



coramVoice)))
getting young voices heard

Sorted and Supported

A guide to care leavers rights and entitlements







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Introduction

Welcome to Sorted and Supported. This guide will help you understand your rights as a young person who is leaving care.

At Coram Voice, we know that leaving care can feel scary, but it can also be exciting. If you are leaving care, you will usually still get help from your social worker and personal adviser until you turn 25. It's important to know what help you should be getting so you have the best start to your adult life. Understanding what help you should be getting as a care leaver from children's services (also known as social services or children's social care) can make a big difference.

Your social worker should talk to you about your plans for the future and explain how they will help you. Every local authority has to make a Local Offer which explains all the support they give care leavers like you. Sometimes things still feel confusing, or you might worry that you are not getting all the help you need. Coram Voice is here to help you. You can call Coram Voice for free at **0808 800 5792** or look on their website for more information about your rights.

Becoming a young adult is not always easy, especially if you had tough times growing up. It's normal to have difficult feelings. Asking for help is a strong thing to do. There is information about who can support you and give you advice on page 42.

If you do not understand any of the words used in this guide you can check out our jargon buster on page 37.

This guide is for care leavers in England. The other parts of the United Kingdom each have their own leaving care systems.





The law and your rights

In the last 20 years young people who are being looked after by children's services have gained a lot of new rights which should make leaving care a better experience than it used to be. These rights have come from laws like the Children (Leaving Care) Act 2000, The Children and Young Person's Act 2008 and the Children and Social Work Act 2017 which made it a legal requirement that all children's services have to give care leavers advice and support until they are 21, and 25 if they request it. All local authorities also have to publish their own Local Offer to inform their care leavers about the support they will get.

The Government writes guidance for local authorities to help them to understand what they need to do to give looked after children and care leavers the support they need. This guidance gets updated whenever the Government wants to change how care leavers are supported.

These laws and government guidance give you rights as a care leaver that must be respected. They also mean that if you do not get the support you are entitled to you can do something about it. Sorted and Supported is designed to help you understand your rights, be able to speak out and get help if you are not getting the support you should be getting.





Advocacy

As you leave care, children's services will continue to be there to help you make decisions about what is best for you. Children's service will also make decisions about what specific support they will offer you. This means there will be professionals, like social workers and personal advisors, who will be giving you advice, discussing your options with you and seeking your views.

You have the right to be involved in any decision that affects you.

Children's services do not have to do what you want them to do, but they always have to ask you what you think and take what you say into account when making decisions.

However, sometimes it can be difficult to be heard. You may not be happy with the decisions that are being made. Having someone around to help you say what you want can make things easier. This is why **all care leavers have the right to have an independent advocate.**



An advocate can:

- › Listen to what you have to say.
- › Talk to you about any concerns you have about your support from children's services.
- › Give you the information you want and help you understand your rights.
- › Make sure professionals like social workers listen to you so they know what's important to you.
- › Help you speak out at meetings with professionals.
- › Help you make a complaint to try to make things right if you are unhappy with decisions being made about you.

The great thing about advocates is that they are independent and work for you. They do not tell you what to do, or make decisions for or about you.

Every local authority across the country should make sure that there is an advocate available to support you. There are lots of charities, organisations, and children's rights teams who provide advocates for young people.

You can find out who your advocacy service is by visiting our website coramvoice.org.uk/findmyadvocate.





The care leavers' maze

The support young people are entitled to as care leavers is different depending on when you came into care and how long you were in care.

The law separates out care leavers into four different groups and gives each group a name. These names are sometimes described as your "leaving care status".

The four different leaving care status are:

- 1 "Eligible child" someone who is 16-17 and still in care.
- 2 "Relevant child" someone who is 16-17 and used to be in care.
- 3 "Former relevant child" someone aged between 18 and up to 25 who used to be an "Eligible Child" or "Relevant Child".
- 4 "Qualifying care leaver" someone aged between 16 and up to 21 (or 25 if in higher education) who was in care for less than 13 weeks after their 14th birthday. If you were placed under a special guardianship order or privately fostered you may also be a Qualifying Care Leaver.

