

Sorted and Supported

Your guide to Leaving
Care Entitlements



coram
Voice 
getting young voices heard



CONTENTS

Introduction 02

Advocacy 03

Care Leavers' Maze 04

Eligible Children..... 05

Relevant Children 09

Former Relevant Children..... 13

Qualifying Children 18

Homeless Young People under 18. . . . 20

Young Refugees, Asylum
Seekers, Migrants and Young People
without British Citizenship 22

Care Leavers with Disabilities..... 24

Access to Records 25

Jargon Buster 26

Useful Contacts..... 28

INTRODUCTION

Leaving care can be an exciting time. It can also feel quite scary and overwhelming. Some care leavers will have good support from Children's Services, but others may feel they could have more guidance.

Although Children's Services should be there to help with the practical aspects of becoming more independent, they may not always realise that this time can be very stressful. Becoming a young adult is not always easy, especially if you have had a difficult time growing up.

Struggling with upsetting thoughts and feelings is very common, and it is a sign of strength to be able to recognise this and to ask for help if you need it. Your GP or social worker can refer you to a counsellor for emotional support, but there are also many other organisations that can help.

In 2001, a law came into place designed to give care leavers the support that they need to do well when living independently. This was called the Children (Leaving Care) Act 2000. Then, in 2008, a new law – the Children and Young Person's Act – extended these rights.

The support you get will depend on how long you have been in care and how old you are.

Children's Services should tell you about your rights and make sure that you understand them and know how to seek help. They will also have to listen to your views when making decisions about your life.

As with all laws, some of this will be very complicated and **it is important that you know your rights and how to get help.** Sorted and Supported is designed to help you with this.

Check out the jargon buster on page 26 for more information.



ADVOCACY

Children's Services will help you make decisions about what is best for you. This means there will be professionals working with you and some meetings that you need to attend.

You have the right to be involved in any decision that affects you. Although Children's Services do not have to do what you would prefer, they should take your views into account and should ask you what you think.

However, it can be difficult to be heard. You may also not be happy with the decisions that are being made. **Having someone around to help you say what you want can make things easier.** That is why you have the right to have an advocate.

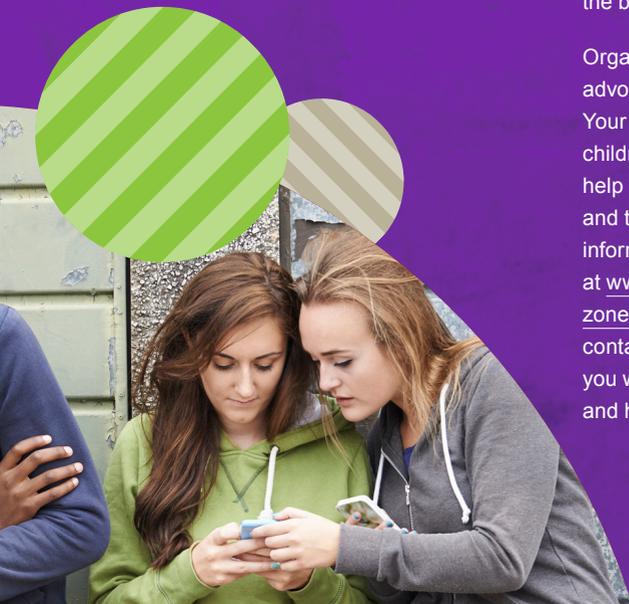
An advocate can:

- give you information and advice so you understand your rights
- make sure people listen to you and know what's important to you
- help you speak out at your reviews or other meetings

Your advocate will listen to you and may also help you to make a complaint if you wish to do so.

There are plenty of organisations that can give you advice and support. You can look at the back of this booklet to find some.

Organisations like Coram Voice provide advocates for children and young people. Your local authority may also have a children's rights officer who may be able to help you. It is worth finding out their name and telephone number. You can find more information on your local advocacy service at www.coramvoice.org.uk/young-peoples-zone/services/advocacy. You can also contact Coram Voice on 0808 800 5792 if you would like to know more about advocacy and how to get an advocate.



CARE LEAVERS' MAZE

If you are confused about your rights, try answering the following questions and check the relevant part of this booklet. You can also go to www.coramvoice.org.uk/young-peoples-zone/are-you-care-leaver.

