



**Cabinet**  
12 February 2018

**Report from the Strategic Director  
of Children and Young People**

**Children and Social Work Act 2017 – The ‘Local Offer’ for  
Care Leavers**

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Key
<b>Open or Part/Fully Exempt:</b>	Open
<b>No. of Appendices:</b>	2
<b>Background Papers:</b>	None
<b>Contact Officers:</b>	<p>Nigel Chapman Operational Director, Integration and Improved Outcomes Tel: 020 8937 4387 <a href="mailto:Nigel.Chapman@brent.gov.uk">Nigel.Chapman@brent.gov.uk</a></p> <p>Onder Beter Head of Service, Looked After Children and Permanency Tel: 020 8937 1228 <a href="mailto:Onder.Beter@brent.gov.uk">Onder.Beter@brent.gov.uk</a></p>

## 1.0 Purpose of Report

- 1.1 The purpose of this report is to seek approval from Cabinet regarding Brent’s Local Offer for care leavers. The Children and Social Work Act (CSWA) 2017 aims to improve support for looked after children especially for those leaving care. This report outlines the main legislative changes in the Children and Social Work Act 2017 and how Brent aims to implement those changes locally to ensure that our care leavers have the brightest future.
- 1.2 The CSWA 2017 includes the following key provisions about looked after children and care leavers:
- Introduces corporate parenting principles to which local authorities must have regard;
  - Local authorities must publish a Local Offer for care leavers, providing information about services which the local authority offers that may assist care leavers in, or preparing for, adulthood and independent living.

- Extension of local authority support to Care Leavers up to the age of 25, including provision of Personal Advisors, assessment of the needs of former relevant children and preparation of a Pathway Plan.

## **2.0 Recommendations**

### **That Cabinet:**

- 2.1 Approve the draft Local Offer to Care Leavers as set out in appendix 1 and for authority to be delegated to the Strategic Director, Children and Young People, to make any necessary revisions to the Local Offer and re-consult if required following publication of statutory guidance.
- 2.2 Approve the Brent Care Leavers' Charter at appendix 2.
- 2.3 Supports the work of the department in ensuring partner agencies commit to providing an offer to care leavers that will be included in the final version of the Local Offer document.
- 2.4 Agree that as part of the Local Offer to Care Leavers who are looked after by Brent:
  - the Council use its powers as a billing authority to reduce to nil, council tax payable by care leavers who live in the borough;
  - that in cases where care leavers live outside the borough and are liable to pay council tax, the Council provide financial support to reimburse that cost.
- 2.5 Give the authority to the Strategic Director of Resources and the Strategic Director, Children and Young People to take all appropriate steps to set up, implement and administer all the areas of support as set out in the Local Offer.

## **3.0 Looked after Children and Care Leavers**

- 3.1 The term 'looked after' refers to any child or young person for whom the local authority has, or shares, parental responsibility, or for whom we provide care and accommodation on behalf of their parent. The term "child" can refer to any child or young person aged 0 to 18 years. The Council also has a duty and responsibility to those young people who leave their long-term care from the age of 18 years until they reach the age of 21, or 25 if they are in higher education. One of key changes made in the CSWA 2017 was that the duty and responsibility to all care leavers be extended to the age of 25, regardless of their education or employment status.
- 3.2 In November 2017 the Council's Community and Wellbeing Scrutiny Committee considered the effectiveness of the existing support arrangements for care leavers. The report to this committee detailed the specific additional needs and increased vulnerabilities of this group of young people.

3.3 As of 31<sup>st</sup> March 2017, Brent was responsible for the support to 308 Former Relevant young people (aged 18-21). This includes 63 former Unaccompanied Asylum-Seeking Children (UASC). A further 25 young people aged 21-25 continue to receive support as they are in further or higher education.

## **4.0 Implications of the Children and Social Work Act 2017 for Brent**

### **4.1 Extending the Personal Advisor duty to age 25**

4.1.1 The major implication will be the financial burden on Brent, as the requirement to provide advice and support, a personal advisor (PA) and a pathway plan is extended to young people up to 25 who are not in education or training. The legislation also affects young people who are present in the UK, but have no recourse to public funds such as former UASC.

### **4.2 Local Offer**

4.2.1 Section 2 of the CSWA 2017 requires Brent to publish information about:

- Services that Brent offers to care leavers;
- Any other service Brent offers that may assist care leavers in preparing for adulthood and independent living. This includes services relating to health and well-being, relationships, education and training, employment, and participation in society.