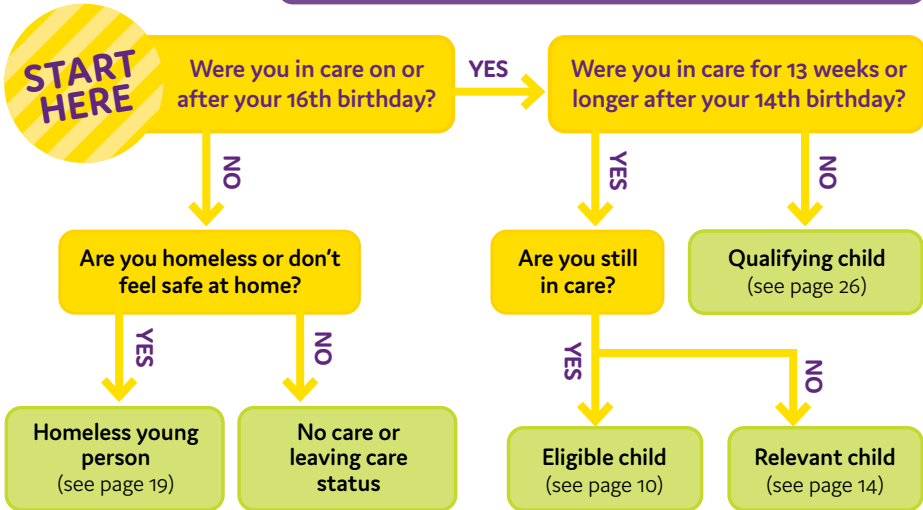
It is complicated and even social workers and other professionals find it confusing! It can get even more complicated if a young person and children's services disagree about which leaving care status the young person should have. The good news is you can use our care leavers' maze (below) to help you work out your leaving care status. This will then let you know which Section of Sorted and Supported to read to find out about your rights and entitlements. You can also find out more at coramvoice.org.uk/myrights.



16 and 17 years old

Special Guardianship Orders and Private Fostering.

If you spent time in care as a child before being under a Special Guardianship Order (SGO) or were privately fostered you may be a qualifying care leaver. If either of these apply to you should seek advice on this from children's services, Coram Voice or another advocacy service.



18 years and older



Sometimes children's services get things wrong. They may not recognise that you should be in care or that you should be supported as a care leaver. The good news is that you can do something about this! If you are under 18 go to page 19 and if you are over 18 go to page 26.



Eligible children

You are an eligible child if:

- › You are aged 16 or 17.
- › You are looked after, also known as being in care (it doesn't matter where you are living, it could be foster care, a children's home, in semi-independent accommodation or even at home).
- › You have been in care for over 13 weeks since your 14th birthday (this time does not need to be all in one go).

If you are 16/17 years old and on a secure remand you are considered to be looked after. This means your time on remand is counted in the 13 weeks needed to become an eligible child.

What you can expect from children's services

If you are an eligible child it means that children's services must:

- › Listen to your wishes and feelings.
- › Give you a personal adviser (PA).
- › Make an assessment of your needs.
- › Prepare a care plan and a Pathway Plan.
- › Review your care plan and Pathway Plan.
- › Pay for where you live (your accommodation).
- › Pay for your living expenses.
- › Keep in touch and visit regularly.





Where you live (your accommodation or home)

Children's services must make sure that you are living somewhere that is safe and meets your needs. They also have to make sure that you are being properly cared for. As you approach your 18th birthday they should make a plan with you about where you will live once you are an adult.

Staying put

If you are happy in your foster placement and want to stay living there past your 18th birthday, your local authority should have a policy in place to support this. Ask your social worker about "staying put".

Staying close

If you are living in a children's home you will be expected to move out when you become 18. However you can ask your social worker for "staying close" support. This support should be dependent on your needs. It could mean making sure that you are able to stay close to you old children's home.



Other types of accommodation

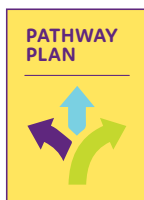
You have a right to safe and suitable housing. There are lots of other types of accommodation for care leavers. This can include semi-independent accommodation. Your social worker should work with you on a plan on what your accommodation needs are.

If you are not happy with a move to a new place to live tell your social worker. If you don't feel listened to you should speak to an advocate.

Pathway plans and reviews

If you are an eligible child, you are still in care and therefore will still have a care plan and looked after children reviews until you are 18.

To start to prepare for leaving care within 3 months of your 16th birthday, children's services have to carry out an assessment of your needs. They should talk to you about your plans for the future and what help and support you may need to have a positive move into adulthood. This should be used to help write your first pathway plan.



Your pathway plan is an important document. It will be regularly updated by you and your personal advisor, and will cover all aspects of your life: accommodation, education and employment, finances, health, relationships, identity, practical skills and emotional wellbeing.

It will record what everyone needs to do to support you in each of these areas, identify and record tasks that need to be completed to assist your move towards independence. Your wishes and feelings are very important - this is your plan for your life!

Your pathway plan must be reviewed with you at least every 6 months after your 16th birthday. It must also be reviewed if you important things in your life happen like changing where you live or when you leave care. You can also ask to have your pathway plan changed whenever you feel it needs to be updated.



