

Care leavers and council tax exemption

Kenny McGhee, Throughcare and Aftercare Lead, July 2018

This briefing provides an update to local authorities, practitioners and other key stakeholders on the recent legislative change in regulations which determine that all young care leavers across Scotland are exempt from paying council tax. It sets out who the regulations apply to, and discusses the steps needed to ensure the effective implementation of the exemption for all those eligible.

A [CELCIS Inform Briefing](#) on this topic, published in March 2017, discussed the reality of financial hardship, debt and poverty that can be faced by care leavers. It highlighted research by The Children's Society which demonstrated the actions of public bodies, such as the Department of Work and Pensions (DWP) and local authorities, can sometimes exacerbate these financial vulnerabilities. The 2017 Inform Briefing drew attention to practice in England, where individual local authorities had begun to implement a policy of exempting care leavers from council tax up to the age of 25. As of July 2018, 76 of 152 local authorities in England have administered exemptions, with ten local authorities in Wales following suit (source: [Children's Society](#)).

Due to differing regulations determining council tax exemptions in England & Wales, and Scotland, at this time it was not possible for Scottish local authorities to implement such policies without legislative change from the Scottish Government. In the Spring of 2017 the [Scottish Care Leavers Covenant](#), working in partnership with other key stakeholders, called for a nationally available council tax exemption for care leavers in Scotland.



In October 2017 the Scottish Government announced its intention to exempt care leavers from paying council tax. This was followed by the publication of regulations which came into force on 1 April 2018, allowing care leavers (up to the age of 26) to be exempt from Council Tax. [The Council Tax \(Discounts\) \(Scotland\) Amendment Regulations 2018 \(SSI, 2018 No.39\)](#) delegates powers to local authorities to administer this exemption in their area. CELCIS and the Scottish Care Leavers Covenant Alliance welcome this measure as a good example of leadership and corporate parenting, and a practical and positive benefit to care experienced young people.

More than half of Scotland's local authorities, along with many other statutory corporate parents and other public bodies have endorsed the Scottish Care Leavers Covenant. By endorsing and signing up to the Scottish Care Leavers Covenant, corporate parents can demonstrate their commitment to excellence by transforming practice, culture and outcomes for all care leavers.

This legislative action aligns with the principles of the [Scottish Care Leavers Covenant](#), notably:

- **Care-proofing of policy:** Corporate parents recognise the vulnerability of care leavers as young adults, and prioritise and reference them in policy documents. Given the inequalities in opportunity encountered by care leavers, corporate parents will treat them as a 'protected group' with the potential impact of changes to policy measured through [Equality Impact Assessments](#).
- **Assumption of entitlement:** Corporate parents will assume all care leavers are entitled to services, support and opportunities, up to their 26th birthday. Where discretion exists in definitions of vulnerability, or in giving priority access, these will be in favour of care leavers.

Who is exempt?

The exemption applies to any eligible 'care leaver' (as set out in [section 29 of the Children \(Scotland\) Act 1995](#), and amended by [section 66 of the Children and Young People \(Scotland\) Act 2014](#) and who:

- has been looked after by a local authority from 16 years old or at any subsequent point after this date;

- is aged between 18 and 26 years; and
- lives on their own

In addition, the [Council Tax \(Exempt Dwellings\) \(Scotland\) Amendment Order, 2018 \(SSI, 2018, No.45\)](#) extends that exemption to the dwelling where an eligible care leaver resides, meaning all young people eligible for aftercare services in Scotland will qualify for the exemption. The entitlement will not apply to young people who continue to be looked after or who are accessing continuing care.

The latest [Scottish Government statistics](#) show 5,653 young people in Scotland are eligible for aftercare and thus exempt from paying council tax. However, this number only captures those who are known to services. There may be more care leavers, particularly those aged 21 – 26, who are no longer in contact with services and unaware of their entitlement.

Implementing the Exemption:

Whilst local authorities now have a legislative requirement to make the exemption available to all eligible care leavers, we know that achieving consistent local implementation of national policy can at times be challenging. Recent engagement with local authorities has identified some practical challenges including:

- identification of, notification, and communication with eligible care leavers;
- eligible care leavers living out with their home authority and inter-authority liaison;
- working with other local partners (e.g. finance/housing) to streamline processes;
- how to acknowledge and resolve outstanding council tax arrears; and
- identifying actions to ensure maximum uptake for the next financial year.

In order to support local authorities to identify and resolve local implementation issues, and highlight and share good practice, CELCIS, in association with the Scottish Care Leavers Covenant Alliance, will produce a 'good practice' note. This will inform and support full and consistent implementation across the 32 local authority areas over the next financial year.

Contact us:

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References

The Children's Society (2015) [Wolf at the Door: How council tax debt is hurting children](#). London: The Children's Society.

The Children's Society (2016) [Cost of Being Care Free: The impact of poor financial education and removal of support on care leavers](#). London: The Children's Society.

Scottish Care Leavers Covenant (2015) [Scottish Care Leavers Covenant](#).

Scottish Government (2014) The Children and Young People (Scotland) Act, 2014 http://www.legislation.gov.uk/asp/2014/8/pdfs/asp_20140008_en.pdf

Scottish Government (2016) Guidance on Part 10 (Aftercare) <http://www.gov.scot/Resource/0050/00509198.pdf>

Scottish Government (2018) [The Council Tax \(Discounts\) \(Scotland\) Amendment Regulations 2018 \(SSI, 2018 No.39\)](#)

Scottish Government (2018) [Council Tax \(Exempt Dwellings\) \(Scotland\) Amendment Order, 2018 \(SSI, 2018, No.45\)](#)

Our goal is simple. We want to make a difference. We are totally committed to making positive and lasting improvements in the experiences, life chances and outcomes for Scotland's looked after children and young people. Taking a multi-agency, collaborative approach towards making lasting change thinking and ways of working, with everyone whose work touches the lives of looked after children.

For more information

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