4.2.1 The DfE intends to issue practice guidance in early 2018 to detail the type and level of support to care leavers aged 21 to 25. It is not envisaged that there will be an expectation on authorities to provide the same level of service as is currently offered to young people aged 18-21. This approach recognises care leavers' growing stability and maturity between the ages of 21 and 25, during which time many care leavers are able to lead successful lives without PA support and may not want continuing contact with their local authority.

## **5. Brent's Local Offer**

5.1 The local offer for care leavers is a combination of statutory entitlements and what Brent and its partners can provide, over and above its statutory duty. The CSWA 2017 requires local authorities to consult on and publish details of their local offer to care leavers, setting out areas such as education, health, employment and accommodation. In development of Brent's local offer for care leavers, a focus has been on areas where improvement is needed in the progress of and outcomes for care leavers.

5.2 As part of the offer Brent has examined whether to exempt care leavers from paying council tax. More than a third of councils across England have taken the step to exempt care leavers from council tax, up to the age of 25. The care leavers who would benefit from this are the ones who are in employment, on a training or apprenticeship scheme. Young people in full-time education are usually exempt from paying council tax due to their student status or because

they are claiming certain welfare benefits such as universal credit or income support. It is recommended that there is a Council Tax exemption for Brent care leavers who live in the borough. For Brent care leavers placed outside of the borough in areas where they are not exempt from paying Council Tax the council will reimburse the cost. The specific details as to how this process will operate are being developed.

5.3 Local authorities have statutory responsibility for support to care leavers formally looked after by them. In the absence of a London-wide approach to co-ordinate Council Tax arrangements it is incumbent on those local authorities whose care leavers are placed within Brent to consider similar exemption arrangements.

5.4 Local authorities will be expected to publish their Local Offer to care leavers by April 2018. A summary of Brent’s proposal, provided in full at appendix 1, is as follows:

<b>Specific areas</b>	<b>Existing support</b>	<b>Proposed examples of additional support under our local offer</b>
Support from Personal Advisors	<ul style="list-style-type: none"> <li>• Young people are allocated a personal advisor from the age of 17 to ensure they receive a consistent service when they are preparing to leave care.</li> <li>• PAs are allocated to work with all care leavers until they are 21 or until they are 25 if they are in education, training or employment.</li> </ul>	<ul style="list-style-type: none"> <li>• All care leavers up to the age of 25 regardless of their education status, will have an allocated PA.</li> <li>• Care leavers whose cases are closed after their 21<sup>st</sup> birthday can approach Brent and ask for support and guidance before they turn 25. As the corporate parent, Brent will be responsible for assessing their needs and providing support and guidance where necessary.</li> </ul>
Accommodation	<ul style="list-style-type: none"> <li>• Tenancy – following an assessment, care leavers are offered priority housing nomination.</li> <li>• Care Leavers are entitled to a Setting up Home Allowance of £2,000 when gaining a permanent tenancy</li> </ul>	<ul style="list-style-type: none"> <li>• Training and workshops will be offered to care leavers and their PAs by the Housing Needs Service.</li> <li>• Decoration allowance to young people housed in Brent Housing properties.</li> </ul>

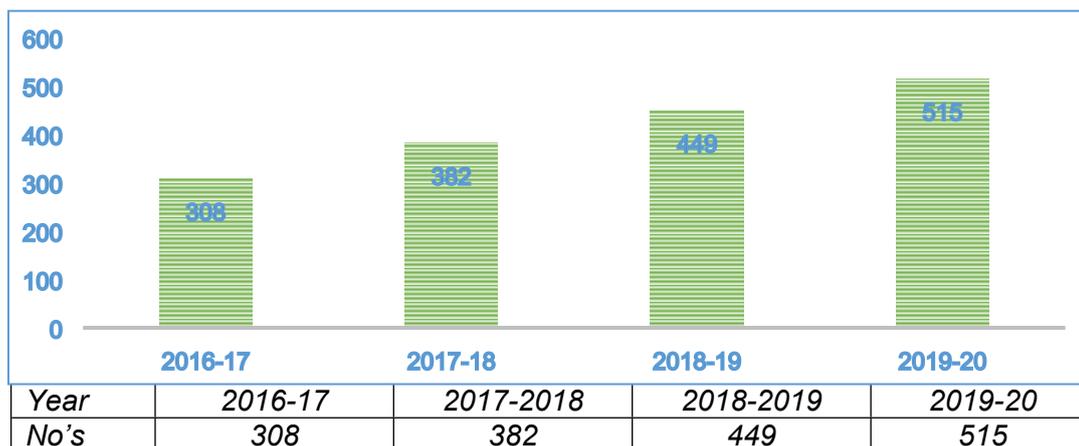
	<ul style="list-style-type: none"> <li>• Supported Accommodation – care leavers are offered supported accommodation if they are not ready for independence; support workers are available to assist the young person in her/his transition to independent living</li> <li>• Work is undertaken with organisations such as Centrepont to provide suitable accommodation for young people leaving care with a range of individual needs</li> <li>• The ‘Staying Put’ policy has been implemented to enable more care leavers to remain in stable supportive fostering placements.</li> <li>• A nominated housing officer who works with the leaving care team and manages the housing nominations for care leavers</li> </ul>	<ul style="list-style-type: none"> <li>• Handyperson support who can assist care leavers when they move into their new tenancy such as putting up shelves, curtain rails or assembling furniture.</li> <li>• Care leavers will be supported to avoid becoming intentionally homeless.</li> </ul>
Education Employment and Training (EET)	<ul style="list-style-type: none"> <li>• Financial contribution towards travel, books and laptop if young person is in further or higher education.</li> <li>• A monthly panel meets to look at opportunities for care leavers who are currently not in employment, training or education</li> <li>• ‘Brent Works’ offers specialist life and career coaches on a pilot basis, funded by the DWP and the Brent Employment, Skills and Enterprise Team. The project is</li> </ul>	<ul style="list-style-type: none"> <li>• We will assess and provide financial assistance towards EET travel expenses.</li> <li>• The Council will aim to arrange up to 10 apprenticeships.</li> <li>• A traineeship programme will be offered twice a year in partnership with Brent Employment Skills &amp; Enterprise for all care leavers who do not have the required qualification and skills to apply for an apprenticeship scheme.</li> <li>• Financial assistance</li> </ul>

