

Response to Scottish Government consultation on the Continuing Care (Scotland) Amendment Order 2018

CEL CIS (Centre for excellence for looked after children in Scotland), based at the University of Strathclyde in Glasgow, is committed to making positive and lasting improvements in the wellbeing of Scotland's children living in and on the edges of care. We welcome the opportunity to submit our views in response to the Scottish Government's consultation on the Continuing Care (Scotland) Amendment Order 2018 (the Order).

We fully support the Order, which will ensure the continued eligibility of the current cohort of young people to continuing care as they increase in age. Continuing care, as established in [Part 11 of the Children and Young People \(Scotland\) Act 2014](#) (the 2014 Act), provides the legal basis for eligible young people ceasing to be looked after to remain in the same accommodation and receive the same assistance from the local authority as they did immediately prior to ceasing to be looked after, up to the age of 21. Enabling young people to remain in positive care settings for longer reflects the philosophy of care set out in 2013's [Staying Put Scotland guidance](#), and recognises the importance of young people remaining in safe, supported environments until they are fully prepared for more independent living. Alongside some tangible progress, we are aware of a number of challenges that exist regarding the full and consistent implementation of continuing care. If such challenges remain unresolved, the original policy intentions risk being undermined, which is a threat to the positive outcomes of some of Scotland's most vulnerable young people.

Q1 – Do you agree with the intention, as was stated during development of the 2014 Act, to increase the higher age limit for persons eligible for continuing care from nineteen to twenty years of age from April 2018 to ensure that the current cohort of young people continue to be eligible as they increase in age until the duty to provide continuing care extends from 16 to 21 years of age?

Yes.

Q2 – Do you have any other comments on the Continuing Care (Scotland) Amendment Order 2018?

Our comments relate more widely to the implementation of Part 11 (Continuing Care) of the 2014 Act, and are based on recent research¹, extensive engagement

with stakeholders across Scotland, including local authorities, independent and third sector residential and foster care providers, and other organisations within the Alliance Group of the [Scottish Care Leaver's Covenant](#).

As continuing care became an option for eligible young people relatively recently (in April 2015), there has yet to be an official statistical return which provides data on the number of continuing care arrangements in operation in Scotland. We welcome plans to include continuing care data in the Scottish Government's 'Children's Social Work Statistics' publication in 2019, as a destination after leaving care. Such information is critical to inform wider understanding of the implementation of the policy across the country.

Despite the broad acknowledgement at all levels of the system that this is a transformational policy, according to stakeholders and anecdotal evidence, the actual use of continuing care arrangements is limited and inconsistent. A number of factors and consistent themes appear to be contributing to this:

- **Inconsistent understanding of Part 11 and accompanying guidance.** A range of local interpretations of Part 11 and [accompanying guidance](#) are evident, leading to inconsistency in implementation. Alongside examples of young people being encouraged and enabled to remain in their care setting as per the policy intentions of Part 11, we are also aware of examples where this is not the case. We are concerned that some local policies have been drafted to state continuing care is available only up to the age of 19. There are instances in which young people choose the continuing care option and then experience significant changes to their placement settings (such as being moved to supported lodgings). We also aware of limitations to access to continuing care depending on the needs/pressures/capacity/bed space of the current placement setting. These types of interpretations of the guidance are not in keeping with the policy intentions and the spirit of the 2014 Act, and further clarity would be beneficial.
- **Awareness of entitlements.** With variation in local practices and understanding of the policy at both practitioner and managerial levels, young people are not receiving information about their entitlements with consistency. The Children and Young People's Commissioner Scotland and Who Cares? Scotland recently produced a clear booklet '[I Have, You Have, We Have Rights to Care](#)' and [flowchart](#) outlining young people's rights and entitlements to continuing care and aftercare. As this publication becomes more widely disseminated, it is hoped it will contribute to greater consistency in young people's awareness of their rights. It is critical that practitioners across the system (including child and family social workers, foster carers and residential carers) have knowledge and awareness of eligible young people's entitlements in order that the continuing care option forms a part of planning at an early stage.
- **Young people facing pressure to move into independent settings.** We are aware of a number of case examples involving young people who are entitled to continuing care, who have expressed a preference for this

option, but are persuaded or encouraged to take the aftercare route and access independent living options. This is directly counter to the intentions of a range of policy and guidance ([Still a Bairn](#), 2002; [Sweet 16](#), 2008; [Staying Put Scotland](#), 2013) designed to encourage and enable young people to remain in positive care settings for longer. The Care Inspectorate have increased the age range for children and young people living in care homes to age 21, and also taken steps to ensure foster agencies do not face additional fees or inspections on account of providing continuing care.² Clear messages such as this from national organisations, alongside sharing positive practice from local levels, can help in establish greater consistency in approach.

- **Disadvantage of young people looked after in external commissioned placements.** We are concerned that young people looked after in 'out of authority' placements or placements with independent care providers are routinely denied the opportunity to 'Stay Put' because of financial pressures, and these placements have higher cost implications for local authorities. The issue of how continuing care arrangements are factored in to initial placement decisions and commissioning arrangements requires greater attention. Children in out of authority or commissioned placements are often those considered most disadvantaged and vulnerable to poorer transitions and outcomes, and could arguably benefit the most from continuing care.
- **Support for carers.** Where continuing care arrangements are occurring via foster care conversions to 'supported carer' status, often this comes with a significant decrease in finances and supports for former foster carers, which destabilises placements. Changes in financial and other supports often appear based on age thresholds, or registration status, rather than a robust assessment of need to support vulnerable young people.

Local variations in interpretation, and national system level challenges are currently impeding the full and effective implementation of continuing care. There is, however, widespread acknowledgement of the potential it has to positively transform the experiences and outcomes of young people making the transition from care to interdependence, as well as a strong appetite from the sector to deliver this transformation. CELCIS look forward to working with Scottish Government and partners across the sector to support the full and effective implementation of continuing care.

Thank you for providing us with this opportunity to respond. We hope the feedback is helpful; we would be happy to discuss any aspect in further detail.

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¹ McGhee, K. (2017) [Staying Put & Continuing Care: The Implementation Challenge](#), Scottish Journal of Residential Child Care, Vol 16, No.2

² Care Inspectorate (2017) [Guidance for care services for looked after and accommodated children and young people who need ongoing support as young adults](#)