16 AND 17 YEARS OLD



18 YEARS AND OLDER



ELIGIBLE CHILDREN

Eligible Children are young people who:

- are aged 16 or 17 years
- are still looked after or in care regardless of where they are living – i.e. in foster care, a children's home, semi-independent accommodation or even at home
- have been in care for over 13 weeks (this time does not need to be continuous) since the age of 14 years

Any person aged 16 or 17 years who is on secure remand in a secure children's home, Secure Training Centre, or Young Offender Institution is considered to be looked after. Time on remand is therefore counted towards the 13 weeks needed to become an Eligible Child.

Coming into care after the age of 16 does not affect a young person's status as a care leaver, as long as the criteria above are met.

What you can expect from Children's Services

Children's Services must:

- listen to your wishes and feelings
- appoint you a Personal Adviser (PA)
- make an assessment of your needs
- prepare a care plan and a Pathway Plan
- review your care plan and Pathway Plan
- pay for your accommodation
- pay for your subsistence
- visit you regularly



Accommodation

Children's Services must make sure that you are living somewhere that is suitable for you and provides the support you need.

Continuing to live with your foster carers may be your preferred option **even after you turn 18** and this is encouraged.

Local authorities should have "Staying Put" policies, which explain how care leavers aged 18 years and older can stay with their foster carers' when they become adults. This possibility should be discussed at your first Pathway Plan review.

If you are moved from foster care or a children's home to what is called 'other arrangements' accommodation, Children's Services need to:

- take your needs into account
- look at the accommodation's facilities, services, state of repair, safety, location, support, tenancy status, affordability and any financial commitments involved
- seek your views and take them into account
- arrange for you to visit your new accommodation, unless this is not reasonably practical

All this needs to be done **before** you move to this kind of accommodation.

Children's Services must be reasonable when deciding where you are going to live, although this does not mean that they have to agree with what you think is reasonable.

Pathway Plan

If you are an Eligible Child, you are still in care and therefore will still have a care plan. This document should be made with your input and should identify your needs and how Children's Services will meet them.

As you are approaching the time from which you will be living independently, your plan should include what needs to be done to prepare you for this transition and what support you will need. This last part is called a Pathway Plan.

To make sure you will have the right support, Children's Services have to assess your needs within three months after your 16th birthday and make the Pathway Plan as soon as possible after that.

The Pathway Plan should:

- be made with you
- identify your needs
- identify how Children's Services will meet your needs, including what support they are going to give to you, when this will be put in place and who is responsible for helping you

The Pathway Plan is a very important document because it sets out clearly what Children's Services should be doing for you. You can always look at what is written there if you want to make sure that you are receiving all the support you are entitled to.

Reviews

Your care plan and Pathway Plan need to be reviewed:

- at least every six months
- whenever your circumstances change, in particular before a significant change (e.g. when you cease to be looked after)
- at your or your PA's request
- before moving you from foster care or a children's home to 'other arrangements' accommodation
- before terminating a placement, unless there is a safeguarding risk

All reviews must be chaired by your Independent Reviewing Officer (IRO).

Visits

Children's Services need to keep in contact with you to make sure that things are going well. They must visit you:

- within the first week of every new placement
- at least every six weeks during the first year of your placement
- at least every six weeks in the following years up until your 18th birthday where your placement **has not** been confirmed as permanent OR
- at least every three months in the following years up until your 18th birthday where your placement **has** been confirmed as permanent

Money

As you are a looked after child, Children's Services will pay for all the support that you need. This does not mean that you will get everything that you want or that Children's Services will give you cash.

Children's Services will pay for your subsistence, although this may go directly to your carers. Children's Services should start preparing you to live more independently, though, so it is always a good idea to give you some money to manage.

Care leavers can also access financial support for their education outside of Children's Services. Some of this support is specific for care leavers; some can be accessed by any young person. Funding for further and higher education is very complicated and comes from lots of different places. Your social worker or Personal Adviser should be able to give you advice on this.

You cannot claim benefits unless you are:

- a lone parent
- a young person with disabilities or ill health

Secure settings

If you are on a care order living in a secure setting because you were sentenced, you have the same rights to support from Children's Services as if you were living in the community. Children's Services must:

- review your care plan
- visit you regularly to make sure you are safe and that your needs are being met in custody
- **work with you to make sure that plans for when you are released are put in place.** This should cover where you are going to live, what money you will have, what support you need for your education and health and any other support you need. You should know these details one month before you are released

If you were voluntarily looked after under section 20 of the Children Act 1989 before you were sentenced, you lose your rights as a looked after child and as an Eligible Child. But you do have some other rights. Children's Services must:

- visit you at least once to make an assessment of your needs
- make sure that you are safe and that your needs are being met. They must also look at plans for your release
- make a decision about whether you need to be accommodated again under section 20 when you are released

This can all be quite complicated and you may need to talk to an advocate to help you.

