



*Helping you
survive*

out

Your rights as a young person leaving care

there



As from October 1st 2001 your rights to help and support as you leave care have changed.

This leaflet explains the changes. If you need to talk to someone to understand better what the new law means for you, ask your social worker, Personal Adviser, foster carer, residential care worker, Children's Rights Officer or leaving care worker to help. Or you can contact one of the organisations listed at the back of this leaflet.

Can I get help?

The Children (Leaving Care) Act comes into effect in October 2001. If you have left care before October 1st 2001, the new law does not apply to you.

The new law **does** apply to you if on or after October 1st 2001

- you are 16 or 17, and you are in care, and
- you have been in care for at least 13 weeks since you turned 14.

If the new law applies to you, you will get help until you are at least 21 whether you stay in care or leave.

What if the new law does not apply to me?

The new law does not affect everyone who leaves care after October 1st 2001. For example, it does not cover young people who only receive respite care. "Respite care" usually means that you are in care on a regular basis, a few times a year. If you are not sure, get further advice.

But you will still be able to get some help if you were in care – even if only for one day – after you turned 16. This also applies if you were looked after in respite care.

I'm eligible – what now?

You should stay in care until you are 18 unless you are very sure that you want to make the move out of care before that.

Your social worker should be in touch with you, as you approach 16, to look at what advice, assistance and support the Council should be providing while they continue to look after you and after you have left care and to decide who is to be your Personal Adviser.

Once you have discussed your ideas and wishes with them, you will have a plan (called a Pathway Plan) to cover different parts of your life: where you live, your education, training and employment, your health, money and your personal support needs, until your 21st birthday.

What if I move?

You may choose to leave care and move to a new area. That's fine. All you need do is make sure your Personal Adviser knows, so that they can make sure you continue to get the support and help needed to match your Pathway Plan.

What if I leave care and decide I want to go back?

You should discuss this with either your social worker or your Personal Adviser. Your Pathway Plan should cover situations like this, since it will have a section on what to do if things don't work out.

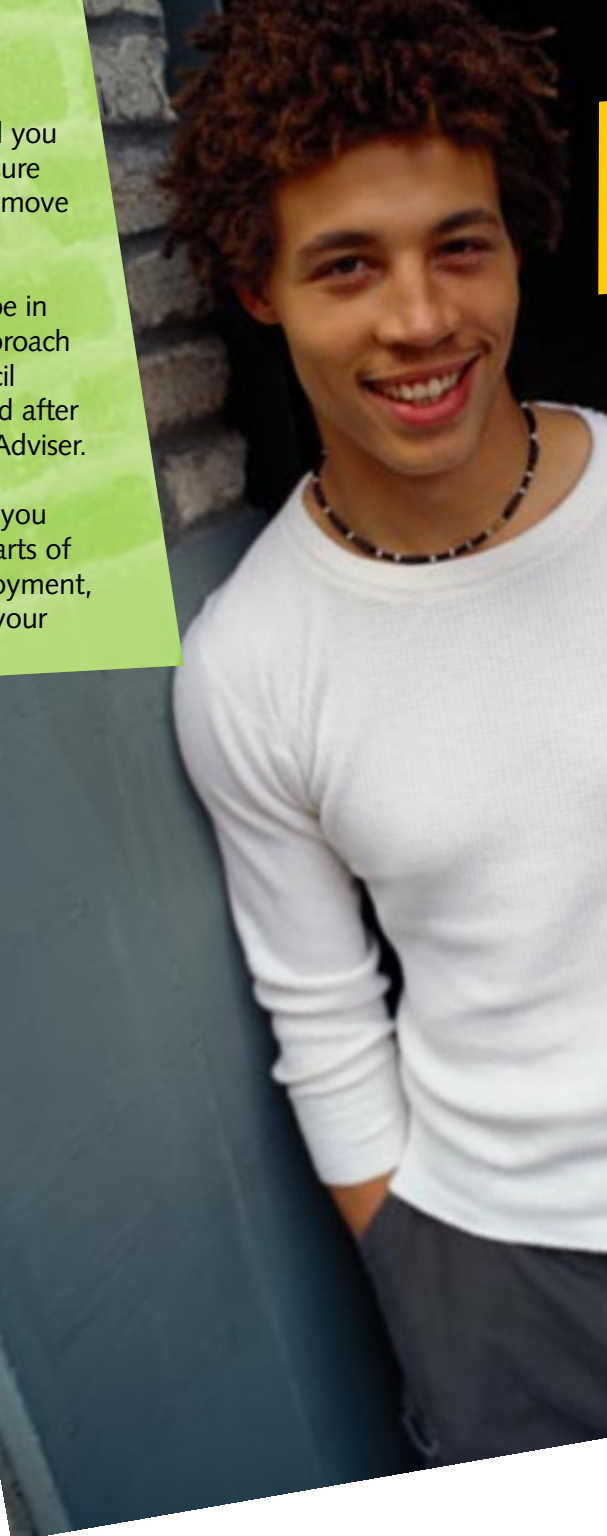
Support – someone to talk to

You will not be on your own. You will have a Personal Adviser.