Visits

Children's services need to keep in contact with you to make sure that things are going well. They must visit you where you live:

- › **Within the first week of any change to where you live.**
- › **At least every six weeks.**



Money

As you are a looked after child, children's services will pay for all the support that you need. This does not mean that you will get everything that you want, or that children's services will give you cash. Children's services will pay for things like food, transport, clothing, sport and leisure activities, although this may go directly to your carers. Children's services should also start helping you to prepare to live more independently. This will help you manage your own money and budget in the future. If you do not have a bank account now is good time to set one up and children's services should help you with this.

Care leavers can also get financial support for their education from other places. Some of this support is just for care leavers; some for all young people.

Funding for further and higher education is very complicated and comes from lots of different places. Your social worker or personal adviser should be able to give you advice on this.

You cannot claim benefits unless you are a lone parent or live with disabilities or ill-health.

If you are in custody

If you are on a care order and living in a secure setting because you were given a custodial sentence, you have the same rights to support from children's services as other children in care. Children's services must:

- **Review your care plan and pathway plan.**
- **Visit you regularly to make sure you are safe and that your needs are being met in custody.**
- **Work with you to make sure that plans for when you are released are put in place. This should cover somewhere to live when you are released, money and any other support you will need.**

If you were accommodated under Section 20 before you were sentenced, you are no longer a looked after child and lose your rights as an eligible child. However, you do have some other rights. Children's services must:

- **Visit you at least once to make an assessment of your needs.**
- **Make sure that you are safe and that your needs are being met. They must also look at plans for your release.**
- **Make a decision about whether you need to be accommodated again under Section 20 when you are released.**

If you are not happy with your plans and you don't feel listened to, speak to the visiting advocate where you are in custody or the advocacy service for your local authority.



Relevant children

You are a Relevant Child if:

- > you are no longer looked after,
- > you are aged 16 or 17,
- > you left care on or after your 16th birthday,
- > you were in care from the age of 14 for a period of at least 13 weeks (this time does not need to be all at the same time).

If you were or are on remand the time is counted for the period of 13 weeks needed to become a relevant child.

If you are living at home with the agreement of your social worker after your 16th birthday, you will remain a relevant child for the first 6 months then your status will change to qualifying child.

If you were in living in a secure placement or in hospital on your 16th birthday and you were in care before your 16th birthday for 13 weeks, you will be a relevant young person.

What you can expect from children's services

If you are a relevant child, it means that children's services must

- > Listen to your wishes and feelings.
- > Give you a personal adviser (PA).
- > Make an assessment of your needs.
- > Prepare a pathway plan.
- > Review your pathway plan.
- > Pay for where you live (your accommodation).
- > Keep in touch and visit regularly.

Where you live (your accommodation or home)

Although you are not in care anymore, children's services still need to find you somewhere suitable to live and pay for it. Your accommodation must be suitable for your needs. This could be semi-independent accommodation. You should feel safe and secure wherever you live. Bed and breakfast accommodation is not suitable and should only be offered in exceptional circumstances and only for a very short period of time.

If you are not happy with your accommodation tell your social worker. If you don't feel listened to you should speak to an advocate.





Pathway plans and reviews

Within 3 months of your 16th birthday children's services have to carry out an assessment of your needs, particularly looking at your plans for the future and what help and support you may need to have a positive and smooth move into adulthood. This document will inform your first pathway plan.

A pathway plan should be completed before you stop being looked after and the meeting must be chaired by your IRO.



Your pathway plan is an important document. It will be regularly updated by you and your personal advisor, and will cover all aspects of your life, accommodation, education and employment, finances, health, relationships, identity, practical skills and emotional wellbeing.

It will record what everyone needs to do to support you in each of these areas, identify and record tasks that need to be completed to assist your move towards independence. Your wishes and feelings are very important, this is your plan for your life!

Your pathway plan must be reviewed at a pathway plan meeting at least every 6 months until your 21st birthday. It must also be reviewed if you or your personal adviser request it or if you have an important change in your life, such as a move to unregulated accommodation. If this happens your plan must be reviewed within 28 days and every 3 months after that until everyone is sure you are safe and settled.

Keeping in touch

Your personal advisor will keep in touch with you to provide advice and support. This could be by phone, text or other ways that work for you. They must see you at least every 3 months.





Money

Children's services must safeguard and promote your welfare. This means they may pay for your accommodation and daily needs, and will support you with things that are written in your pathway plan. You won't necessarily receive cash but any financial support offered and any changes to this should be recorded in your pathway plan. As a relevant child you will not be able to claim benefits unless you are a lone parent or have disabilities or poor health.