RELEVANT CHILDREN

Relevant Children are young people who:

- are aged 16 or 17 years
- left care on or after their 16th birthday
- were in care from the age of 14 years for at least 13 weeks (this time does not need to be continuous)

Any person aged 16 or 17 years who is on secure remand in a secure children's home, Secure Training Centre, or Young Offender Institution is considered to be looked after and therefore the time on remand is counted towards the 13 weeks needed to become a Relevant Child.

Coming into care after the age of 16 does not affect a young person's status as a care leaver, as long as the criteria above are met.

The category of Relevant Children includes several groups of young people, depending on where they are living if the criteria above are still met. These include:

1. Young people who go back home

- Young people aged 16 or 17 years who have gone home are considered to be Relevant Children for the first six months that they are living at home. "Going home" means that there was a plan for the young person to move back to his or her parent(s), someone with parental responsibility or someone who had a residence order before the young person went into care
- After the first six months, the Relevant Child status is lost and the young person becomes a Qualifying Child (see page 18)
- The Relevant Child status is restored if it does not work out at home

2. Young people in the youth justice system

- Young people who on their 16th birthday were detained in a secure children's home, Secure Training Centre, or a Young Offender Institution and immediately before that had been a looked after child who was voluntarily accommodated or on secure remand

3. Young people in hospital

- Young people who on their 16th birthday were in hospital and immediately before that had been a looked after child who was voluntarily accommodated

Note that if you are aged 16 or 17 years and on a care order you are an Eligible Child irrespective of where you are living – see page 5.

What you can expect from Children's Services

The law says that Children's Services must:

- listen to your wishes and feelings
- appoint you a Personal Adviser
- assess your needs
- prepare a Pathway Plan
- review your Pathway Plan
- find you somewhere suitable to live
- pay for your accommodation
- give you money for your subsistence
- keep in touch with you
- visit you regularly

Accommodation

Although you are not in care anymore, Children's Services still need to find you somewhere suitable to live and pay for it, as well as for any expenses associated with it, such as service charges and utility bills.

When finding somewhere for you to live, Children's Services must:

- take into account your needs
- look at the accommodation's facilities, services provided, safety, state of repair, location, support, tenancy status, affordability and any financial commitments involved
- seek your views and take them into account
- arrange for you to visit your new accommodation, unless this is not practical

Children's Services must be reasonable when deciding where you are going to live, although this does not mean that they have to agree with what you think is reasonable.

You are not expected to live on your own without support.

B&Bs are not considered to be suitable accommodation. They can only be used in exceptional emergencies and for no longer than two working days.



Pathway Plan

As you approach the time when you will be living independently, Children's Services should create a Pathway Plan for you. This should look into what support you need to do well and plan how to make sure this happens. To make sure you will have the right support, Children's Services have to assess your needs within three months of your 16th birthday and make the Pathway Plan as soon as possible after that. This document should:

- be made with your input
- identify your needs
- identify how Children's Services will meet your needs, including what support they are going to give to you, when this will be put in place and who is responsible for helping you

This is a very important document as it should set out clearly what Children's Services should be doing for you. You can always look at what is written there if you want to make sure that you are receiving all the support you are entitled to.

Reviews

Your Pathway Plan needs to be reviewed regularly:

- at least every six months
- whenever your circumstances change, in particular before a significant change
- at your request or your Personal Adviser's request

- when you have moved into a new placement:
 - as soon as possible after 28 days of you being there
 - at least every three months after that for as long as Children's Services decide that you need it

Visits

Children's Services need to keep in contact with you to make sure that things are going well. Your Personal Adviser must visit you:

- within seven days after any move
- before your first Pathway Plan is reviewed in a new placement
- at least every two months

Money

Children's Services do not have to pay for everything. However, they must:

- pay for your basic living needs
- pay for the things that are in your Pathway Plan
- have a policy that explains the type of additional things they will pay for, such as clothing, leisure activities, contact and childcare

Children's Services must never give you less money than the amount you would receive if you were able to claim benefits.

Children's Services will take into account any work you do or savings you have in deciding what they should pay for. If you have an award from the Criminal Injuries Compensation Authority they should help you get advice so that this is not taken into account when you are claiming benefits.

Any changes to the money you are given should be agreed at your review. Situations when changes can occur include: if you start working, if you receive money such as inheritance, or if Children's Services feel that you have not followed what was agreed in your Pathway Plan and what they had agreed to pay for.

