

ANNEX E: CARE LEAVERS AND CARE-EXPERIENCED YOUNG ADULTS

It has been estimated that nearly half of young men and two-thirds of young women in custody aged between 16 and 21 have recently been in statutory care or have experience of the care system.

Care leavers are young people aged 16-25 years old who have been in care at some point since they were 14-years old and were in care on or after their sixteenth birthday. These young people are statutorily entitled to some ongoing help and support from the local authority after they leave care.

The Children Act 1989 and its implications for young adults

The provisions of this legislation apply equally to children and young adults in custody. Detained children and young adults are still entitled to pathway assessments of needs and pathway plans detailing the assistance they should receive whilst in custody and on release.

A pathway assessment of needs and a pathway plan must look to the future. An important aspect of care planning is to ensure suitable accommodation and support for the young adult, prepared and ready in advance of release.

Young adults may require financial assistance whilst in custody to ensure that they can contact their families, friends, and professional practitioners. It is not uncommon for the local authority to provide funds for these costs and to subsidise expenditure on extra clothing and shoes.

Young adults can also face acute challenges in desisting from offending and making an effective transition to full adulthood. Often, they do not have close family to rely on for support and they frequently continue to struggle with feelings of rejection and abandonment at the loss of family members.

Finding out whether a young person is a care leaver requires a detailed understanding of their past. The legal criteria defining a care leaver are based upon the amount of time a young person has spent in care and when that occurred. This exercise is made more confusing by the existence of different routes by which children enter the care system.

Despite these complexities, it is essential to establish the correct legal status as this determines the type of service to which the young person is entitled. If in doubt, panels should direct the Community Offender Manager (COM) to clarify a young adult's status.

Other relevant legislation

[The Children \(Leaving Care\) Act 2000](#) extended the support to be provided by local authorities to certain 18 to 20-year olds. Its enactment was intended to ease the transition for children leaving care into independent living. Assistance for leaving care should begin while the child is still being 'looked after' to ensure a seamless transition.

The rules for eligibility for assistance under the Act are technical. Panels might seek clarification about the circumstances of the young adult, perhaps making suitable directions at the MCA, Panel Chair Directions or Duty Member stage for the COM to clarify matters.

For those young adults who have been in local authority care, the [Children and Social Work Act 2017](#) extends entitlement to statutory support up until the age of 25. The Act provides for primary support such as mentoring but does not extend to financial assistance.

Coordinating support for young offenders

HMPPS has established a National Leaving Care Forum¹ and a network of regional leads to coordinate efforts for the support of care leavers in custody and under probation supervision. In custody, HMPPS focuses on identifying former looked-after children who, under the Children and Social Work Act 2017, are entitled to forms of statutory support by local authorities up to the age of 25. The Forum also promotes staff awareness about the problems young offenders can face, such as a lack of family support. The Forum was developed in collaboration with Catch22, a registered charity and a company limited by guarantee which supports offenders into release.

The following young adult care leavers who are relevant children are entitled to provision of a pathway plan:

- former care users up to their twenty-first birthday
- former care users under age 25 who are pursuing further education or training
- former care users over age 21 but under 25-years who have requested support.

For this last category, from 1 April 2018, there has been an extension of the right to a personal adviser and pathway plan subject to Government guidance produced in February 2018.

A pathway plan sets out the advice, assistance and support that the local authority will provide to assist with the transition to independence; to help the care leaver with education or training; and to appoint a personal adviser who will provide guidance and support for the young adult and co-ordinate services by linking in with other agencies. A full pathway plan must involve a measured, evidence-based analysis of the young adult's continuing need for care, accommodation and support. In scope, the pathway plan for relevant young adults should generally cover:

- accommodation
- life skills
- education and training
- employment
- specific support needs
- financial support.

¹ Catch 22 [National Leaving Care Benchmarking Forum - Catch22 \(catch-22.org.uk\)](#)

It must also spell out any additional needs if the young adult has been the victim of human trafficking or is an unaccompanied asylum seeker.

A plan for former relevant children returning to education or training can be less detailed as long as it covers issues relevant to meeting education or training goals.

Formal safeguarding procedures may be necessitated in the case of a particularly vulnerable young adult who is being released. Panels should be mindful that safeguarding of a young adult is about: *"protecting an adult's right to live in safety, free from abuse and neglect. It is about people and organisations working together to prevent and stop both the risks and experience of abuse or neglect, while at the same time making sure that the adult's wellbeing is promoted including, where appropriate, having regard to their views, wishes, feelings and beliefs in deciding on any action"*². The safeguarding duty applies specifically to a young adult who has needs for care and support (whether or not the local authority is meeting any of those needs); is experiencing, or is at risk of, abuse or neglect; and as a result of those needs is unable to protect themselves against the abuse or neglect or the risk of it.

Inputs to the parole process

When young adults in the parole process have been entitled to pathway assessments of needs and pathway plans detailing the assistance they should receive whilst in custody and on release, these documents should be directed for submission at the MCA stage or subsequently by panel chair or MCA Duty Member. They can be interrogated and followed up as contributions to the assessment of progress and risk, the identification of outstanding needs and the planning of management plans for release.

If a named social worker is still or has been recently involved with a young adult (up to age 21 or until age 25 if still engaging in education or hoping to be so), this practitioner can often provide a lynchpin in resettlement planning as they have access to a range of supported accommodation and other services. They may have known the young adult over an extended period and could offer useful insights.

In the parole process, it may be appropriate for the social worker to be directed to provide a report and attend an oral hearing as witness. The social worker is commonly named in the risk management plan found in OASys or elsewhere in the dossier.

If it is not clear whether the young adult is a care leaver, this can be clarified at MCA stage by directing the COM to make inquiries.

Information about care leavers and the National Leaving Care Forum may be found at:

<https://www.gov.uk/guidance/care-leavers-in-prison-and-probation>
<https://www.catch-22.org.uk/national-leaving-care-benchmarking-forum/>

² Extract from [The Care Act statutory guidance](#)