



Housing Service

Care Leavers Protocol

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Introduction

This protocol will ensure that Shetland Island Council services meet their corporate parenting responsibilities and play a full role in providing the required resources and support to care leavers. While the primary responsibility for provision of accommodation rests with the Housing Service, it is essential that a corporate and multi-agency approach be adopted to provide support for care leavers.

This protocol is also informed by the National Care Standards for Leaving Care and Housing Support, as regulated by the Care Inspectorate

1 Aim of the Protocol

- 1.1 To ensure the effective discharge of corporate responsibilities between Housing and Children Services by jointly addressing the diverse accommodation and support needs of young people leaving care. Staying Put Scotland October 2013.Children and Young People Act 2014 (C&YP(S) Act 2014).
- 1.2 To assist young people who are leaving care in accessing appropriate accommodation which leads on to a sustainable housing solution.
- 1.3 Under the provisions of the [Children \(Scotland\) Act 1995](#), 'Looked After Children' are defined as those in the care of their local authority. A child who is "looked after" by a local authority, is a child—
 - (a) for whom they are providing accommodation under section 25 of this Act;
 - (b) who is subject to a compulsory supervision order or an interim compulsory supervision order and in respect of whom they are the implementation authority (within the meaning of the Children's Hearings (Scotland) Act 2011);
 - (c) who is subject to an order in accordance with which, by virtue of regulations made under section 33(1) of this Act [or section 190 of the Children's Hearings (Scotland) Act 2011 (asp 1) (effect of Orders made outwith Scotland)] 3 , they have [responsibilities as respects the child] 4 [; or] 5.
 - (d) in respect of whom a permanence order has, on an application by them under section 80 of the Adoption and Children (Scotland) Act 2007 (asp 4), been made and has not ceased to have effect.

Children may be looked after at home with birth parents or in a range of other settings cared for by foster or kinship carers, prospective adoptive carers, in residential care, school or secure provision.

2 Objectives

- 2.1 To Jointly assess and meet the diverse housing and support needs of young people leaving care, using the GIRFEC (Getting It Right For Every Child), Pathways, or WYFY (With You For You) process.
- 2.2 To ensure care leavers achieve a successful transition to independent living, through support and preparation, and the provision of suitable accommodation to become successful and responsible citizen.
- 2.3 To ensure Care Leavers are given Priority status which reflects the responsibilities and duties placed on Local Authorities and other Corporate Parents outlined in Parts 9-11 of the Children and Young People (Scotland) Act 2014. (See Appendix 2).
- 2.4 To jointly ensure that all staff are aware of the housing needs of young people leaving care and the obligations of each agency to address these needs.
- 2.5 To provide clear guidelines on the management of tenancy issues, including multi-agency contingency arrangements.

3 Equality and Diversity

- 3.1 Shetland Islands Council recognises the developmental impact on children of exposure to abuse and neglect. The Equality and Diversity policy of Shetland Island's Council is a central part of addressing the individual needs of care leavers.
- 3.2 The agencies/partners of this protocol value diversity and are committed to equality of opportunity for all young people, regardless of age, ethnicity, gender, sexuality, culture, faith or disability.
- 3.3 Promote the participation of young people in decision making processes and challenge any kind of discrimination, for example, directly, through abusive language, or indirectly, through policies, procedures or working practices.

4 Eligibility

- 4.1 From April 2015 any looked after young person (regardless of their placement type or the legal route by which they became Looked After) who ceases to be “Looked After” on or after their 16th birthday is a “Care Leaver” *The Children and Young People (Scotland) Act 2014, Guidance on the Looked After Children (Scotland) Regulations 2009.*
- 4.2 Care Leavers who are the responsibility of another local authority, will remain the responsibility of that local authority if they arrive in Shetland. Shetland Islands Council will co-operate with the responsible local authority to ensure that an appropriate service is provided to the young person.
- 4.3 Special Case status will be awarded to Looked After Children who are accommodated by the local authority on or after their 16th birthday.

5 Service Outcomes

- 5.1 The agencies will support each other, through the protocol, to meet national key performance indicators in respect of leaving care and housing services as defined by the Scottish Government. These include the quality indicators for best practice published by the Scottish Throughcare and Aftercare Forum in 2006.
- 5.2 It is a joint responsibility to agree local service outcomes and outputs that are monitored by designated officers (See Flow Chart Appendix 3).
- 5.3 There will be an identified person in Housing & Children’s Services responsible for the housing applications of care leavers.
- 5.4 Outcomes will be monitored, evaluated and processes analysed at the young people’s six monthly review. This includes the flow chart at appendix 3.

6 Allocation Policy – Permanent Accommodation

- 6.1 Corporate Parenting principles and duties should be the central driver in ensuring that care experienced young people are allocated appropriate accommodation to meet their needs and with the appropriate levels of support to ensure sustainability and success.
- 6.2 On completion of a housing application form, young people leaving care will automatically be given special case status, in recognition of this.
- 6.3 Special case status does not mean that the young people will be offered the next available property, but their application will be considered alongside those at the top of the waiting list, in accordance with Shetland Islands Council Allocations Policy.
- 6.4 Special case applicants will generally be allocated in date order, however, consideration will be given to the individual circumstances of all special case applicants, and the suitability of the available property to cater for their housing needs.
- 6.5 A variety of types of accommodation options will be considered, including temporary, shared, supported or self-contained accommodation, depending upon what is assessed as being most appropriate. The decision will be made as part of a person-centered assessment and transition plan. All reasons for decisions will be fully recorded. The special case status will remain in operation until the young person has been appropriately housed in permanent accommodation.
- 6.6 The young person/tenant will receive specialist support and can continue to access this throughout the duration of their tenancy up to the age of 26. Should the tenancy end or the tenant apply for a transfer, special case status will not be applicable for future applications. Support and advice will however continue to be offered in accordance with corporate parenting duties.
- 6.7 The person centered assessment and transition planning process will be lead and coordinated by Social Work and will include input from relevant partner agencies.
- 6.8 Registered Social Landlords (RSLs) have a statutory duty to assist the local authority in their duty to provide settled accommodation for homeless persons and that includes care leavers, who are homeless.