If you are in custody

If you were a relevant child before you moved into a custody or a secure setting, you have the same rights to support from children's services as if you were not living in a secure setting. Children's services must:

- ▶ **Review your care plan and pathway plan.**
- ▶ **Visit you regularly to make sure you are safe and that your needs are being met in custody.**
- ▶ **Work with you to make sure that plans for when you are released are put in place. This should cover somewhere to live when you are released, money and any other support you will need.**

If you are not happy with your plans or you don't feel listened to, speak to a visiting advocate or contact one of the services listed on page 42 for information and advice.

Leaving care early

Sometimes young people want to leave care before they are 18. This can be because they are unhappy with the support they are getting from children's services or they would like to be more independent. The decision to leave care is a big one because you will lose out on the support you would have had as a care leaver until you were 25. Discuss your wishes with your social worker and an advocate so you can make an informed choice. It may be that you can change the things that you don't like about being in care and keep the support you need now and in the future. If you still want to leave care it's such a big decision that this needs to be approved by the director of your children's services.





Children who are homeless or not safe at home

If you under 18 and find yourself homeless, you should get help and advice as soon as possible. You should ask your local council's children's services department for support. If you feel in danger you should contact the police straight away.

Am I homeless?

You don't need to be sleeping on the streets to be homeless. You are also homeless if you are:

Sofa surfing. This is where you have somewhere to stay but it's an informal arrangement with someone which could end at any time.

Not safe at home. This is where you are still living at home but you are not safe there.

Living in insecure or inadequate housing. This is when you are at risk of eviction, or where you live is overcrowded or unfit for habitation.

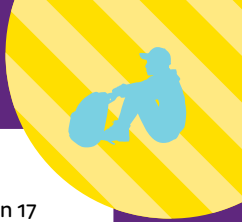

At risk of homelessness. This is where you think you will become homeless soon.



The law says that no child should be homeless. This means that if you are under 18 and homeless, children's services must help you. Even if you go to the housing department for help, children's services should always take the lead in making sure you get the support you need.

Children's services need to carry out an assessment of your needs as a child in need. If you don't have anywhere safe to live while they make their assessment then they must provide you with suitable accommodation until the assessment is complete.

Children's service should gather information about you and your family, listen to what you have to say, and assess your needs. They need to make an assessment of any risks to your safety and welfare.



They may decide that you are not at risk or in need and not offer you any support. Or they may say you only need support with housing (under Section 17 of the Children Act 1989). They may also decide that you are in need, but that it would be best for you to live with your family with some additional support.

If children's services decide that you are a child in need and you don't have anywhere safe to live, then they should accommodate you (under Section 20 of the Children Act 1989) by taking you into care.

Sometimes children's services will present this as an option or a decision for you to take. They may advise that you can become a child in care (Section 20) or you get housing support until you are 18 (Section 17). It's important to remember that if you are offered Section 20 support it is because children's services know that this is in your best interests.

If you become a child in care or looked after this means that you will get accommodation and support now, and also get a lot of support later from the leaving care service, usually up to the age of 25. Section 17 support ends when you turn 18.

It is an important decision to say no to Section 20 support and you should always get independent information and advice before you refuse this support. You have the right to access an advocate to help you consider your options.

Changing your mind

It is also important to know that you can change your mind. If you decided to refuse Section 20 support you can still go back to children's services at any time before you turn 18 and ask to be taken into care. It's important to remember that if you are in care for less than 13 weeks before you turn 18 then in means you will become a qualifying care leaver (see page 26) with less right to support from children's services.

If you are over 18 and said no to Section 20 support (or were not offered it) when you were a homeless child then it is sometimes possible to ask children's services to treat you as a care leaver now. You would need to show that children's services had made mistakes in how they supported you when you were a child. Sometimes you may need to get the help of a solicitor to get children's services to do this. There is more information about this on page 42.

Please contact Coram Voice or one of the services listed on page 42 for more information and advice about what to do if you are homeless or not safe at home.



Former relevant children

You are Former Relevant if:

- › you are aged between 18 and 21 and were a relevant or eligible child.
- › you are aged between 21 and 25, have previously been a relevant or eligible child, and have asked for support from children's services.

What you can expect from children's services when you are aged 18-20 years' old

Children's services must:

- › Listen to your wishes and feelings.
- › Provide a named personal advisor.
- › Keep in touch with you. Your personal advisor must visit you within seven days of you moving house and at least once every 8 weeks.
- › Review your pathway plan at least every 6 months.
- › Provide you with a Setting up Home Allowance, with a minimum value of £3,000.
- › Provide or pay for somewhere for you to live during college or university holidays if you are studying away from home.
- › Give you other support by buying the items you need directly or, in exceptional circumstances, by giving you cash, to support your education or other needs you have.
- › Give you one-off bursary of a minimum of £2,000 if you are in higher education.
- › Discuss what future support you may want after you are 21.
- › Give you information about your rights and entitlements up to age 25.



