
REPORT TO:	COUNCIL	AGENDA ITEM: 7
DATE OF MEETING:	26 th FEBRUARY 2020	CATEGORY:
REPORT FROM:	STRATEGIC DIRECTOR (SERVICE DELIVERY)	OPEN
MEMBERS' CONTACT POINT:	HANNAH PEATE, 01283 595973 Hannah.peate@southderbyshire.gov.uk	DOC:
SUBJECT:	CARE LEAVER OFFER	
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE:

1.0 Recommendations

- 1.1 That Council endorses the corporate parenting principles enshrined in the Children and Social Work Act 2017.
- 1.2 That Council approves the Care Leaver Offer outlined within the report.
- 1.3 That Council approves Officers to seek further additionality to the offer and to work with partner organisations to expand the offer locally.
- 1.4 That Council approves the request from Derbyshire County Council (DCC) to support the promotion and recruitment of Foster Families across the District.
- 1.5 That the Council agrees further work with partners to develop and sign a care leavers covenant.

2.0 Purpose of the Report

- 2.1 To seek Council approval to adopt and implement a Care Leaver offer across four key areas namely; Active Fostering - Physical Activity Programmes, Employment, Skills, Apprenticeships and Work Experience, Housing, and Council Tax (Already adopted February 2019). This will ensure consistency of a basic offer across all Districts and Boroughs in Derbyshire.
- 2.2 To seek Council approval to work with local partners and businesses to extend the Looked After Children and Care Leaver offer across the District.
- 2.3 To seek Council approval to support the promotion and recruitment of Foster Families across the District including across the Council's own workforce and through a range of promotional platforms that will be provided by Derbyshire County Council.

3.0 Detail

- 3.1 There are approximately 70,000 to 80,000 children in care in England at any one time. At the time of writing this report there are 843 children in care across Derbyshire, of these 122 children are in South Derbyshire and South Dales. Derbyshire County Council (DCC) currently has approximately 352 active foster families/carers, far fewer than is needed to meet demand. There are currently 18 Care Leavers in South Derbyshire aged 16-21 years. The number of care leavers aged 21-25 years is currently being determined.
- 3.2 Most of these children have had a very poor start in life, often experiencing family breakdown, family illness or bereavement or witnessing or being subject to abuse. At a time when playing, having fun and making friends should be the priority, many of these children are faced with difficult challenges and uncertainty.
- 3.3 When they leave care, many of these young people will face considerable disadvantage in their lives, compared to their peers. Whilst most young people will continue to rely upon their families well into early adulthood and beyond, young people leaving care often do so without family support. For a care leaver there is a very high risk that without continued support they will never reach their potential.
- [More than one in four](#) young care leavers have sofa surfed and 14% have slept rough.
 - [39%](#) of care leavers 19-21 are not in education, employment or training (NEET) (compared to around 12% of all young people).
 - [Nearly half](#) of young men and two thirds of young women in custody aged 16-21 have recently been in care
 - [6%](#) of care leavers aged 19-21 are in higher education (compared to around 38% of all young people)
 - [Nearly half](#) of England's care leavers may be suffering with mental health problems.
- 3.4 Section 2 of the Children & Social Care Act 2017 requires each local authority (including district councils) to publish a Local Offer for its care leavers (18 – 25 years). Through the Derbyshire Local Authorities Chief Executives Group and the newly formed Derbyshire Corporate Parenting Board, the County Council and Derbyshire District and Borough Councils agreed to collaborate to create one single 'Local Children in Care and Care Leaver Offer' for each of the District and Borough Councils to adopt and publish.
- 3.5 'Corporate Parenting' – Children and Social Work Act 2017 (CSW).
- 3.5.1 The role that councils play in 'looking after' children is one of the most important things they do. Local Authorities have a unique responsibility to the children they look after and their care leavers (relevant and former relevant children). In this context local authorities are often referred to as being the 'corporate parent' of these children and young people.
- 3.5.2 A strong ethos of corporate parenting recognises that looked-after children have the same needs – to be loved, cared for and feel safe – as other children. But also, that there are unique challenges that looked-after children and care leavers face. 60% of

children become looked-after due to abuse or neglect and they have poorer educational and health outcomes than their peers (Department for Education). The care system is not just about keeping children safe, but should also promote recovery, resilience and well-being.

