

# Practitioner article

## Young people leaving care and homelessness legislation

Written by Tam Baillie, Assistant Director (Policy),  
Barnardos Scotland

November 2005

[www.shelter.org.uk](http://www.shelter.org.uk)

© 2005 Shelter. All rights reserved. This document is only for your personal, non-commercial use. You may not copy, reproduce, republish, post, distribute, transmit or modify it in any way.

This document contains information and policies that were correct at the time of publication.

The views expressed in the article are those of the author and not necessarily those of Shelter.

# Shelter

## Young people leaving care and homelessness legislation

**Tam Baillie discusses how homelessness legislation may not always be the most effective way of supporting very young care leavers into their own suitable, stable homes.**

### Introduction

Scotland is rightly proud its landmark legislation - the Homeless etc. (Scotland) Act, 2003. The aspiration to have full implementation by 2012 is challenging and there are hopeful signs of Scottish Executive intentions through the most recent consultation on Homelessness and the Abolition of Priority Need by 2012. Yet, we all know that housing legislation and homelessness practice is only a part of the story of adequate provision for our most vulnerable people. For instance, in the field of youth homelessness, we have long recognised the role for education, training and employment, health, and the complimentary roles of statutory provision and the voluntary sector. There are numerous examples of where this collaborative approach is showing signs of progress, although we also know that implementation is at best patchy. However, good housing legislation and consistent collaborative practice does not necessarily ensure good outcomes for those who find themselves homeless.

Take the case of young people leaving care and you will find an example that may require us to re-think how our housing legislation interacts with other policy developments. Indeed, it is possible that the safety net provided through our housing policies may even be getting in the way of focussing our attention on the main issue of the very young age we expect people leaving care to live independently.

### Young people leaving care

Young people leaving care are some of the most vulnerable and disadvantaged in Scotland. The statistics tell a story of underachievement and bleak futures for too many of them. In 2003-04, of 16- and 17-year-old care leavers, six out of 10 did not achieve any qualifications at Scottish credit and qualifications framework level three or above, compared with less than 10 per cent for Scotland as a whole. Around 60 per cent of young people leaving care were not in education, employment or training, compared with 14 per cent of all 16- to 19-year-olds in Scotland (*Children's Social Work Statistics, 2003-04*. Scottish Executive. <http://www.scotland.gov.uk/stats/bulletins/00369-00.asp>). The figures for 2004-05 showed minimal improvement on these figures. (*Children's Social Work Statistics, 2004-05*. Scottish Executive. <http://www.scotland.gov.uk/Publications/2005/10/2791127/11278>).

There has been a long-standing and widely recognised concern around the plight of young people leaving care: it is commonly known that a significant proportion of homeless presentations are from young people who have previously been looked after either at home or away from home, although there has been no systematic collection of information from homeless presentations on a national basis that allows us to properly quantify the extent of the problem in Scotland.

## Recent initiatives

There have been recent government initiatives including new regulations regarding financial support to 16- and 17-year-olds, the provision of pathway planning and the requirement to have a pathway co-ordinator for all young people leaving care. The overall policy intention of these duties on local authorities is to prevent young people aged 16 and 17 years leaving care to live independently and be reliant on benefits to pay for themselves and their accommodation. The impetus for these changes came from legislation in England and Wales that was designed to remove the perverse incentive to move children out of care to be reliant on state benefit for their accommodation and living expenses. The policy removed young people's right to state benefit and transferred the financial responsibility to local authorities. At the same time financial resources were transferred to the local authorities to cover any additional costs incurred in providing for accommodation and living expenses for those who left care after their school leaving age (most commonly this will be at or around their 16<sup>th</sup> birthday) and before their 18<sup>th</sup> birthday.

These changes were introduced in England and Wales in 2001, with delayed implementation in Scotland because of a perceived lack of readiness of the local authorities to adjust to the changes. When the financial changes were introduced in April 2004, there was widespread concern from local authorities in Scotland that the additional finances were not sufficient to cover all costs. At the same time, regulations were introduced along with guidance that strengthened the requirements on local authorities to maintain contact with the young person who had left care. To ensure that these measures were monitored new reporting requirements were introduced where local authorities had to keep detailed records of:

- aftercare arrangements including continuing contact and pathway plan and pathway co-ordinator details
- accommodation arrangements, including changes of address and homelessness
- whether the young person was involved in education, training or employment.

It is worth noting that while there is still no requirement to record previous looked after status through homeless presentations, the throughcare and aftercare contacts with young people fills some of the gaps in housing figures.

## Scottish data on young people leaving care

In the lead up to full implementation of the changes, local authorities provided baseline information on the measures and we now have details of these as reported for 2003-04 and 2004-05 (*Children's Social Work Statistics, 2004-05*. Scottish Executive. <http://www.scotland.gov.uk/Publications/2005/10/2791127/11278>). What we have is an improving array of data although there are still some gaps and inconsistencies in the detail provided. This inconsistency is either as result of significant differences of performance across local authorities or there are equally significant differences in the quality of the data provided. Either way, questions arise regarding consistent practice or recording with regard to young people leaving care and so there has to be a health warning on what we can deduce from the figures.