What you can expect from children's services when aged 21-24

Children's services must:

- › Contact you at least once a year to let you know about your rights and check you are OK (remember to let them know if you move house or change your email address or phone number).
- › Give you information about your rights and entitlements up to age 25.
- › If you request support, complete an assessment to identify how best to help, allocate a personal advisor and record actions in a pathway plan for as long as is needed.

Children's services may:

- › Help you with expenses connected with your work, education (including post graduate study) or training or other exceptional circumstances
- › Assist you in identifying alternative resources and financial support





Housing

Children's services should plan with you for where you are going to live when you turn 18. As a former relevant child you are in priority need for housing until you turn 21, and may still be in priority need up to 25, which means that the local authority housing department should give you somewhere to live if you need housing support.

The Homelessness Reduction Act 2018, extended the local connection criteria for care leavers who had lived outside of the local authority which had looked after them. This means that if you lived outside your local authority while in care you may be considered to be in priority need for housing with more than one housing department.

If the housing department is not providing you with housing then children's services may need to help you. The High Court said in the 'Barking and Dagenham judgement', that children's services has a duty to provide accommodation to former relevant children after the age of 18 if this needs to be done to safeguard their welfare and if the young person cannot access suitable accommodation any other way. This includes young people who have no recourse to public funds due to their immigration status.

Pathway plan

When you turn 18 you will no longer be a looked after child so will not have regular reviews with your social worker. Your pathway plans will however continue and become the focus of all your future plans and aspirations.



Your pathway plan is an important document. It will be regularly updated by you and your personal advisor, and will cover all aspects of your life, accommodation, education and employment, finances, health, relationships, identity, practical skills and emotional wellbeing.

It will record what everyone needs to do to support you in each of these areas, identify and record tasks that need to be completed to assist your move towards independence. Your wishes and feelings are very important - this is your plan for your life!

Your pathway plan must be reviewed at least every 6 months until your 21st birthday. In the last pathway plan meeting prior to your 21st birthday your wishes regarding ongoing support should be discussed and recorded.

If you are aged 21- 25, depending on the support you ask for, a partial or full pathway plan may be completed to record issues and actions.



Money

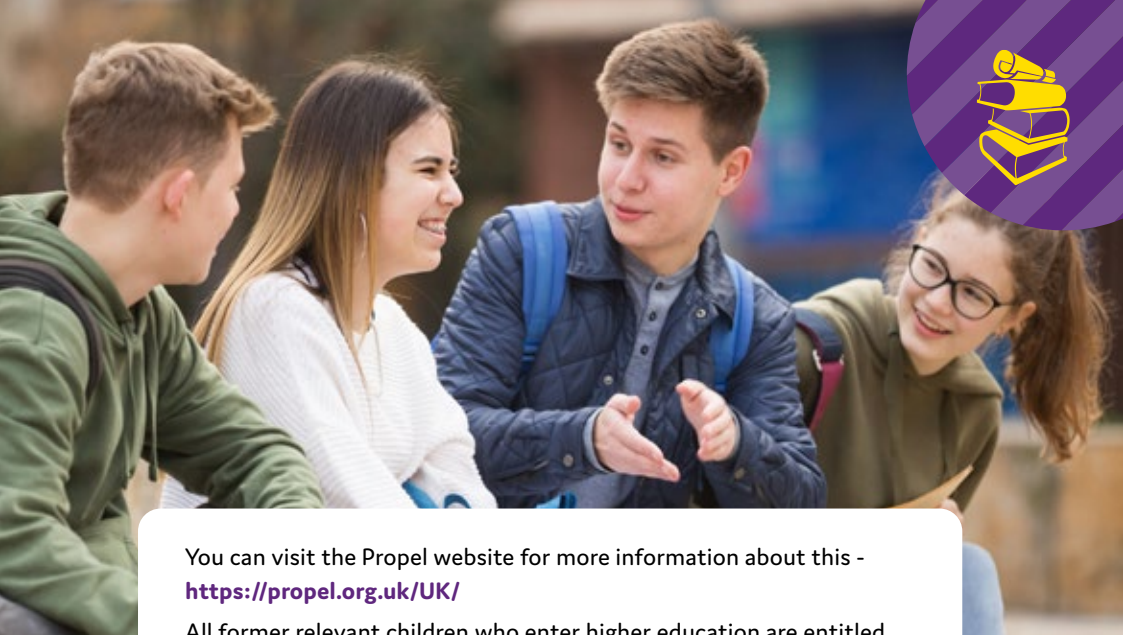
Children's services do not have to pay for your ordinary living expenses. Once you are 18 you are normally responsible for your own finances. You may be working or studying. You may be eligible for benefits (even if you are also working). You should speak to a benefits advisor to ensure you receive all the support you are entitled to.