3.5.3 The Children and Social Work (CSW) Act 2017 is intended to improve support for looked-after children and care leavers and section one sets out seven principles of corporate parenting, which local authorities must have regard to in designing and delivering services. It builds on and refines earlier legislation set out in the Children Act 1989 and the Children Act 2004. The seven principles are:

- (a) to act in the best interests, and promote the physical and mental health and well-being, of those children and young people;
- (b) to encourage those children and young people to express their views, wishes and feelings;
- (c) to take into account the views, wishes and feelings of those children and young people;
- (d) to help those children and young people gain access to, and make the best use of, services provided by the local authority [i.e. the County Council] and its relevant partners;
- (e) to promote high aspirations, and seek to secure the best outcomes, for those children and young people;
- (f) for those children and young people to be safe, and for stability in their home lives, relationships and education or work;
- (g) to prepare those children and young people for adulthood and independent living.

3.5.4 An eligible Care Leaver is defined within the Children (leaving Care) Act 2000 as:

- a young person aged 16 or 17 and currently in care and who has been 'cared for', for a period of 13 weeks (or periods amounting to 13 weeks) which began after their 14th birthday and must include at least one day whilst aged 16 or 17 years old. The exception is where there is a planned return home which was successful for more than six months. In which case they become a qualifying care leaver.
- A former relevant care leaver is someone who is over 18 and before reaching 18 was, or had been, a relevant young person.

3.5.5 Section two of the CSW Act requires local authorities to publish information about the services it offers to care leavers, which may assist them in preparing for adulthood and independent living. It includes health and wellbeing, education and training, employment, accommodation, and participation in society.

3.5.6 In Derbyshire, the County Council has the statutory Corporate Parenting responsibility.

3.5.7 Whilst the CSW Act 2017 refers to district councils as a local authority, South Derbyshire District Council is not a 'local authority' as defined in section 105 of the Children Act 1989 and so section one of the Children and Social Work Act does not apply to give such functions to a district council in a two-tier area.

3.5.8 The District Council does however, have a duty to co-operate under section 10 of the Children Act 2004 as a 'relevant partner.'

3.5.9 The County Council has asked for the Borough and District Councils' co-operation in developing and helping to deliver a countywide 'Local Offer for Children in Care and Care Leavers.'

3.5.10 Whilst the District Council does not have a statutory corporate parenting responsibility, there is an expectation within the new legislation and guidance that it (along with partners from the private and voluntary sectors) will adopt and embed the seven corporate parenting principles in designing and delivering its own services. District Council housing, leisure and recreation and local taxation collection services were specifically identified as functions where consideration of corporate parenting principles should generally apply.

3.6 The current number of care leavers across Derbyshire at the time of producing the report:

District/Age	18 years old	19 years old	20 years old	21 years old	Total
Amber Valley	8	11	12		31
Bolsover	3	3	5		11
Chesterfield	20	9	14		43
Derbyshire Dales	3	2	1		6
Erewash	8	16	12	1	37
High Peak	9	6	10		25
North East Derbyshire	9	5	3	1	18
South Derbyshire	5	7	6		18
Total	65	59	63	2	189

3.7 The proposed consistent basic District and Borough 'Local Offer for Children in Care and Care Leavers';

3.7.1 Council Tax Discount for Derbyshire Care Leavers

The Rationale:

Managing budgets can be challenging for most people on low incomes; particularly so for vulnerable young people adjusting to living by themselves without the support of a family network. A 2015 report by The Children's Society (The Wolf at the Door – How Council Tax debt collection is harming children) suggests that care leavers are a particularly vulnerable group for Council Tax debt.