They will help you work out your Pathway Plan. They should:

- Provide you with advice and support.
- Be involved in understanding your needs and helping prepare your Pathway Plan.
- Review your Pathway Plan. Your hopes and ideas might change as you go along, so the Plan should be looked at, at least every six months, to make sure it is still up to date.
- Make sure your Pathway Plan is met.
- Negotiate for you with the Council to make sure you get the help and support you need, including money.
- Keep in touch. Your Adviser should keep in touch with you until you are at least 21. You can discuss how you would like to keep in touch and how much contact suits you.

So... it is very important that the relationship between you has the best chance of being a good one. You will have a major say in the choice of your Adviser and will be able to change if things don't work out.



What should my plan include?

EDUCATION, TRAINING & EMPLOYMENT/CAREERS ADVICE

It is not easy to walk into a good job. You might need extra education or training or you might simply not know what you are good at or what you want to do. You will work up your Pathway Plan with your Personal Adviser and your Social Worker. The Plan will look at the issues of education, training and employment, helping you plan what you want and helping with any costs involved. These costs could include:

- Transport or fares to get you to and from your school or college
- Books and equipment
- Extras like field trips
- Living expenses
- Registration and exam fees
- Childcare costs
- Tuition fees.

A PLACE TO LIVE

Until you are 18 Social Services must make sure you are in "suitable accommodation". This is a place to live which is right for you at the time, is safe and secure. You must have your views taken into account.

Once you are ready to leave care, your Personal Adviser should help you find somewhere suitable to live, get ready for living independently and help with the move including buying the basics you need. And because this is such a big step for anyone, the Personal Adviser will be there to help and support you with any problems that come up once you've settled in your new home.

FINANCIAL SUPPORT

The Government has instructed Councils that you must not be worse off than you were on social security. Under the new law Social Services have to make sure that you have accommodation and the usual things you need to live on. They can do this either by giving you money, or by paying for things for you. You will not be able to get social security until you are 18 (unless you are a lone parent, or are sick or disabled).

The Government says that Social Services should also consider giving you money for:

- Travel
- Equipment or other things you need for school or college
- Costs to do with any special needs you might have (such as a disability or pregnancy)
- Childcare
- Clothing
- Contact with your family or friends
- Cultural or religious needs
- Counselling
- Hobbies and holidays

You will probably not get money for **all** these things and you may need money for things **not** on this list.

What if I want something different?

If there is something you would like Social Services to do or pay for,

it is worth asking your Personal Adviser. Councils should have a Guide for you setting out what they will normally expect to pay for. But even if it is something they have never done before, they may be willing to help. People leaving care do lots of different things, and in lots of cases there are leaving care teams with ideas and knowledge about the needs of care leavers and how to help them. And if they or your Personal Adviser can't help, they may well know how to find someone who can.

How will I get my money?

Your Personal Adviser should help you set up a bank account. They should also explain what to do

in an emergency. In some situations it will be possible to pay you in cash through an out-of-hours service.

When you are 18, you should still have a Personal Adviser, still have a Pathway Plan, and Social Services must still keep in touch with you, at least until you are 21.

From 18 you can claim benefits, and the Council will no longer be your main source of income. However, Social Services must continue to help you in ways that you and they agree. In particular, they must continue to help you with your education, training and work. This might mean buying books, equipment or clothing, help with fares, field trips, registration and exam fees, childcare costs or tuition fees if you are over 19. This sort of help can last past your becoming 21, if your Pathway Plan says so.

What happens when I am 18?

Does this mean that I'll get help to go to university?

You will be funded through university using the same system of student loans as everyone else. Some Trusts can also help care leavers with money to go to college – your Personal Adviser should advise you. But the local authority must make sure you have somewhere to live in the holidays if you need it. This could mean finding you somewhere to live or paying your rent.*

What about residential further education courses?

Some courses such as art or agriculture may involve living at or near the college. Again, the local authority must make sure you have somewhere to live in the holidays.

* This applies to anyone who leaves care after the age of 16



What about help with claiming benefits?