Children's services may continue to fund things agreed in your pathway plan such as driving lessons or exceptional travel costs. You will also be entitled to other allowances and bursaries depending on your situation.

Education and Training

Children's services must make sure you receive any support you need to access education and employment. This may mean financial support, advice, signposting to organisations that can help you, or helping you with apprenticeship opportunities. If you need special equipment or travel expenses for a college course these should also be provided. If you are away from home and studying in higher education, children's services should provide or pay for somewhere for you to live during college or university holidays. It is crucial these arrangements are highlighted and recorded in your pathway plan.

If you are studying in higher education, you will have to apply for a student loan and grant, just like any other young person. Many universities and higher education colleges offer additional support for care experienced young people, so when you are choosing your university or college you should ask about this. They vary greatly from university to institution and can include things like grants, accommodation support or fee waivers.



You can visit the Propel website for more information about this - <https://propel.org.uk/UK/>

All former relevant children who enter higher education are entitled to a one-off bursary of a minimum of £2,000. This can be paid as a lump sum or in smaller amounts during the course of your studies. Support for higher education courses can begin after you are 21 and will continue until the course ends, even if this is after your 25th birthday.

Funding for further and higher education is very complicated and comes from lots of different places. Your social worker or personal adviser should be able to give you advice about this.

Setting up home allowance

All care leavers are entitled to a setting up home allowance (sometimes called a leaving care grant) from their local authority. This allowance must be worth at least £3,000 and is there to help you to set up your first home. The allowance is there to make sure you can get all the things you need (like furniture, kitchen goods and things for cooking and cleaning) to make your home safe, stable and secure. Check out your local authority's local offer for more information about what you can receive.



Qualifying care leavers

You are a qualifying care leaver if:

You are aged between 16 and 21 (or 25 if you are in education) who:

- › Left care on or after your 16th birthday but were looked after for less than 13 weeks since your 14th birthday.
- › You are or were on a special guardianship order when you reached the age of 18 and were looked after immediately before the making of that order.
- › You were a relevant child and have lived at home successfully for more than 6 months.

What you can expect from children's services

Children's services must:

- › Give you advice and support.
- › Keep in touch with you.
- › Provide or pay for where you are living during college or university holidays if you are studying full-time away from home, up to the age of 25.

Children's services may:

- › Find you somewhere to live in exceptional circumstances.
- › Give you other support by buying the items you need directly or, in exceptional circumstances, by giving you cash, to support your education or other needs you have.
- › Give you a grant to pay for expenses related to your education, training and work needs up to the age of 25.
- › Contribute to living expenses related to your education and training, up to the age of 25.

Plans

Although children's services do not have to make a pathway plan for you, after an initial assessment they should make a plan stating what support they will give you. This plan may follow the same format as a pathway plan.

Children's services do not have to regularly review this plan, but as your circumstance change you may want to ask children's services to update the plan.



Housing

If you are a qualifying care leaver over 18 years old, you may be considered as in priority need for housing, which means that the housing department should give you somewhere to live while they assess your housing needs.

If you are confused or don't feel listened to about this, please contact Coram Voice, or one of the services listed on page 42 for more information and advice.

Money

You are normally responsible for your own finances. You may be working or studying. You may be eligible for benefits (even if you are working). You should speak to a benefits advisor to ensure you receive all the support you are entitled to.

Local authorities are required to give advice, guidance and assistance to qualifying care leavers but they do not have to pay for items or provide financial assistance. However, they can provide financial support if you don't have enough money to pay for what you need. You can ask children's service for this help if you need it up to the age of 21 (or 25 if you are in education or training).

Education and training

Children's services may provide you with support to access education, training or employment. If you are away from home and studying in higher education, children's services may provide or pay for somewhere for you to live during college or university holidays.

If you are studying in higher education, you will have to apply for a student loan and grant, just like any other young person. Many universities and higher education colleges offer additional support for care experienced young people, so when you are choosing your university or college you should ask about this. They vary greatly from university to institution and can include things like grants, accommodation support or fee waivers.

You can visit the Propel website for more information about this - <https://propel.org.uk/UK/>

Funding for further and higher education is very complicated and comes from lots of different places. Children's services should be able to give you advice about this.



The local offer

All local authorities in England have to publish a document telling their care leavers what support they can get. This document is called a local offer.

The local offer will explain what local authorities they must do to support you (what the law says) and information about the support and services available to young people leaving care up to the age of 25. This includes housing options, education, training, employment support, health services, financial assistance, advocacy, and social support.

The local offer aims to assist care leavers in their transition to independent living by outlining their rights, local resources, how to access support, and where to get advice.