7 Support

- 7.1 The young person's plan should detail accommodation needs and the type of support and housing- related support that the young person may require in order to successfully maintain a tenancy. All plans must include a multi-agency contingency plan.
- 7.2 If there is evidence that a tenancy is unlikely to be sustained, prompt communication between agencies is essential and a review of the plan will be undertaken. Common difficulties in managing a tenancy may be rent arrears, anti-social behavior and noise complaints or any other breach of their tenancy. Success of tenancies will be monitored by relevant agencies.
- 7.3 Young people leaving care will have different levels of support needs. These may range from intensive support from a number of agencies, to minimum advice and guidance. Services will respond accordingly.

8 Financial Implications

- 8.1 Social Work are responsible for ensuring that rent costs are met in full up to the age of 18 if they are not in employment.
- 8.2 Care Leavers over 18 who are full-time students will require the completion of a financial assessment. Under Part 10 of the Children and Young People (Scotland) Act 2014, (See Appendix 2) assessment of eligible needs for care experienced young people up to their 26th birthday should include assistance to maintain and sustain tenancies or other suitable accommodation commensurate with the assessed needs of the young person.

9 Dispute Resolution

- 9.1 Any difference of opinion over areas of responsibility and proposed action should initially be jointly dealt with by the caseworker in each department. If the issue cannot be resolved at this level the matter should be referred jointly to the Team Leader in both service areas.
- 9.2 Disagreements over policy and procedures should also be referred jointly in the first instance to the relevant Team Leaders. In the event that the parties cannot reach agreement, the matter will be referred to the Executives Managers.

10 Review

- 10.1 This protocol will be reviewed at least three yearly and more often if required.

Appendix 1 - Legislative Framework and Guidance

The Children (Scotland) Act 1995, Regulation of Care (Scotland) Act 2001 and the Homelessness etc (Scotland) Act 2003, are designed to ensure that local authority Children's Services and Housing Services work together. The aim is to ensure that the accommodation and housing support needs of care leavers are fully met.

The Scottish Government sets out local authorities duties in Supporting Young People Leaving Care in Scotland; Regulations and Guidance on Services for Young People Ceasing to be Looked After by Local Authorities (www.scotland.gov.uk/Publications/2004/03/19113/34719).

The publication of the 'Housing Options Protocols for Care Leavers: Guidance for Corporate Parents: Improving housing and accommodation outcomes for Scotland's care leavers' (Scottish Government, 2013) and 'Staying Put, Scotland' Guidance (Scottish Government, 2013) set out key principles and practice approaches which should be adopted when supporting young people transition from care to interdependence. It states that looked after young people should be encouraged, enabled and empowered to remain in positive care placements until they are better equipped to make the graduated and extended transition to adulthood and interdependence. The Housing Options Protocols Guidance further aims to ensure that care leavers are regarded as a priority group by all corporate parents and their partners; and to promote practice that enables care leavers to make successful and sustainable transitions out of care and into adulthood in respect to housing and accommodation. These protocols explicitly inform and underpin Shetland Islands Council approach to supporting looked after and care experienced young people in their journey to adulthood and interdependence.

Staying Put Scotland Providing care leavers with connectedness and belonging
<http://www.gov.scot/Resource/0043/00435935.pdf>

Housing Options Protocols for Care Leavers: Guidance for Corporate Parents: Improving housing and accommodation outcomes for Scotland's care leavers
<http://www.gov.scot/Resource/0043/00435939.pdf>

Housing Support Duty to Those Found to be Homeless or Threatened with Homelessness – Amendment to Housing (Scotland) Act 1987 (Inserted by Housing (Scotland) Act 2010) <http://www.gov.scot/Resource/0042/00423606.pdf>

Appendix 2 - The Children and Young People (Scotland) Act 2014

The Children and Young People (Scotland) Act 2014 places new statutory duties and responsibilities on local authorities and other specified corporate parents in regard to Corporate Parenting, Aftercare and Continuing Care

Part 9: Corporate Parenting:

Corporate parenting responsibilities extend to every child who is looked after by the local authority and every young person under the age of 26 who was on their 16th birthday or at any subsequent time (but is no longer) looked after. This includes children looked after at home or in a range of care settings including disabled children who are looked after during short break provisions.

Part 10: Aftercare

The Aftercare provisions of the 2014 Act came into force in April 2015. Aftercare is defined in section 29 of the Children (Scotland) Act 1995 (as amended by section 66 of the 2014 Act) and includes advice, guidance and assistance. This can include (but is not restricted to) helping a young person to secure accommodation, education and employment opportunities and financial support. The 2014 Act extends eligibility to aftercare services to care leavers aged 21 to 25 years.

Part 11: Continuing Care

Continuing Care was introduced by the 2014 Act and creates a duty on local authorities to provide care leavers whose final placement was away from home to continue the kinds of supports they have received. The purpose of this provision is to provide young people with a more gradual transition to adult life consistent with the experience of young people who have not been looked after.

Appendix 3 – Flow chart

