

# Public Document Pack

## Executive Member Decisions

Friday, 14th December, 2018  
Time Not Specified

---

### AGENDA

1. **Extending Personal Advisor Support to all Care Leavers to age 25**  
**EMD - Paper Extending PA** **2 - 7**  
**EIA-Checklist**

Date Published: 14<sup>th</sup> December 2018  
Harry Catherall, Chief Executive

## EXECUTIVE MEMBER DECISION



**REPORT OF:** Executive Member for Children's Services

**LEAD OFFICERS:** Director of Children's Services

**DATE:**

**PORTFOLIO/S AFFECTED:** Children's Services

**WARD/S AFFECTED:** All

**SUBJECT:** Extending Personal Advisor support to all Care Leavers to age 25

### 1. EXECUTIVE SUMMARY

- The Children and Social Work Act 2017 introduced a new duty on local authorities, to provide Personal Adviser (PA) support to **all** care leavers up to the age of 25, if they want this support.
- Under previous legislation, local authorities were required to only provide care leavers with support from a PA until they reach 21, with that support continuing up to the age of 25 if a care leaver was engaged in education or training. However this support was not available to care leavers over the age of 21 who were not in education, training or employment.
- This new statutory duty commenced from 1<sup>st</sup> April 2018.
- This new duty is also being introduced alongside two related provisions in the Children and Social Care Act - a new duty on local authorities to consult on and then publish their "local offer" for care leavers' legal entitlements and the additional discretionary support that the local authority provides; and a new duty on local authorities which requires them to have regard to the "seven corporate parenting principles" that will guide the way that the local authority provides its services to children in care and care leavers.

### 2. RECOMMENDATIONS

That the Executive Member:

- Notes the new duty that extends PA support where requested to all care leavers which means that the local authority continues to exercise functions in respect of care leavers to the age of 25 and should therefore apply the corporate parenting principles when exercising those functions.

### 3. BACKGROUND

Under previous legislation, local authorities were required to only provide care leavers with support from a PA until they reach 21, with that support continuing up to the age of 25 if a care leaver was engaged in education or training. However, this support was not available to care leavers over the age of 21 who were not in education, training or employment.

#### **4. KEY ISSUES & RISKS**

- For care leavers aged 21 or over, the duties required will be “to assess care leavers needs and develop and keep under review a pathway plan for the young people who request the support.”
- As the young person approaches the age of 21, the PA will need to discuss whether they wish to continue to receive support beyond the age of 21. If the young person wants the support to continue, the Pathway Plan should be reviewed and updated to reflect their needs. The PA will continue to offer support as long as it is requested or up until they reach the age of 25.
- The new duty also enables Care Leavers to request PA support at any point after the age of 21, up to age 25, even if they had previously ceased receiving support when they reached 21. The PA must assess the young person’s needs and develop a Pathway Plan setting out what support the local authority will provide. The level of needs assessment required and requirements of a Pathway Plan for this cohort will need to be clarified.
- Provision of support requirements. Some care leavers may face a number of continuing challenges and require support across a number of different aspects of their lives. However, in other cases, care leavers may return for support due to a specific issue such as - pregnancy, release from custody, mental health issues, homelessness, debt etc.
- Frequency of contact between care leavers and their PA under the new duty will vary depending on the nature of each individual’s circumstances. However, Pathway Plans will need to be reviewed and updated if appropriate as a minimum once every six months.
- The new duty will require local authorities to make care leavers aware that they can continue to request PA support when the person turns 21, and on at least an annual basis thereafter. This applies even if a care leaver may have earlier declined the offer of PA support. Local authorities are expected to take “reasonable steps” to make contact with every care leaver aged 21 -25 to make them aware that they can request support by writing to them at their last known address, or using their most recent phone/text number or email address.

#### **5. POLICY IMPLICATIONS**

The ultimate aim of leaving care services is to support care leavers so that they can live successful independent lives. Each Care Leaver will reach that point at a different age and there should be no assumption that the new duty means that all care leavers will require statutory support until the age of 25. Where care leavers have been effectively supported to develop a positive social network around them during and after they have left care, they are likely to be less reliant on PA support after the age of 21. Although each individual case will be different, in general terms there is an expectation that the level of support that care leavers receive will taper away over time, in recognition of their growing maturity and independence.

For care leavers aged 16 and 17, the local authority is under an absolute duty to accommodate them which does not apply once the young person reaches the age of 18.

For care leavers aged 18-to 21, there is a proactive duty on the local authority to keep “in touch” with care leavers.

For care leavers aged 21 or over, the new duty requires the Local Authority to assess care leavers needs, and develop and keep under review a pathway plan only where the young person requests that support.