It's a good idea to ask your social worker or personal advisor to give you a copy of this. You can also find it on your local authority's website or on the care leaver local offer website [careleaveroffer.co.uk](https://www.careleaveroffer.co.uk).





Care leavers who are seeking asylum, refugees, migrants, or are not British citizens

Your immigration status and right to be in the UK are very important and children's services should help you to access any legal advice you need. Your immigration status should always be considered when children's services work with you on your pathway plan.

Your right to leaving care support

Care leavers who are seeking asylum, refugees, migrants, or are not British citizenship are care leavers, no matter what is happening with their immigration status. However, your immigration status may impact on the support you get as a care leaver.

If you have leave to remain in the UK (for example, you have been granted Limited Leave to Remain, Indefinite Leave to Remain, settled status under the EU Settlement Scheme, Humanitarian Protection or Refugee Status) you are entitled to receive full leaving care support. If you were granted limited leave to remain in the UK and you have applied to extend this leave you will still continue to have your existing leave until you have been granted further leave, or you have been refused leave and any final appeal right has been exhausted.

However, if you are over 18, there can be some situations where you might lose your leaving care support because you do not have the right to be in the UK. The rules about this often change so you should take advice from an advocate or a solicitor if you are told that you are losing your leaving care support because of your immigration status.





Planning

When working with you on your care and then pathway plans, children's services should also talk to you about triple planning. Triple planning means:

- 1 Making sure there is plan to get you the support and legal representation you need while your asylum or immigration application progresses
- 2 Making sure there is plan for you if you are allowed to stay in the UK
- 3 Making a plan for what happens if you are not able to stay in the UK.

If you want to stay in the UK and are not a British citizen you should be supported by children's services to get legal advice from an immigration solicitor. This should happen immediately if you are not sure about your right to stay in this country and well before any immigration leave you currently have ends.

If you have lived all, or most, of your life in the UK, you should still get immigration advice if you are not a British citizen. You may need to make an immigration application if you want to continue to live here. If you were born in the UK and lived here for your first ten years, or lived here for most of your life, you may be entitled to British citizenship. You should get advice from a solicitor about making such an application.

There are more immigration options for children who want to stay in this country, so if you are under 18 it is crucial that you get legal advice well before you become an adult. Children's services must support you with this.

It has become more and more complicated for children and young people seeking asylum in the UK in the last few years. The rules are different depending on when you arrived in the UK, particularly if you arrived in the UK on, or after, 7th March 2023. If you are an asylum seeker and do not have a lawyer, you should be supported by children's services to seek legal advice and representation urgently.



Over 18 with no leave to remain?

If you do not have leave to remain and you are over 18, your circumstances may be one of the following:

- › You are still awaiting a decision on your asylum claim, including any appeal against an initial Home Office decision.
- › You have made a fresh claim for asylum and you are waiting for a decision.
- › You are appeal rights exhausted, which means your asylum claim has not been accepted and your appeal was refused, or the deadline to make the appeal has passed.
- › You have made an immigration application but do not have a decision from the Home Office.
- › You have no immigration status and no legal right to be in the UK.

In these situations, children's services may try to end your support, but they will need to conduct a Human Rights Act assessment before they do so. This means that they will look at your circumstances and whether it would breach your human rights to remove support. In most cases if ending your support leaves you homeless or destitute, this would breach your rights. They also need to consider whether there are any barriers to you leaving the UK, such as lack of documentation, medical issues or an outstanding immigration application.

Children's services may try to refer you to the Home Office for asylum accommodation and support, or they may only say they will support you to return to your home country. If children's services tell you they are planning to do either, or they have told you they will no longer support you, then you should seek immediate advice and support from an advocate and a solicitor.





Care leavers with disabilities



If you are a disabled care leaver, you are entitled to the same leaving care support as any other care leaver. This is the case, even if you are going to be supported by adult services and have an adult social worker. You should be given a personal advisor, have a pathway plan, and receive other leaving care entitlements. However, you may also be entitled to additional social care support, because of your disability.

When you reach 16 years old your social worker should work with you on your first pathway plan. Your pathway should include information about any support you will need because of your disabilities, health or mental health needs. If you are likely to need care and support from adult services as a disabled adult, you should also have a transition assessment in good time before you turn 18 to plan for this.

Planning and funding of services can be complicated when there is more than one team involved, or if the council in the area where you now live is different to the council that looked after you. Everyone working with you should work together to make sure that all the support you need is in place.



Sometimes care leavers with disabilities who transition to adult services support miss out on the support they should be getting from children's services. There can be an assumption that because adult services are providing support that there is no longer any need for leaving care support. This approach is discriminatory and you can challenge it if this happens to you.

An advocate can help you to do this.