The Offer:

A care leaver is defined as a young person aged 18-25 who was formerly a child in the care of Derbyshire County Council and becomes liable for council tax for a dwelling in this district. The discount will be awarded on the main residence of the care leaver up until their 25th birthday and will equate to 100% of their liability for council tax after all other relevant discounts and exemptions have been applied.

Full Council adopted Council Tax Exemption in February 2019. To date seven individuals have applied for this exemption.

3.7.2 Active Fostering – Wellness and Participation for Children in Care and Care Leavers

The Rationale:

A County-wide free access to leisure centres scheme has been operating since 2007 for Looked After Children, carers and their own children and for care leavers. Derbyshire County Council pay for this scheme directly to leisure providers.

This scheme has been well received and well used by the carers but has had little real impact on the Looked After Child or care leaver.

Children in Care and Care leavers have disproportionate underlying health issues, are more likely to suffer social isolation and financial instability often makes accessing local services difficult.

The Offer:

The benefits of physical activity in addressing some of these underlying physical and social issues is well documented. The free access scheme has been reviewed and re-branded as the Active Fostering Scheme. The range of activities offered has been widened to include free swimming lessons – a key life skill.

The scheme will be funded through DCC Public Health allocations to each district. Local initiatives will be proactively encouraged to utilise physical activity programmes to work with young people who are suffering from mental health problems, drug and alcohol dependence. Physical activity can help to build social connectedness and self-esteem.

Greater emphasis will be placed on marketing and promoting the 'offer' to care leavers and leisure centre staff will receive awareness training on some of the issues that care leavers face as they transition from the care system to living independently.

Since September 2018 in South Derbyshire, 42 different individuals across 23 families have taken up this offer which applies to both Looked After Children and their families and Care Leavers.

In addition to the core offer proposed above, Active Nation, the leisure contractor for South Derbyshire, has offered reduced rates for its holiday provision, Apex climbing centre and fun swim sessions. This is separately invoiced to DCC directly by Active Nation.

Regarding SDDC services, Active South Derbyshire and discounts for the Environmental Education Service offer will be offered, subject to Member approval.

With Council permission, locally the Council will aspire to bring additionality to the offer in the future with other key partners, who will be recompensed directly by DCC.

3.7.3 Employment, Skills, Apprenticeships and Work Experience for Care Leavers

The Rationale:

Working, whether paid or unpaid, is good for wellbeing. It contributes to happiness, helps to build confidence and self-esteem and contributes to building supportive relationships and friendships with colleagues. Employment can improve health by

increasing social capital, enhancing psychological wellbeing, providing income and reducing the negative health impacts of economic hardship.

Despite recent reforms to improve the educational attainment of children in care, it is still the case that only 14% of children in care achieved five good GCSEs (grade 5-9), compared to 53% of non-Looked After Children (Dept of Education 2015). Looked After Children are five times more likely to be temporarily excluded from school (2018 data) and are far more likely to have a special educational need (SEN) at age 11 (59% compared with 17% of non-Looked After Children). This limits the options open for care leavers when they leave school.

The Offer:

Working with DCC's Children's Services, all Districts and Boroughs will actively signpost care leavers to apprenticeship, work placement, work experience and mentoring opportunities within their own and partner organisations.

Led by Active Derbyshire, work has brought to Derbyshire the Coach Core programme created by the Royal Foundation, which aims to create inspirational sports coaches through a more exciting and community-based sports and activity coaching apprenticeship. It is targeted at 16-24-year-olds who are not in education and employment. It delivers an inclusive and impactful sports and activity coaching apprenticeship that develops the talents of young people and provides them with a range of vital skills for employment and life. Care leavers will be actively encouraged to sign up to the programme.

Locally the Council will work with DCC to inform them of any opportunities on an annual basis, through Heads of Service and Human Resources, to highlight any opportunities that may arise.

Locally colleagues in Economic Development will work to raise the profile of this scheme with local businesses to promote the benefits of being involved in such a scheme.

