

# Children and Social Work Bill – Committee Stage Briefing

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## About The Who Cares? Trust and the care system

The Who Cares? Trust provides help, support and advice to young people in care and young care leavers so that they can unleash their potential and take control of their lives. We help make the care system work better by ensuring that young people's voices and perspectives shape policy and service provision. The Who Cares? Trust is an active member of the Alliance for Children in Care and Care Leavers. The Alliance has produced a separate briefing, which we have contributed to and support. This will be circulated to Peers before Second Reading.

There are 69,540 children in care, with approximately 11,000 children aged 16, 17 or 18 becoming care leavers each year. Children will come into care for a variety of reasons, but over 55% of children in care are in care because of abuse or neglect.<sup>1</sup>

## Advice and support on request (Clause 3)

### Reason for Amendments

- To ensure that care leavers are better supported to 25 and removing the onus on care leavers to request a personal adviser.
- To require local authorities to keep in touch with their care leavers – to enable better data to be kept on care leavers.
- To ensure that the local authority has a duty to maintain a pathway plan, even when a young person has been referred to external services to meet their identified needs.

### Background Information

This amendment is in the spirit of Lord Nash's statement at Second Reading and extends the range of support currently available up to 21, to all care leavers up to 25.

- Lord Nash at second reading acknowledged the concerns raised that it does not seem right that care leavers will have to request a personal adviser.
- This is very important for the most vulnerable care leavers who have lost touch with services, as it is not clear that they will know what their entitlements are, where to go for help, or have the confidence to ask for a personal adviser.
- Young people may present with minor problems that mask more complex problems.
- If the duty is on the local authority, this should enable a young person to keep a personal adviser until they are 25, although it would be useful to get clarification on this.
- It is important that the local authority maintains the pathway plan, even if a young person's needs are met by organisations outside of the local authority, to ensure that the young person's needs are being met.

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<sup>1</sup> <https://www.gov.uk/government/statistics/children-looked-after-in-england-including-adoption-2014-to-2015>

## **Suggested questions for the Minister:**

Will the Minister confirm that guidance will state that all care leavers must be given a needs assessment, personal adviser and pathway plan?

Currently local authorities must support a young person until they or 21, or the end of their education (whichever is later). Does the Minister have plans to set out a similar timescale to ensure that care leavers are fully supported and local authorities cannot discharge their duty too soon?

## **Educational achievement in England**

### **Reason for Amendment**

- To extend the statutory role of Virtual School Headteachers to cover all care leavers

### **Background Information**

- The Children and Families Act 2014 created a statutory role for Virtual School Headteachers to cover looked-after children only.
- The role does not cover all care leavers up to the new participation age of 18 as relevant children (those who have left care before their 18<sup>th</sup> birthday) are not covered. In addition, young people now have to retake maths and English if they do not achieve a C or above at GCSE. Only 14% of looked after children achieved 5 or more A\*- C GCSEs or equivalent, including English and mathematics in 2015.
- The role also excludes a focus on care leavers over the age of 18. Local authorities have continuing duties to support care leavers in education up the age of 25. Leaving care teams would benefit from additional input regarding education and there is a need for better joint working between local authorities, further education colleges and higher education providers.
- At second reading, a number of peers suggested extending the role to further education colleges and higher education colleges. This amendment would do that. With a focus on widening participation in further education colleges and universities, having a role that focuses on the educational achievement of care leavers will help support colleges and universities to better support this group of young people, and give them every chance of succeeding.
- Full funding is available to employers for the training costs of an apprenticeship for care leavers to 24, and Lord Nash said at second reading it would be extended to 25, which acknowledges that care leavers may in training or entering employment later than their peers. Extending the role of the Virtual School Head would do the same for education.

## **Power to test different ways of working (Clauses 15-19)**

### **Reason for Amendments**

- To probe further into the intention behind the clauses and possible monitoring situations.
- To ensure that young people's voices are heard before changes that affect them are made.

### **Background Information**

- When local authorities and the Secretary of State are making decisions about innovation which include exemption from certain duties, it right that the children and young people are consulted. Article 12 of the United Nations Convention on the Rights of the Child explicitly sets out that when

adults are making decisions that affect children, children have the right to say what they think should happen and have their opinions taken into account.

- Lord Nash gave examples about where these powers could be used, and this included redirecting Independent Reviewing Officers away from low-risk cases towards more complex cases. Low-risk cases stay low-risk precisely because oversight exists, and many young people value the presence of good quality oversight.
- Innovation may be positive from the perspective of the local authority, but may not be positive from the perspective of children in care and care leavers. For example, the majority of young people who responded to the 2013 Department for Education 'Improving Permanence for Looked After Children' consultation did not agree with the proposal to introduce more flexible requirements for social work visits to children in long term fostering arrangements.
- Children and young people tell us that they want to be clear what their rights and entitlements are as looked after children and care leavers and that already the support on offer is a postcode lottery. Exemption for local authorities from certain duties risks creating an even more fractured system.

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