

Children's Wellbeing and Schools Bill

Written Evidence from The Care Leavers Association

Introduction

1. The Care Leavers Association (CLA) is a national user-led charity established to improve outcomes for care leavers of all ages. We aim to improve policy and practice in relation to supporting care leavers by talking and listening to care leavers themselves. We also provide support to individuals in relation to entitlements, accessing social care files, mental health and education.
2. We cautiously welcome the Bill. Its introduction early in the life of the new government signifies that children in care and care leavers will be seen as a priority group. However, we do not believe that the clauses in the bill will have a significant impact on improving outcomes for care leavers.
3. As we are an organisation supporting care leavers, we have chosen to respond to the specific clauses in the Bill related to care leavers.

Clause 7 – provision of 'Staying Close' support

4. Clause 7 places a new duty on local authorities to assess whether the welfare of a 'former relevant child' (an adult who spent at least 13 weeks in care starting when they were aged 14 and lasting at least a day beyond the age of 16) requires them to receive "staying close support".
5. The CLA is broadly supportive of any additional service that is made available, especially to those care leavers aged 21-25. Most of our requests for support come from care leavers over 21 who tell us that their leaving care team is unable to provide support or meet their needs.
6. However, in the Bill the nature of this staying close support is rudimentary, with subsection (4) listing support "to find and keep suitable accommodation" and "to access services relating to health and wellbeing, relationships, education and training, employment, and participation in society". Support is defined in subsection (5) as "the giving of advice or information" and "the making of representations". We don't believe this is any different to the support that should be offered to care leavers under the current statutory services from The Care Leavers Regulations 2010.
7. The current provision does not work. The statutory requirement for Personal Advisers (PA's) to visit care leavers at least every 8 weeks is too long a period. It does not allow for the level of intense work often required in this situation. If "staying close" is to be effective it needs to be resourced fully, so that the needs of care leavers can be met.
8. As such, all leaving care team workers delivering "staying close" must be suitably qualified and supported to provide intensive support to young people. This must include mental health training.
9. We are also concerned that the duty is "to assess whether the welfare... requires them to receive staying close support". Conducting an assessment opens the possibility that leaving care teams become gatekeepers and then ration support. Most obviously, this rationing will be related to resources. Also, if those who undertake the assessment are not sufficiently trained to recognise trauma-related

issues and their consequences, those care leavers who need support could miss out.

10. We are also concerned with subsection 4a, “to find and keep suitable accommodation”. This remains a perennial problem. There is not enough suitable housing being made for care leavers. The “staying close” support will fall down at the first hurdle if accommodation cannot be found. The government needs to ensure that the local authority housing department and social housing providers work together to make more accommodation available to care leavers.
11. After the introduction of ‘Staying Put’ in 2014 for young people in foster care, many campaigners argued for a ‘Staying Close’ version for young people in residential care. The original intention of this type of support was to reduce transitions and moves, create stability and retain a local support network for care leavers. It is essential that these intentions are translated into “staying close” in its current guise.
12. We believe that “Staying Close” should be offered to all care leavers without assessment. We believe that all care leavers should be guaranteed accommodation and that all appropriate bodies should work together to make this happen.

Clause 8 – local offer for care leavers

13. Clause 8 adds new requirements to the content of local authorities’ published ‘local offers’ for care leavers (introduced through Section 2 of the Children and Social Work Act 2017), which set out the services and support available to care leavers until age 25 and beyond. Local authorities will have to set out their arrangements for “supporting and assisting care leavers in their transition to adulthood and independent living”, and their arrangements around helping care leavers find and keep suitable accommodation and avoiding homelessness.
14. We see no difference to the current legislation, apart from the addition of “staying close”
15. Subsection (1)(c) includes information about the authority’s arrangements for (2); co-operating with local housing authorities in its area in assisting former relevant children aged under 25 to find and keep suitable accommodation. We are supportive of this intention but we believe that there needs to be concrete requirements for housing authorities to provide accommodation for care leavers.
16. We are supportive of the emphasis on avoiding homelessness. Without access to a safe and secure base care leavers will be unable to effectively participate in other forms of support. However, as above, we believe that their only way to make this work is to have a duty guaranteeing care leavers access to accommodation.
17. The local offer legislation does not require local authorities to actively consult with care leavers about the local offer. Although the 2018 statutory guidance says, “We expect local authorities to work with their care leavers to co-produce a local offer that is meaningful and reflects the needs, views and wishes of the care leavers they are responsible for”, we do not see enough meaningful co-production of local offers.

18. We believe there should be a duty placed on local authorities to co-produce the local offer.
19. Subsection (1)(c) includes information about the authority's arrangements for— (2B) enabling it to anticipate the future needs of care leavers in respect of accommodation and services of a kind mentioned in subsection 2. In our experience, we find that local authorities have been very poor at predicting the level of care leaver needs, due to a lack of data collection.
20. We believe that new guidance should be issued requiring local authorities to collect data on the needs of care leavers. The data needs to be both quantitative and qualitative. It should also focus on outcomes for care leavers. We need to know what type of support and services are actually making a difference to the lives of care leavers.

Missing from the bill

21. In 'Keeping Children Safe, Helping Families Thrive' (November 2024), the government outlined proposals to Extend Corporate Parenting Responsibilities. We are extremely disappointed to see that these proposals have not been included in this current bill.
22. We believe that it is essential to extend Corporate Parenting to ensure that all relevant public bodies work together to properly support care leavers.

Amendments

23. We would also like to comment on an amendment that has been tabled - "Implementation of the recommendations of the Independent Inquiry into Child Sexual Abuse".
24. We welcome recommendation 17 in the IICSA Final Report, which goes some way to addressing the difficulties and challenges many care experienced adults face when trying to find out about their personal information held in case records and related records. In particular, we welcome the recommendation that the Information Commissioner's Office (ICO) be asked to produce specific and relevant guidance or a Code of Practice for local authorities and voluntary organisations about how to respond to and support a care experienced adult making a Subject Access Request under the Data Protection Act 2018. We have also made this request to the ICO and proposed that national minimum standards for practice be introduced. To date, neither the ICO nor the government have taken this on board but we are hopeful that your recommendation will take this forward.
25. The current care planning regulations require a local authority to retain securely and confidentially the care records of looked after children and young people for up to 75 years. Usually, but not always, information about allegations or inquiries about any form of abuse will be held on the child's social care record. The requirement to retain the records for 75 years was introduced in 1988. Previously, under regulations made in 1955, the prescribed retention period was 3 years after the child in care became an adult.
26. We consider 75 years to be an inadequate period of time: adoption records must be held for a minimum of 100 years and thus, yet again, care experienced adults

are treated differently from adopted persons, many of whom may have been in care before being placed for adoption.

27. We believe that the government should extend the statutory period for the retention of care records to a minimum of 100 years.