	<p>being delivered over the course of a 12-month contract and staff are co-located with the Leaving Care Team in the Civic Centre.</p> <ul style="list-style-type: none"> <li>• Support young people who wish to go onto further or higher education with financial support including a £2000 Higher Education Grant</li> </ul>	<p>towards specialist equipment/clothing depending on work requirements.</p> <ul style="list-style-type: none"> <li>• Volunteering opportunities for care leavers.</li> </ul>
Transition to Independent Living	<ul style="list-style-type: none"> <li>• Life skills workshops are offered to all care leavers to improve their money management skills, practical skills such as cooking, managing tenancy, etc.</li> <li>• Financial assistance towards rent and subsistence payment for care leavers in higher education during the Christmas, Easter and summer vacations.</li> </ul>	<ul style="list-style-type: none"> <li>• Development of a website for care leavers and an app to support independent living arrangements.</li> <li>• To provide Council Tax exemption for Brent care leavers who live in the borough. For Brent care leavers living outside of the borough in areas where they are not exempt from paying Council Tax the council will reimburse the cost.</li> </ul>
Health and Wellbeing	<ul style="list-style-type: none"> <li>• All Children Looked After in the criminal justice system have an allocated youth offending worker</li> <li>• All young people in custody are provided with resettlement support</li> <li>• The health needs of care leavers are assessed, prioritised and met</li> <li>• LAC Nurse conducts annual health assessments until the age of 18</li> <li>• CAMHS consultation offered to social workers.</li> <li>• Support to register with a</li> </ul>	<ul style="list-style-type: none"> <li>• Use of the Tricycle Theatre: care leavers will have free tickets to events.</li> <li>• Clinical Mental Health worker for care leavers who need emotional support including offer of 'talking therapies'.</li> <li>• Health passports to care leavers at their last statutory health check.</li> <li>• CAMHS Consultation to PAs.</li> <li>• 'Staying healthy' sessions for care leavers.</li> <li>• Annual celebration event</li> </ul>

	<p>GP</p> <ul style="list-style-type: none"> <li>• Give information about counselling services that are available locally</li> <li>• Provide financial assistance towards assessed health costs.</li> <li>• Young parents are supported by children's centres.</li> </ul>	<p>to celebrate care leavers achievements.</p>
Relationships	<ul style="list-style-type: none"> <li>• PA support and encouragement to establish or maintain healthy relationships.</li> </ul>	<ul style="list-style-type: none"> <li>• Where appropriate, continuing contact with an 'Independent Visitor'.</li> <li>• Group work for young parents regarding healthy relationships.</li> <li>• Group work with former UASC regarding relationships, minimising isolation in society.</li> <li>• Workshops for care leavers with SEND by Brent Outreach Autism Team regarding positive relationships.</li> </ul>
Participation and achieving well in society	<ul style="list-style-type: none"> <li>• Care in Action (CIA/CLIA) promotes participation and encourages young people to take an active part in shaping the services they use in order to make improvements and respond to their needs.</li> <li>• Seats on Brent Youth Parliament.</li> </ul>	<ul style="list-style-type: none"> <li>• Workshops to inform care leavers about participation in society, led by the Chief Executive of the council.</li> <li>• Assistance to enrol on the Electoral Register.</li> <li>• Support to participate in community events.</li> <li>• Providing young people with an advocate if they need one.</li> <li>• Development of a website for care leavers that will have updated information on key events, links to helpful advice and support.</li> </ul>

## 6.0 Finance

- 6.1. The table below shows the projected number of young people that could potentially require a service beyond their 21<sup>st</sup> birthday. The projection is based on the assumption that the looked after children population stays relatively stable over a 5-year period.