Children's Services can give you money in cash or by depositing it in your bank account. They can also pay directly to whoever is providing you with the services you need or give you the items you need.

When deciding how the money should be paid, Children's Services should take into account your ability to manage your money and your wishes and feelings. Children's Services should also help you open your own bank account and make sure you know how to budget your money.

You cannot claim benefits unless you are:

- a lone parent
- a young person with disabilities or ill-health

If you can claim benefits, Children's Services do not have to pay for your subsistence, but you are still entitled to all other support set out in this section.

Care leavers can also access financial support for their education outside of Children's Services. Some of this support is specific for care leavers; some can be accessed by any young person. Funding for further and higher education is very complicated and comes from lots of different places. Your social worker or Personal Adviser should be able to give you advice on this.

Secure settings

If you were a Relevant Child before you were sentenced to custody and living in any secure setting you have the same rights to support from Children's Services as if you were living in the community:

- your Pathway Plan must be followed and reviewed
- your Personal Adviser must keep in touch with you
- Children's Services should work with you to make sure that plans are put in place for when you are released. This should cover where you are going to live, what money you will have, what support you need for your education and health, and any other support you need. You should know what is happening about a month before you are released

This can all be quite complicated and you may need to talk to an advocate to help you.

FORMER RELEVANT CHILDREN

Former Relevant Children are young people who:

- are aged 18 to 21 years and have previously been a Relevant Child (see page 9) or an Eligible Child (see page 5)
- are older than 21 years of age and still following the education or training plan agreed in their Pathway Plan
- lost their Former Relevant Child status but presented themselves to Children's Services between the ages of 21 and 25 years old wanting to return or having returned to education or training

In 2018 the law may change to mean that **all** Relevant Children or Eligible Children will remain Former Relevant Children and entitled to support until the age of 25. **You can contact the Coram Voice helpline for advice about this.**



What you can expect from Children's Services

Children's Services must:

- listen to your wishes and feelings
- provide you with a Personal Adviser
- review your Pathway Plan
- help you with expenses connected with your work, education or training
- provide or pay for accommodation during college or university holidays if you are studying away from home
- provide you with other support by buying the items you need directly or, in exceptional circumstances, by giving you cash, to the extent that your welfare and education require it
- contribute towards living expenses near to your place of employment, education or training
- give you a £2,000 grant if you are in higher education
- keep in touch with you
- visit you regularly

Children's Services may:

- consider making a contribution to post-graduate courses
- assist you in identifying financial support and resources to enable you to undertake postgraduate study

Housing

Children's Services should plan where you are going to live when you turn 18.

Up until you are 21 as a Former Relevant Child you are a priority for housing, which means that the Housing Department should give you somewhere to live fairly quickly.

The High Court, in what is known as the Barking and Dagenham judgement, has said that Children's Services has a duty to provide accommodation to Former Relevant Children even after the age of 18 if this needs to be done to safeguard their welfare and if the young person cannot access suitable accommodation in any other way. This includes young people who may not have recourse to public funds and would have otherwise been referred to the Home Office.

Pathway Plan

To help you with living independently, Children's Services should look into what support you need. They should have assessed your needs within three months after your 16th birthday and made a plan to make sure you get the right support. This is called a Pathway Plan and it should have been done as soon as possible after your needs assessment.

This document should:

- have been made with your input
- identify your needs
- identify how Children's Services will meet your needs, including what support they are going to give to you, when this will be put in place for you and who is responsible for helping you

This is a very important document as it should set out clearly what Children's Services should be doing for you. You can always look at what is written there if you want to make sure that you are receiving all the support you are entitled to.

The final year of pathway planning should be focused on making sure you know how to access support outside of Children's Services.

Reviews

Your Pathway Plan needs to be reviewed:

- at least every six months
- whenever your circumstances change, in particular before a significant change
- at your request or your Personal Adviser's request



- when you have moved into a new placement that is provided by Children's Services:
- as soon as possible after 28 days of you being there
- at least every three months after that for as long as Children's Services decide that you need it

Visits

Children's Services need to keep in contact with you to make sure that things are going well. Your Personal Adviser must visit you:

- within seven days after you move
- before your first Pathway Plan is reviewed in the new placement
- at least every two months

Money

Children's Services do not have to pay for your ordinary living expenses if you can access benefits or a student loan.

You can claim benefits like any other person who is over 18, but **Children's Services should continue to pay for extra things that are set out in your Pathway Plan.** Any extra money you get from Children's Services will not be taken into account in working out your benefits.