3.7.4 Housing Offer

The Rationale:

Local Connection

The definition of a 'local connection' for young people leaving care was amended by the Homelessness Reduction Act 2017 so that a young homeless care leaver has a local connection to the area of the local authority that looked after them. Additional provision is made for care leavers who have been placed in accommodation, under section 22A of the Children Act 1989, in a different district to that of the children's services authority that owes them leaving care duties. If they have lived in the other district for at least two years, including some time before they turned 16, they will also have a local connection with that district until they are 21.

Intentionally Homeless

The Minister for Housing, Communities and Local Government (MHCLG) considers that all attempts should be made by housing authorities to avoid the impact of intentionally homeless decisions in relation to care leavers aged 18 – 25. It will be a matter for the housing authority to determine whether a care leaver has become

homeless intentionally, taking into account all relevant facts. To inform this assessment, housing authorities should consult with the relevant children's services authority and obtain advice and information as to the young person's emotional and mental well-being, maturity and general ability to understand the impact of their actions.

Where a housing authority finds an eligible applicant has a priority need but is homeless intentionally and the relief duty has come to an end, they have a duty to secure accommodation which is available to the applicant to provide reasonable opportunity for them to find their own accommodation.

The Offer:

Housing Authorities will not make any decision regarding a care leaver being intentionally homeless without consulting their leaving care worker. In the event that a housing authority has found a care leaver to be intentionally homeless they will have a duty to secure accommodation which is available to the care leaver to provide a reasonable opportunity for them to find their own accommodation.

Derbyshire Care Leavers will be given a local connection to access housing in any District in Derbyshire irrespective of where they have been living.

Derbyshire Care Leavers exiting supported accommodation as a positive move on will be given priority for social housing in Derbyshire.

3.7.5 Promotion and Marketing.

The Derbyshire Local Authorities 'care offer' working group will develop a marketing and promotion strategy to ensure that all Care Leavers and other relevant partners are made aware of the offer and how to access services.

The group is also conscious that there is a significant national shortfall of foster carers and this ultimately impacts on the 'experiences' that Looked After Children have prior to leaving care. DCC currently has around 350 active foster families/carers, far fewer than is needed to meet demand. Effective and appropriate advertising, marketing and promotion is key to attracting and retaining quality foster carers across the County. Getting the right messages, the right level of emotional engagement, the right images and the right information to a larger audience will ensure that not only the number of enquiries will increase, but the number of successful recruitments will increase by ensuring that the applicant is clear from the outset what being a foster carer is all about.

Working with DCC Children's Services, District and Borough Councils will actively support the promotion and recruitment of foster carers through their many and varied communication channels, media and platforms. These will include but will not be limited to: printed newsletters, websites, social media and displays within public buildings with high footfall such as leisure centres.

3.7.6 Care Leaver Covenant

- 3.7.6.1 In July 2016, the Government published a major policy document 'Keep on Caring' to support young people from care to independence. A key policy commitment in the paper is a strategic pledge to introduce a Care leaver Covenant.

- 3.7.6.2 The Covenant is a promise made by the private, public and voluntary sectors to provide support for care leavers aged 16-25 to help them to live independently.
- 3.7.6.3 The aim of the Care Leaver Covenant, to which organisations commit, is to provide additional support for those leaving care; making available a different type of support and expertise from that statutorily provided by local authorities.
- 3.7.6.4 Each organisation that commits to the Care Leaver Covenant will be able to offer a support package to care leavers that is tailored to its specific expertise. The organisation would underpin its commitment to the covenant with a specific 'offer', setting out what it can provide.
- 3.7.6.5 The Care Leaver Covenant Outcomes will ensure that care leavers:
- Are better prepared and supported to live independently.
 - Have improved access to employment, education and training.
 - Experience stability in their lives and feel safe and secure.
 - Have improved access to health and emotional support.
 - Achieve financial stability.
- 3.7.6.6 All central government's departments have signed the Care Leaver Covenant to demonstrate their commitment and have listed the specific offers they will deliver.
- 3.7.6.7 By supporting DCC in its corporate parenting role the District Council is effectively setting out its own 'offer to care leavers' as a further endorsement of promises made in the 'Care Leaver Covenant.'
- 3.7.6.8 It is further proposed that the Council works with partners to finalise and then sign a Derbyshire-wide 'Care Leaver Covenant declaration'.