Nonetheless, it is worth considering what they tell us for the period as they are the best information that we have. During 2004-05, around 1,114 young people in Scotland left care and were eligible for throughcare and aftercare support. For the purposes of this article, the following average figures are worth noting:

- 75 per cent of young people who left care in 2003-04 and 2004-05 were still in contact with social services
- 57 per cent were known to be still living in the local authority area in 2004-05
- 11 per cent experienced homelessness since leaving care in 2004-05
- 15 per cent left care to reside in supported accommodation or their own tenancy.

On the one hand it is encouraging that 75 per cent of the young people who left care have maintained contact, but on the other hand it is concerning that a quarter have not. We know from experience that it is often those young people about whom we have most concerns that drift away from ongoing contact. The figure of 57 per cent known to be still living in the local authority area is a dramatic decrease from the 2003-04 figure of 94 per cent and needs further scrutiny. At first sight the figure of 11 per cent homeless is less than what might have been predicted, (and less than the 15 per cent in 2003-04) although it should be remembered that this is a factor of those still in contact and in the first year since leaving care. There will be a cumulative effect on the percentage that report as homeless as young people become older – they will always be a young person who was previously looked after and they may become homeless at any point in their young adult years. It is also worth noting that this average figure masks significant differences, where in 2004-05, five local authorities report zero per cent experiencing homelessness, a further seventeen where the numbers are so small they are not published and five report 20 per cent or over.

However, it is the figure of 15 per cent leaving to reside in supported accommodation or their own tenancy that is the most interesting. This is a percentage of all of those aged 16 and over who cease to be looked after. It is likely that the vast majority moving to supported accommodation or their own tenancy are those previously looked after away from home. When this is taken into account (using a low estimate of 45 per cent who were looked after away from home) we arrive at a figure closer to one third ceasing to be looked after away from home and moving to independence.

## Outstanding issues

We know that the average age for leaving home for young people in the general population is increasing, sitting at somewhere around the mid-twenties and rising. This is a phenomena experienced across most western countries yet in Scotland it largely bypasses our most vulnerable population - those looked after away from home. What we do know from the figures is that the vast majority of our looked after away from home population leaves care at under 18. In future years we need to be able to know how many young people return home and how many go on to live independently. This is important as it is those who move to live independently whom we expect most of in terms of coping abilities, and at an age significantly younger than their peers.

We also know from experience that a proportion of young people who were either looked after at home or who return home become homeless at a later date as their home living arrangements deteriorate. However, it is unlikely this will be picked up by the aftercare figures as it will be dependent on ongoing contact with all of those entitled to aftercare support and this will vary in different local authorities. It is also unlikely to be picked up by the homeless figures, as it is not a requirement for reporting. It would be helpful if the looked after homeless figures were incorporated into the homeless presentation figures rather than through the throughcare figures.

There are a number of factors that lead to young people leaving care at such a young age, although the main reasons are a mixture of:

- young people who are keen to leave care at the earliest opportunity.
- young people who present a management problem in their care placements and are perceived to have outgrown the care system.
- Local authorities being under severe pressure on to find suitable care placements for all children, putting the squeeze on the older age groups.

This is a complex process paralleled with the process of any young person leaving home. An added complication for young people in care is that many of them will have experienced multiple moves in their care career, so another move out of care fits a pattern of movement and disruption throughout their lives. This is especially so for those young

people who are not moving back home, but who are moving to independent living at 16 and 17 years.

There are some heroic efforts made by local authorities and voluntary agencies to find the right combination of accommodation and support for these young people, but we should be questioning this. Does having young people aged 16 and 17 years leaving care as a priority group for homelessness divert attention from having their needs met through the provision of appropriate care? It is important to remember that we have homeless legislation as a safety net and it should not be a default position. It could be argued that it adds to the difficulty of increasing the average age of leaving care, even an average of 18 years for those not returning home would still be well behind their peers. Those who move home should do so whenever appropriate to their assessed needs. However, if that return home doesn't succeed, they should have the option of returning to a care placement, certainly if this occurs when they are 16 or 17, and arguably up to the age of 21 years, rather than be accommodated through homeless legislation.

## Conclusions

All of this challenges our notions of what is appropriate care for those aged over 16 years. The following proposals are offered for consideration:

- There should be a consideration of the definition of 'care' for young people aged 16 to 21 years.
- No young person should leave 'care' to stay independently until they are at least 18 years old.
- All young people who were previously looked after at school leaving age should have the ability to return to 'care' up to the age of 21 years should this prove necessary.

We do not have the range of models across the country that could cope with the proposals outlined and we are unlikely to get there as long as homeless legislation continues to be the main driver of developments for accommodation and support for those aged 16 and over, as opposed to care legislation. The sooner we reclaim the responsibility for the continuing care requirements for those who are looked after up to the age of 21 years, the closer the scrutiny we will have about the usefulness or otherwise of priority grouping for care leavers under homeless legislation.

## Further information

If you would like to contact Tam about this article, please send an email to [chip@shelter.org.uk](mailto:chip@shelter.org.uk) in the first instance.