If you are studying in higher education, you will have to apply for a student loan and grant, just like any other young person. Some courses may also have special grants to help you pay for your expenses. Some universities may have grants for care leavers. You should seek information from your

university and get your Personal Adviser to help you.

Education and Training

Children's Services must make sure that you get the funding you need in order to do as well as you can at college or university.

Children's Services must pay the costs towards your education and training, such as travel and any special equipment you need. This lasts beyond the age of 21 until you finish your education, provided that this has been agreed in your Pathway Plan. There is no set age for this support to end. What matters is when you finish your studies or your training as agreed in your Pathway Plan.

If you are unable to claim benefits whilst at college, Children's Services may have to pay for your housing and subsistence.

It does not matter if you have a gap in your education so long as you start it again as soon as is reasonably possible.

Children's Services should also ensure that you are able to access work experience, apprenticeships and other training and employment opportunities that improve your ability to get a job.

Care leavers can also access financial support for their education outside of Children's Services. Some of this support is specifically for care leavers; some can be accessed by any young person.

Funding for further and higher education is very complicated and comes from lots of different places. Your social worker or Personal Adviser should be able to give you advice about this.

If you cannot access a student loan when you go to university, for example because of your immigration status, Children's Services cannot tell you that you cannot attend university and must drop out of education. A court ruling has made it clear that Children's Services must provide you with whatever support you need to continue studying, including university fees.

Setting Up Home Allowance

Children's Services should also pay for furniture, a fridge, a cooker and other essential equipment if you are setting up home independently. They should have a policy saying what is reasonable and you should find out from this what help they can give you. They should always take into account your wishes but you may be expected to shop around.

There is no fixed amount for this allowance but it is recommended to be at least £2,000. Each Local Authority decides what they think is the right amount, but whatever they decide needs to be enough for you to buy all the basic items you need.

Children's Services do not need to give you the money in cash to buy the things yourself, but they must listen to you regarding what is needed for you to set up your home.

Higher Education Bursary

Former Relevant Children who enter higher education are entitled to a £2,000 bursary .

The bursary is given in addition to any other financial support to which young people are already entitled. It should not be taken into account when Children's Services are making a financial assessment of your situation to decide what support you need.

The bursary can be paid in a lump sum or by installments. The young person's wishes and feelings must be given due consideration about the method of payment.

Going back to education or training between the age of 21 and your 25th birthday

You may decide that you do not want to study or do any training, in which case Children's Services do not have to give you support after the age of 21. **However, if you decide to re-start studying or training, you can go back to Children's Services before your 25th birthday**, even if you are not yet enrolled in any education or training and are only considering it.

Education and training can include basic skills courses, going to university or vocational training and apprenticeships.

In 2018 the law may change to mean that **all** Former Relevant Children will be entitled to support until the age of 25 (even if not in education or training after turning 21). **You can contact the Coram Voice helpline for advice about this.**

What you can expect from Children's Services

If you present yourself to Children's Services they must:

- appoint a Personal Adviser
- undertake an assessment of needs within three months of you telling them that you are back or want to be back in education or training
- prepare a Pathway Plan that includes:
 - how much contact and personal support you will get
 - a detailed plan for your education or training
 - how Children's Services will help you in relation to employment or other purposeful activity or occupation
- prepare contingency plans in case your Pathway Plan does not work out
- help you with expenses connected with your education or training
- contribute towards living expenses near to your place of education or training
- provide or pay for accommodation during college or university holidays if you are studying away from home

These duties continue as long as you pursue the educational programme set out in the Pathway Plan. There is no set age for this support to end. **What matters is when you finish your studies or training as agreed in your Pathway Plan.**

Secure settings

If you are a Former Relevant Child living in a secure setting, either because you have been sentenced or because you are on remand, you have the same rights to support from Children's Services as if you were in the community:

- Your Pathway Plan must be followed and reviewed
- Your Personal Adviser must keep in touch with you
- Children's Services should work with you to make sure that plans are put in place for when you are released. These should cover where you are going to live, what money you will have, what support you need for your education and health and any other support you need. You should know what is happening a month before you are released

This can all be quite complicated and you may need to talk to an advocate to help you.