4.0 Financial Implications

- 4.1 Section 13A of the Local Government and Finance Act 1992 allows local authorities to reduce council tax in addition to statutory discounts. There is a financial implication to awarding reliefs under Section 13A as the Council must finance all such reliefs from its own funds. As this can only be introduced as a local council tax discount, the cost is not shared with other preceptors and all the cost falls to South Derbyshire District Council. The Council has approved this element of the offer previously in February 2019, approving a £10,000 budget from the General Fund. To date seven people have qualified for the care leaver discount totaling £520.85.
- 4.2 The Active Fostering Scheme is part funded through DCC Public Health existing contracts with the Council. South Derbyshire District Council currently receives £1,416p.a. towards the delivery of this programme, which currently goes to the leisure provider Active Nation. There are no additional financial implications for this element of the offer.
- 4.3 There are no additional material costs associated with the proposed Employment, Skills, Apprenticeships and Work Experience offer. This strand of the proposal will be delivered through existing budgets and will largely involve improved processes, organisational links and communication.

- 4.4 Housing. The cost of care leaver housing advice and interventions is already covered within the Council's general fund and additional government grants to support the introduction of new duties in the Homelessness Reduction Act 2017.
- 4.5 The Marketing and Promotion element of the offer will not generate additional direct costs for the Council. DCC will be responsible for the design and content of the material, the District Council will provide the platforms for the promotion of the material through various avenues including internal staff, and through its website and social media to the residents of South Derbyshire.
- 4.6 The proposal seeks to reduce the risk of future poverty and deprivation. Increased financial resilience will increase personal resilience and potentially reduce demand for future services. The proposal therefore offers potential cost savings to the Council in the longer term.

5 Corporate Implications

Employment Implications

- 5.1 None

Legal Implications

- 5.2 Section 2 of the Children & Social Care Act 2017 requires each local authority (including District Councils) to publish a Local Offer for its care leavers (18 – 25 years).
- 5.3 Members need to be very careful to differentiate between the various references to “local authorities” and to identify with precision the respective functions of each local authority and the context of any function assigned to the local authority in question.
- 5.4 The County Council has the sole statutory responsibility in respect of the functions referred to in section 1(2) of the Children and Social Work Act 2017. The District Council is not the corporate parent in this context as Parliament has firmly placed such functions upon the County Council with its county fund.
- 5.5 The “corporate parenting principles” which the County Council is required to have regard to when discharging their assigned statutory functions are set out in section 1(1) of the Children and Social Work Act 2017. The County Council must have regard to the need to:
- (a) to act in the best interests, and promote the physical and mental health and well-being, of those children and young people;
 - (b) encourage those children and young people to express their views, wishes and feelings;
 - (c) take into account the views, wishes and feelings of those children and young people;

- (d) help those children and young people gain access to, and make the best use of, services provided by the local authority [i.e. the County Council] and its relevant partners;
- (e) promote high aspirations, and seek to secure the best outcomes, for those children and young people;
- (f) ensure those children and young people are safe and have stability in their home lives, relationships, education or work;
- (g) prepare those children and young people for adulthood and independent living.

5.6 The County Council must, under section 10 of the Children Act 2004, make arrangements to promote co-operation between it and districts councils (and other relevant partners) within the two-tier area to improve well-being of “children” including those in the extended definition within section 10(9) of that Act.

5.7 Section 10(2) of that Act sets out the extent to which the County Council must make such arrangements. The arrangements are to be made with a view to improving the well-being of children in the County Council’s area so far as relating to –

- (a) physical and mental health and emotional well-being;
- (b) protection from harm and neglect;
- (c) education, training and recreation;
- (d) the contribution made by them to society;
- (e) social and economic well-being.

