the Receiving Authority a "named person" with contact details, with whom communication about the young person can take place.
4. When a young person makes an unplanned move, there will usually be an Pathway Plan in place already (if there is not, the Responsible Authority will need to write one, if need be in consultation with the Receiving Authority). The Receiving Authority will therefore notify the Responsible Authority that the young person has arrived in their area and assuming a proper transfer is to take place, that Plan will be confirmed and/or amended in the joint meeting(s) that should take place between the two Authorities.
5. Once the Receiving Authority formally takes over the case, they will take over the day-to-day Pathway Planning, as above, and the Responsible Authority will undertake six-monthly reviews.

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