QUALIFYING CHILDREN

Qualifying Children:

- left care on or after their 16th birthday and were looked after for less than 13 weeks after their 14th birthday (even for one day)
- are on a special guardianship order or were on a special guardianship order when they reached the age of 18 and were looked after immediately before the making of that order
- are Relevant Children (see page 9) who have returned home for six months or more

Children's Services may:

- find you somewhere to live in exceptional circumstances
- provide you with other support by buying the items you need or, in exceptional circumstances, by giving you cash, to the extent that your welfare and education requires it
- give you a grant to pay for expenses related to your education, training and work needs up to the age of 25
- contribute to living expenses related to your education and training, up to the age of 25

What you can expect from Children's Services

Children's Services must:

- give you advice and support
- keep in touch with you
- provide or pay for accommodation during college or university holidays if you are studying full-time away from home, up to the age of 25

Plans

Although Children's Services do not have to make a Pathway Plan as such, after an initial assessment they should make a plan stating what support you will receive. This may follow the same format as a Pathway Plan.

Children's Services do not have to regularly review this plan, but, as your circumstances change, you may want to ask Children's Services to update it.

Housing

If you are a Qualifying Child, you may have priority for housing, which means that the Housing Department must give you somewhere to live fairly quickly.

Money

Children's Services may be able to help you but in most cases they do not have to.

You will need to ask them whether they can help you. However, if Children's Services will not help you, they have to give you advice on how to get the support that you need.

You have the same rights to benefits as any other young person who is your age, so you should apply for benefits. Any extra money you get from Children's Services will not be taken into account in working out your benefits.

If you are studying in higher education, you will have to apply for a student loan and grant, just like any other young person. Some courses may also have special grants to help you pay for your expenses and some universities may have special grants for care leavers. You should seek information from your university.

Care leavers can also access financial support for their education outside Children's Services. Some of this support is specifically for care leavers; some can be accessed by any young person. Funding for further and higher education is very complicated and comes from lots of different places. Your leaving care team should be able to give you advice about this.

Secure settings

Children's Services must make sure that they keep in touch with you but they do not have to visit you. Your rights are the same as for any young person in the community.

If you are under 18 and on secure remand you will become a looked after child.



HOMELESS YOUNG PEOPLE UNDER 18

Sometimes young people cannot live at home with their families as the relationship with them has broken down and they are at risk at home. Sometimes they may have been kicked out of their home and do not have an adult who can look after them and so become homeless or are sofa surfing.

If you are under 18 and you are homeless, Children's Services must make an assessment of your needs as a child in need. This is usually called a child in need assessment under section 17.

Children's Services must provide you with accommodation under section 20 of the Children Act 1989 if:

- you are a child in need
- you need somewhere to live because there are no adults who can provide you with safe accommodation

It does not matter if you go to Children's Services or the Housing Department. If you go to the Housing Department, they should refer you to Children's Services to be assessed.

Being accommodated under section 20 means that you become a looked after child.

Receiving support under section 17 means that you will not be looked after and that all support will stop when you become an adult at age 18.

There was a court ruling saying that Children's Services must not just give you somewhere to live or send you to the Housing Department and ask you to apply for benefits. **They must look after all your needs under section 20.** This will include things like keeping you safe and helping you do as well as you can, looking at your needs relating to education, health, financial support, contact with your family and friends (if you want that), and any other needs that you have.

Children's Services – or the Housing Department, if you went there first – should give you somewhere safe to stay as soon as they learn that you are homeless or at risk of being homeless.

They should not wait to end their assessments and only then make a decision. Children's Services will need to know if there is someone within your family that can look after you, so they will be asking you about this. This does not mean that you will need to go back to your family, if this is not a good place for you to be.

Being looked after does not mean that you have to live in a foster placement or a children's home. Children's Services can place you in semi-independent accommodation.

Your views must always be considered by Children's Services but you should never be asked to make the final decision about whether you become a looked after child.

You should be considered as looked after from the date that you presented yourself to Children's Services (or the Housing Department) as homeless. This is very important in relation to your leaving care status as the time you were looked after will count from that date. You can find more information on leaving care rights in previous sections of this guide.

Sometimes Children's Services may not make the right decision regarding the support they give to homeless children. If you presented yourself to Children's Services or Housing as a homeless child when you were under 18 years old and you were not looked after or were just given accommodation without any other support, you can challenge this decision. You can make a challenge even if you are now over the age of 18 years.

If you are uncertain about what is best for you, you can contact Coram Voice via our helpline for advice.



YOUNG REFUGEES, ASYLUM SEEKERS, MIGRANTS, AND YOUNG PEOPLE WITHOUT BRITISH CITIZENSHIP

Young refugees, young asylum seekers, and young people without British citizenship who are care leavers maintain their status as care leavers no matter what is happening with their immigration status.

Your immigration status and right to be in the UK are an additional need that Children's Services should look at when making your care and Pathway Plans with you. It does not necessarily mean that you will not receive any services or that they will be different to those for other care leavers.