5.8 The District Council as a “relevant partner” has a “duty to co-operate” under section 10(5) of that Act with the County Council in the County Council making such arrangements. This is not a “duty to discharge” the County Council’s corporate parenting duties and responsibilities under section 1 of the Children and Social Work Act 2017.

5.9 “Relevant partners” include a number of other bodies listed in section 10(4) of that Act including, inter alia, the chief officer of police, the local probation board, the youth offending team, and local clinical commissioning group.

5.10 The District Council as a “relevant partner” has discretion under section 10(5A) of that Act for the purposes of “section 10 arrangements” to provide the County Council with staff, goods, services, accommodation or other resources, and to make contributions to a fund out of which a payment may be made relating to expenditure that has been incurred by the County Council in the exercise of its functions in respect of such “section 10 arrangements”.

5.11 The County Council has discretion under section 10(5A) of that Act for the purposes of “section 10 arrangements” to provide the District Council or other relevant partners with staff, goods, services, accommodation or other resources, and to make contributions to such a fund.

5.12 Under section 10(8) of that Act each local authority must have regard to any relevant guidance issued by the Secretary of State in relation to making “section 10 arrangements”.

5.13 Under section 13A (1) of the Local Government Finance Act 1992 there is provision to grant a local Council tax exemption/discount. When determining whether to grant such exemption/discount, the District Council must ensure that it has a clear rationale for any such decision to successfully defend any judicial or other challenge. Care leavers under the County Council are not the only individuals with vulnerability. Financial need can arise irrespective of age or parental history. The Equality Act 2010 must be fully considered, and it is a prerequisite for Members to read and consider the Equality Impact Assessment within this report before reaching their decision. The MHCLG expects that, where a local authority exercises its discretion to choose to provide exemptions or discounts, this is to be set out in their local offer.

5.14 Statutory provisions must be read subject to the fiduciary duty under the principle in Roberts v. Hopwood [1925] AC 578, namely that “a body charged with the administration for definite purposes of funds contributed in whole or in part by persons other than the members of that body owes, in my view, a duty to those latter persons to conduct that administration in a fairly businesslike manner, with reasonable care, skill and caution, and with a due and alert regard to the interest of those contributors who are not members of the body.”

6 Corporate Plan Implications

6.1 Adoption of these offers for care leavers would meet the following key aims of the Corporate Plan:

Our People

- Supporting and safeguarding the most vulnerable
 - With partners encourage independent living and keep residents healthy and happy in their homes.
 - Promote health and wellbeing across the District.
 - Support social mobility to ensure people have the opportunity to access skilled jobs, higher and further education.

Our Future

- Develop skills and careers
 - Support unemployed residents back into work.

7 Risk Impact

7.1 None

8 Community Impact

Consultation

- 8.1 None required

Equality and Diversity Impact

- 8.2 The introduction of a local discount scheme may be seen as creating a precedent and generate applications from similar and possibly equally deserving groups.
- 8.3 The proposed Local Offer for Children in Care and Care Leavers has significant and positive benefits for those in care and those leaving care who are some of the most vulnerable residents in the District.

Social Value Impact

- 8.4 The aforementioned offers will assist care leavers in their transition from care into adult life and mitigate their chances of falling into debt, promote employment opportunities and enable them to lead active and healthy lives.

Environmental Sustainability

- 8.5 None

9 Conclusions

- 9.1 Children in care and care leavers face some of life's toughest challenges and are more likely to encounter many more barriers in life than those of their peers. With the right support, however, children in care and care leavers are capable of achieving their ambitions, aspirations and life goals.
- 9.2 As community leaders, District Councils have the potential to support both children in care and those leaving care. By raising awareness of the challenges, by promoting the opportunities and benefits of becoming a foster carer and by working collaboratively with others to provide opportunities to those leaving care, District and Borough Councils can significantly improve the life chances of these young people.
- 9.3 Adopting the proposals in this paper will deliver across a wide range of agendas in the corporate plan and support the County wide approach to this agenda.

10 Background Papers

- 10.1 None