Your Personal Adviser should explain which benefits you might be entitled to as part of preparing you for independence. Or they may put you in touch with an independent welfare rights specialist to help you claim benefits.

Emergencies

Your Personal

Adviser should help and give advice on what to do in an emergency.

If you've moved to a new Council area, it will be possible for any help you have been getting to continue. You should make contact with the Council in the new area as soon as possible so they can sort out with your old Council how this can be done.

What happens if I am not happy with how I am being treated?

If you are unhappy or have a complaint of any kind about anything at all, tell someone about it. Under the new law Social Services must try to sort out the problem within 14 days. If things don't improve you might want to make a formal complaint.

Your local authority will have a complaints procedure and should have leaflets explaining what you need to do to kick one off. As long as it's not about your Personal Adviser, the Adviser should be able to help. But your Council should also provide you with someone (an "advocate") to help you make your complaint and argue it with the Council. And there are plenty of others who can help too.

A list of some organisations who can help is set out at the back of this leaflet.

What if I'm disabled?

If you are sick or disabled and 16 or over, you can get some benefits whether you are living at home or in care. Under the new law, you will still be able to claim benefits to help meet any special needs you might have. But this will not include Housing Benefit between the ages of 16 and 18 as your housing costs will be met by the Council. If you are not sure what benefits you can claim, get further advice.

What if I'm a parent?

If you are a lone parent and 16 or over, you can get some benefits whether you are living at home or in care. Under the new law, you will still be able to claim benefits to help meet any special needs you might have. But this will not include Housing Benefit between the ages of 16 and 18 as your housing costs will be met by the Council. If you are not sure what benefits you can claim, get further advice.

Finding out more

Social Services should have a Guide written for young people on their services with useful advice on how and where to get help.

Information on **local solicitors** or **independent advice** and **law centres** with links to **the Community Legal Service** is available on 0845 608 1122 or you can search www.justask.org.uk.

Citizens Advice Bureaux can tell you about national and local schemes for young people. Call 020 7833 2181 for details of your nearest CAB or search www.adviceguide.org.uk.

Youth Access is a national network of local advice and counselling centres working with young people. Tel: 020 8772 9900.

HEALTH

NHS Direct provides a 24 hour nurse-led confidential helpline. Tel: 0845 4647.

Here are some other useful sources of information:

A National Voice an organisation for young people in care and those who have left care. 23 New Mount Street, Manchester M4 4DE. Tel: 0161 953 4011. E-mail: office@anv.u-net.com

The Who Cares? Linkline offers confidential help and advice to anyone in care at present, or in the past. Freecall 0500 564570 on Mondays, Wednesdays and Thursdays (3.30pm-6.00pm). The Linkline is run by The Who Cares? Trust, which works to improve public care for children and young people. Kemp House, 152-160 City Road, London EC1V 2NP. Tel: 020 7251 3117. E-mail: mailbox@thewhocarestrust.org.uk. Website: <http://www.thewhocarestrust.org.uk>

First Key work to improve the life chances of all care leavers. They provide training for care leavers to help carry out research and give talks; provide a regular newsletter, KeyNotes; and can respond to enquiries on the Children (Leaving Care) Act. E-mail them at FkeyLds@aol.com or search www.first-key.co.uk. Tel: 0113 244 3898 or 020 7700 8130 or 024 7671 6259.

Children's Legal Centre offers free, confidential advice on anything to do with the law. Tel: 01206 873820 Mon-Fri (10.00am-12.30pm and 2.00pm-4.30pm), or write to them at: University of Essex, Wivenhoe Park, Colchester CO4 3SQ.

Children's Rights Officers and Advocates offer independent advice and support. For details of your nearest service, Tel: 020 8748 7413, or write to: CROA, c/o Save the Children, 2nd Floor, Cambridge House, Cambridge Grove, London W6 0LE.

National Youth Advocacy Service offers someone who will listen and speak up for young people. Tel: 0151 342 7852 (freephone 0800 616101 – weekdays 3.30pm-5.30pm & weekend 2.00pm-8.00pm) or write to: FREEPOST NYAS, Heswall, Wirall CH60 5RG.

Fostering Network (previously known as the National Foster Care Association). Tel: 020 7620 6400.

Voice for the Child in Care provides a network of support to young people in care and offers a representative to young people in secure accommodation: Tel: 020 7833 5792 or write to: VCC, Unit 4, Pride Court, 80-83 White Lion Street, London N1 9PF.

My own notes and contacts

Name

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Telephone

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This booklet and a plain text version are available on the Department of Health website at: www.doh.gsi.gov.uk/qualityprotects/work_pro/project_5.htm.

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