However, this may not always be the case, and there can be some circumstances when you would lose leaving care support because you do not have the right to be in the UK. The rules about this often change and **you should take advice from an advocate or a solicitor if you are told that you are losing leaving care support.**

If you are under the age of 18 years you have exactly the same rights as any other looked after child approaching leaving care. If you want to stay in this country you have to make sure you seek legal advice from an immigration solicitor in order to extend your leave. Children's Services should support you with this.

If you have been granted leave to remain on the basis that you are an unaccompanied asylum seeking child (UASC) then this is most likely expire at 17 ½ years of age. You will need to make a new application before then. Your Discretionary Leave will be extended if you get your new application in before it expires.

If you are over 18 and you have leave to remain in the UK - for example, if you have been granted discretionary leave, humanitarian protection, indefinite leave to remain, or refugee status - you are entitled to receive full leaving care support.

If you have not been granted leave and you are over 18, it may be that:

- you are still awaiting a decision on your asylum claim
- you have made a fresh claim for asylum and are waiting for a decision
- your appeal rights have been exhausted, which means your asylum claim has not been accepted and you have either appealed unsuccessfully or the deadline to make the appeal has passed
- you are from a country within the EU, so you are excluded from accessing housing and benefits
- you have an immigration application pending (this will normally be based on your personal circumstances)
- you have no immigration status

In these situations, Children's Services may try to end your support, but they will need to conduct a Human Rights Act Assessment before they do so. It is likely to be a breach of your human rights to leave you without anywhere to stay if you are not able to return to your country of origin.

When making your Pathway Plan, Children's Services should talk to you about 'triple planning'. This means that they should help you plan for your life while you do not have settled status, assist you in making plans to stay in the UK in the long term, and talk to you about how you could return to your home country.

However, in some circumstances, Children's Services may refer you to the Home Office for asylum accommodation and support, or they may only support you to return. **If your circumstances are very complicated, or if Children's Services have told you they will no longer support you, then you should seek immediate advice and support from an advocacy organisation and a solicitor.**

Some young care leavers, or young people in care, may have lived all of their lives in the UK. If you were born in the UK and lived here for your first ten years then you may be entitled to British citizenship. You may also be eligible for discretionary citizenship if you have spent most of your life here.

You can contact the Coram Voice helpline for advice or call Coram Children's Legal Centre's Migrant Children's Project (see page 28) for independent legal advice.

CARE LEAVERS WITH DISABILITIES

If you have a disability, you should be receiving services as a care leaver no matter which team is looking after your case. **As with any other care leaver, Children's Services need to plan for your adulthood.** Your disabilities are just one particular need to be taken into account when making plans for you.

Even if you are looked after by the Children with Disabilities Team or referred to Adult Disability or Mental Health Services, you will maintain all your rights as a care leaver. For example, if you are a Former Relevant Child (see page 13) you will still be entitled to have a Pathway Plan and Personal Adviser, even if you also receive a care package from adult social care. This could just mean that several teams must work closely together to support you.

You may also have an Education, Health and Care (EHC) plan. This was formerly known as a Statement of Special Educational Needs (SEN) or Learning Disability Assessment (LDA). If you still have a statement of SEN or LDA you should ask about this being converted to an EHC plan. Planning must start for your transition when you are in Year 9, so during the review after your 14th birthday. The planning for transition should be done in parallel with Pathway Planning, when you approach the age of 16.

Young people with disabilities do not automatically receive services from Adult Services when they become 18 years old. If you feel that you will need support from Adult Services, you can request a Care Act assessment. Decisions made by Adult Services are made on a different basis than those of Children's Services, so they may decide you should not receive their help. **If you are refused services from Adult Services, this may be challengeable and you may want an advocate to help you with this.**

Matters related to planning and funding of services can be complicated when there is more than one team involved, or if the council in the area where you now live is different to the council that looked after you.

Everyone working with you should work together to ensure that all the services you need are in place. Services should not be stopped or delayed because of disagreements between teams regarding funding.

If you are unhappy about the services you are receiving you should ask for help from an advocate.

ACCESS TO RECORDS

You have the right to access your records.

Children's Services must keep written case records of your case, including assessments of needs, Pathway Plans, and their reviews. These records should be kept for 75 years.

You can ask to access your records yourself or through other people, such as a solicitor or an advocate, although Children's Services may ask that they prove that they are acting on your behalf.

You need to ask to access your records in writing. Children's Services must then give you access within 40 working days.