## 6. FINANCIAL IMPLICATIONS

The new duty requires the local authority to appoint a PA to provide advice and support to any care leaver aged 21 up to the age of 25 who requests it. New burdens funding will be provided that will enable local authorities to meet the extra demand for PA time that the new duty creates. The funding that has been allocated to Blackburn with Darwen to implement this new statutory requirement is £6,843 in 2018/19. The portfolio has not yet received confirmation of the allocation for next financial year.

In order to provide a duty point for potential new Care Leavers aged 21 to 25 wishing to be provided with leaving care support, a “drop in” centre is required. The Care Network Hub on Town Hall Street Blackburn will be the facility for care leavers aged 21-25 to “drop in” for advice and support every Monday and Friday. This commenced in August 2018.

## 7. LEGAL IMPLICATIONS

The new duty implemented from 1<sup>st</sup> April 2018 is a statutory requirement.

## 8. RESOURCE IMPLICATIONS

- To consider the structure and capacity of the Leaving Care Team to meet the requirements of the new duty
- To adapt local data and information systems
- To communicate the new duty throughout the Local Authority
- To ensure partner agencies and providers are made aware of the extended duty and resulting changes.

## 9. EQUALITY AND HEALTH IMPLICATIONS

**Please select one of the options below. Where appropriate please include the hyperlink to the EIA.**

Option 1  Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2  In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. *(insert EIA link here)*

Option 3  In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. *(insert EIA attachment)*

## 10. CONSULTATIONS

## 11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

**12. DECLARATION OF INTEREST**

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded and published if applicable.

<b>VERSION:</b>	<b>3</b>
-----------------	----------

<b>CONTACT OFFICER:</b>	<i>Elizabeth Mannion, Service Lead, Children in Our Care, Children with Disabilities &amp; Leaving Care</i>
-------------------------	---

<b>DATE:</b>	8/06/18
--------------	---------

<b>BACKGROUND PAPER:</b>	
--------------------------	--

## EQUALITY IMPACT ASSESSMENT CHECKLIST

***This checklist is to be used when you are uncertain if your activity requires an EIA or not.***

An Equality Impact Assessment (EIA) is a tool for identifying the potential impact of the organisation's policies, services and functions on its residents and staff. EIAs should be actively looking for negative or adverse impacts of policies, services and functions on any of the nine protected characteristics.

The checklist below contains a number of questions/prompts to assist officers and service managers to assess whether or not the activity proposed requires an EIA. Supporting literature and useful questions are supplied within the [EIA Guidance](#) to assist managers and team leaders to complete all EIAs.

<b>Service area &amp; dept.</b>	Children's Services	<b>Date the activity will be implemented</b>	<a href="#">Click here to enter a date.</a>
---------------------------------	---------------------	--	---

<b>Brief description of activity</b>	<ul style="list-style-type: none"> <li>The Children and Social Work Act 2017 introduced a new duty on local authorities, to provide Personal Adviser (PA) support to <b>all</b> care leavers up to the age of 25, if they want this support.</li> <li>This new statutory duty commenced from 1<sup>st</sup> April 2018.</li> <li>This new duty is also being introduced alongside two related provisions in the Children and Social Care Act - a new duty on local authorities to consult on and then publish their "local offer" for care leavers' legal entitlements and the additional discretionary support that the local authority provides; and a new duty on local authorities which requires them to have regard to the "seven corporate parenting principles" that will guide the way that the local authority provides its services to children in care and care leavers</li> </ul>
--------------------------------------	--

Answers favouring doing an EIA	Checklist question	Answers favouring not doing an EIA
<input type="checkbox"/> Yes	Does this activity involve any of the following: - Commissioning / decommissioning a service - Change to existing Council policy/strategy	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes	Does the activity impact negatively on any of the protected characteristics as stated within the Equality Act (2010)?	<input checked="" type="checkbox"/> No
<input type="checkbox"/> No <input checked="" type="checkbox"/> Not sure	Is there a sufficient information / intelligence with regards to service uptake and customer profiles to understand the activity's implications?	<input type="checkbox"/> Yes
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	<b>Does this activity:</b> Contribute towards unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act <i>(i.e. the activity creates or increases disadvantages suffered by people due to their protected characteristic)</i>	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Reduce equality of opportunity between those who share a protected characteristic and those who do not <i>(i.e. the activity fail to meet the needs of people from protected groups where these are different from the needs of other people)</i>	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Foster poor relations between people who share a protected characteristic and those who do not <i>(i.e. the function prevents people from protected groups to participate in public life or in other activities where their participation is disproportionately low)</i>	<input checked="" type="checkbox"/> No
<b>FOR =1</b>	<b>TOTAL</b>	<b>AGAINST =5</b>

**Will you now be completing an EIA?**

Yes

No

The EIA toolkit can be found [here](#)

<b>Assessment Lead Signature</b>	Elizabeth Mannion
<b>Checked by departmental E&amp;D Lead</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Date</b>	06/07/2018



**BLACKBURN**  
*with*  
**DARWEN**  
BOROUGH COUNCIL