**Table 1: Care Leavers Current and Projected Growth**

- 6.2 The current Leaving Care team comprises 2 Team Managers plus 13 PAs working with 308 care leavers. The projected growth will mean that our resources will need to be increased in order to meet our new statutory obligations.
- 6.3 Each new PA, who would have on average a caseload of 25 young people, would cost an additional £41k. The burden of the duty may grow incrementally for four years as young people who turn 21 and are accustomed to having a personal advisor continue to request support.
- 6.4 The Department for Education (DfE) has consulted on the statutory guidance that sets out in detail how local authorities are expected to implement the new duty to provide personal advisors to all care leavers up to age 25. The DfE modelled the financial implications of this new duty and produced a new burdens assessment. No details of any additional funding have been published so far.
- 6.5 The projected increase in the numbers of care leavers is also partly due to population changes, and so part of the increased cost will be met from the demographic growth allocations in the medium term financial plan.
- 6.6 Considering current Brent care leavers, an additional 2 to 3 personal advisors may be required in the first year of the new duty which will commence from 1st April 2018.
- 6.7 Granting an exemption from Council tax to care leavers who reside in Brent has a financial impact as the total Council tax to be collected by Brent is

reduced. However a number of care leavers will already be eligible for existing exemptions, discounts or council tax support – for example Council tax exemptions for full time students; single person discounts or council tax support for those not in employment or on low incomes.

- 6.8 Granting an exemption from Council tax to care leavers who don't reside in Brent has a financial impact as the young person may still have a liability to pay in the borough they live in; Brent would then have to pay the Council tax for the young person to that borough.
- 6.9 The total cost of an exemption from Council tax for Brent care leavers up to the age of 25 is estimated at £50k based on the circumstances of the current care leavers.

## **7.0 Equality Implications**

- 7.1 The Council's corporate parenting duty extends to all care leavers to whom the local authority owes a duty, regardless of their current area of residence. On that basis the support offered should be broadly similar, irrespective of where a young person resides.

## **8.0 Legal Implications**

- 8.1 The Children and Social Work Act 2017 received Royal Assent on 27<sup>th</sup> April 2017. However, the government has yet to take the required steps for the following provisions of the CSWA 2017 to commence.

### **8.2 *Corporate Parenting Principles***

Section 1 of the CSWA 2017 Act introduces corporate parenting principles which comprises of seven needs that local authorities must have regard to whenever they exercise a function in relation to looked after children and care leavers. These principles will apply to the every part of the local authority and not just to children's services in how it carries out its functions to ensure that there is more joined up approach in relation looked after children and care leavers. These are largely a collation of existing duties local authorities have towards looked after children and those leaving care.

The seven principles that local authorities must have regard to when carrying out their functions in relation to children and young people are as follows:

- To act in their best interests and promote their physical and mental health and well-being.
- To encourage them to express their views, wishes and feelings.
- To take into account their views and wishes and feelings.
- To help them to gain access to and make the best use of services provided by the LA and its relevant partners.
- To promote high aspirations and seek to secure the best outcomes for them.

- To ensure they are safe, and have stability in their home lives, relationships and education or work.
- To prepare them for adulthood and independent living.

### 8.3 *Local offer for care leavers*

Section 2 of the CSWA 2017 states that local authorities will be required to consult on and publish their local support offer to care leavers and to promote the educational attainment of children who have been adopted or placed in other long-term arrangements.

The Council will be required to publish information about all the services and support that is available to care leavers. It should include information about their statutory entitlements as well as any discretionary support the Council might chose to provide. The local offer can include details of other services the Council will offer in relation to health and well-being, relationships, education and training, employment, accommodation and participation in society.

When developing their local offer local authorities are required to consult with relevant persons which would include care leavers and organisations or people that support care leavers.

The CSWA 2017 does not specify how soon after the commencement of the above duty the local offer should be published. However, draft statutory Guidance states there will be a duty on the local authority to publish the local officer (subject to the consultation requirements) on the commencement, and the Government's expectation is that the local offer should be available within six to nine months of commencement.