Although you have a right to be given access to the information about you, there is some information that they may not disclose. This can be the case if:

- the information on file identifies other people (called third parties). In these cases the information should be removed or given in a way that does not identify these people. The information must be given to you if the third parties have agreed for the information to be passed on to you.
- giving you the information would seriously harm your physical or mental health or that of any other person.

Children's Services may charge a fee of up to £10 but it is common practice not to ask for this fee from care leavers.



JARGON BUSTER

Advocate

A person who listens to your point of view, gives you information about your rights, and helps you speak out about what you want and need. See page 3 for more details.

Appeals rights exhausted

When someone has made an asylum or immigration application that has been refused, they have had any appeals refused, and there are no further appeals possible against this decision.

Assessment

A close look at your situation, your needs, and what support you may need.

Care (being in care, being looked after)

Being in care or being a looked after child mean the same thing.

A child or young person can be in care for three main reasons:

- If there is a court order, called a care order, which says that Children's Services should look after them
- If the parents – or the young person if they are aged 16 or 17 – agree that Children's Services will look after them
- If a young person aged between 12 and 17 is living on secure remand in a secure children's home, a Secure Training Centre, or a Young Offender Institution.

Care plan

A plan made when you are in care about your immediate and long-term future on the basis of your needs assessment. This should cover: personal support, accommodation, education and training, employment, family and social relationships, practical and other skills, financial support, and health needs. You should play a key role in devising your care plan.

Child in need

A child or young person who is in need of support from Children's Services to make sure that they have a reasonable standard of physical or mental health or development. Children with disabilities are considered to be children in need.

'Other arrangements' accommodation

Accommodation that, unlike foster care and children's homes, is not subject to regulation. Examples of 'other arrangements' accommodation are semi-independent accommodation, supported lodgings and foyers. They are also known as 'unregulated accommodation'.

Pathway Plan

Very similar to a care plan (see above) but more focussed on preparing you to live independently. If you are still in care, it is often included in your care plan.

Personal adviser (also known as PA)

The worker allocated to care leavers to support them and to ensure that the things in their Pathway Plan are done. Usually Children's Services have professionals dedicated to this role but your PA can also be chosen from the professionals that work with you.

Policy

A written statement that outlines what services you can expect to receive.

Priority need

A term used by the Housing Department to identify who should have access to council housing first.

Secure remand

A court order made by the criminal court stating that you must be placed in a secure children's home, Secure Training Centre, or Young Offender Institution while you are waiting for your case to go through the court. Being on secure remand means that you are a looked after child.

Review

A look at previous assessments and decisions made about your care to check that things are still relevant and/or needed, and to make changes if necessary. People involved in your care are usually called to a Review meeting.

USEFUL CONTACTS

Coram Voice

Freephone: 0800 800 5792
Online: www.coramvoice.org.uk
Text: 07758 670 363
Email: help@coramvoice.org.uk
Office number: 020 7833 5792

Coram Children's Legal Centre:

Child Law Advice Service

childlawadvice.org.uk

0300 330 5480

Migrant Children's Project Legal Advice Line

www.childrenslegalcentre.com

020 7636 8505

Law Stuff

lawstuff.org.uk

Other services:

Help at Hand (Children's Commissioner)

www.childrenscommissioner.gov.uk/

[learn-more/help-at-hand](http://www.childrenscommissioner.gov.uk/learn-more/help-at-hand)

0800 528 0731

Become – Care Advice Line

www.becomecharity.org.uk/help-and-advice/

[care-advice-line](http://www.becomecharity.org.uk/help-and-advice/care-advice-line)

0800 023 2033

Find a solicitor (Law Society)

solicitors.lawsociety.org.uk

Rees: The Care Leavers' Foundation

www.thecareleaversfoundation.org

01678 540 598

Refugee Council

www.refugeecouncil.org.uk

0808 808 0500

0207 346 1134

Shelter

www.shelter.org.uk

0808 800 4444



coram
Voice 
getting young voices heard

Always Heard
Freephone: 0808 800 5792

T: 020 7833 5792

F: 020 7713 1950

E: help@coramvoice.org.uk

www.coramvoice.org.uk

Facebook: [/CoramVoice](https://www.facebook.com/CoramVoice)

Twitter: [@CoramVoice](https://twitter.com/CoramVoice)

Written by

SARA GOMES

With thanks to: The young people
we work with, Afsana Aramesh,
Andrew Dickie, Emma Robinson,
Frances Trevena and Nicola Wyld

Charity Number: 1046207
Registered in Cardiff as a Limited
Company Reg. No. 3050826

© Coram Voice
7th Edition

Design: SJ Creative Design Ltd
Printed May 2017