### 8.4 *Advice and support*

Section 3 of the CSWA 2017 requires local authorities to appoint a personal adviser for care leavers who request one up until the age of 25, even if they are not in education or training. The local authority also has a duty to carry out an assessment of the young person's needs and to provide the necessary advice and support.

### 8.5 *Commencement of the CSWA 2017*

At the time of writing these implications, the Government has yet to bring the above provisions into effect. The Government has consulted on three sets of draft statutory guidance to accompany sections 1 – 3 of the Children and Social Work Act 2017. The consultation ran from 16 October 2017 to 27 November 2017. Therefore the development and approval Brent's Local Offer is therefore in advance of the commencement of this duty.

## 8.6 *Council tax exemption*

As stated above, S1 of the CSWA 2017 states that every part of the local authority will need to consider the extent to which the corporate parenting principles are relevant to their particular service area and all service areas can have a role in supporting care leavers.

The Council has power as a billing authority under S13A (1) (c) of the Local Government Act 1992 to reduce to nil to reduce the amount of council tax payable by young people leaving in care. The power to reduce council tax to nil is limited to those young people living in care in the borough. However, financial support can be offered to meet the cost of council tax that may be payable by Brent's leavers who live outside the borough.

## 8.7 *Apprenticeships*

The funding for apprenticeship training is no longer restricted to younger age groups, although some additional funds are available for younger groups and 19-24 year old care leavers. The Council has in place an Apprenticeship Strategy 2017-20 which was agreed by Cabinet on 23 October 2017. Generally the Council will need to advertise apprenticeship opportunities to every age group within of the community to avoid giving the impression that apprenticeships are just for young people even if in practice the majority of those applying for and being offered them are young; otherwise the Council may be vulnerable to claims of age discrimination.

The Council's Local offer can include employment services and support that is specifically available to care leavers. In the context of age discrimination in having a quota of apprenticeship places for care leavers, it is lawful for the Council to make such an offer to care leavers provided that the Council is able to demonstrate that there is justification for this offer, which promotes fairness and accords with a social policy aim to secure best outcomes for care leavers

## 8.7 *Public Sector Equality Duty*

Under Section 149 the Equality Act 2010, the Council has a duty to have due regard to the need to: eliminate unlawful discrimination, harassment and victimisation and any other conduct prohibited by the Act; advance equality of opportunity between people who share a protected characteristic and people who do not share it; and foster good relations between people who share a protected characteristic and people who do not share it. The protected characteristics covered by the Equality Duty are as follows:

Age, disability, gender reassignment, marriage and civil partnership (but only in respect of eliminating unlawful discrimination), pregnancy and maternity, race (including ethnic or national origins, colour or nationality), religion or belief (including lack of belief), sex and sexual orientation.

The public sector equality duty requires the Council, when exercising its functions, to have “due regard” to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act, and to advance equality of opportunity and foster good relations between those who have a “protected characteristic” and those who do not share that protected characteristic.

Prior to Cabinet approval the Council must have considered the equalities impact in relation to all of the protected characteristics in order to identify any potential for discrimination and to respond accordingly.

## **9.0 Consultation with Internal Stakeholders**

- 9.1 Young people have been consulted in relation to the development of the local offer. Care Leavers in Action (CLIA), the participation group for young people who have left care were consulted with in July 2017 where a workshop was held. Young people were asked to act as a Director of a service area in a council and write down what they thought they could offer care leavers from their service area. Feedback was collated from all the participants to be incorporated into the final version of the Local Offer.
- 9.2 A Local Offer questionnaire is in progress to all care leavers to obtain their views on what is important to them and what should be included in the Brent Local Offer. The feedback will provide an opportunity to refine the current draft document.
- 9.3 In the development of the Local Offer Senior Managers across all Brent departments were consulted and pledged to work together at an event in June 2017. Further meetings took place with several service areas across the Council including Housing Needs, Employment Skills & Enterprise, Human Resources and Legal Services for their contribution to explore their contribution to the Local Offer. The outcome of these discussions are contained within the draft offer. There is continuing liaison with the Resources, Community Wellbeing and Regeneration and Environment departments to have final agreement for the inclusion of services relating to pro-bono legal advice, free leisure passes and travel passes.
- 9.4 Consultation with social work staff on the Local Offer was undertaken at a recent Looked after Children staff forum.
- 9.5 Subject to Cabinet approval, the final version of the Local Offer will be designed by Brent’s care leavers before being formally launched at the end of March 2018.

**Report sign off:**

**GAIL TOLLEY**

Strategic Director of Children and Young People