If you are confused or don't feel listened to please contact Coram Voice or one of the services listed on page 42 for more information, advice or support.



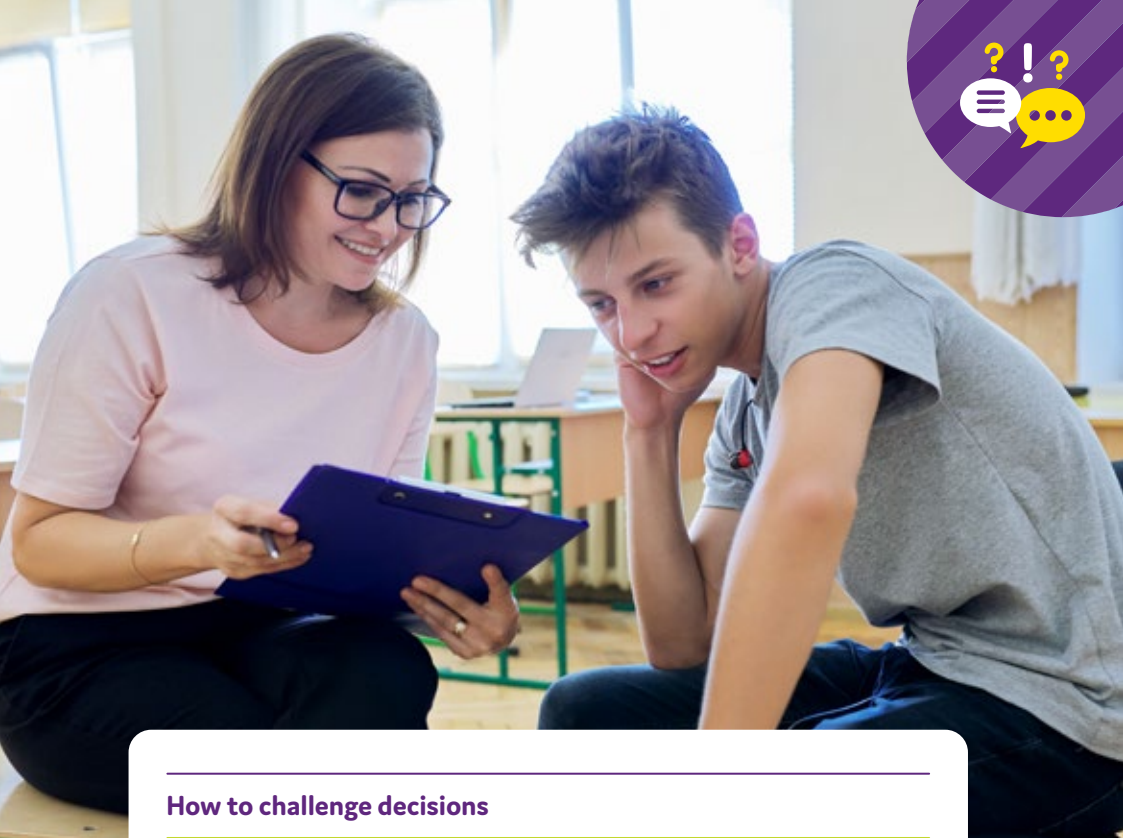
Disputed leaving care status

Sometimes there can be a disagreement between children's services and a young person about their care status. This can mean that children's service does not offer the support that a young person is entitled to.

These disputes can happen for a number of reasons. These include:

- › Where children's service claims a young person was supported under Section 17 (child in need) and not accommodated under Section 20 (in care).
- › When children's service dispute the young person's age (which sometimes happens to children seeking asylum).
- › Where children's service may have also provided support to a child which was the same as they would have given a child in care but never formally agreed that the child was in care.
- › Where children's services have made a mistake about how long a child was in care.
- › Where children's service failed to provide or offer the right support to a child who needed their help which meant the child never came into care.

Your leaving care status can sometimes be difficult to work out, even for professionals. This means that sometimes mistakes are made which can have a big impact on you. If you think that children's services have made a mistake about your care status, you should try and get help. An advocate or a solicitor may be able to give you information, advice and represent you.



How to challenge decisions

If you believe you should be recognised as a care leaver or should have a different care leaver status then you can ask children’s service to review their decision. You can make a complaint to children’s services if you are not happy with what they are telling you.

You can also take legal advice. A solicitor may be able to write to children’s services and ask them to change their decision, and if they don’t they can ask a judge to review your case.

It can be helpful to have a copy of your children’s services record, as this can sometimes help you (or your advocate or solicitor) work out what your care leaver status should be and if children’s services have made any mistakes or let you down in the past. Your record may provide vital evidence that you are entitled to more support as a care leaver.

You can find out more about getting your record in the next section.





Access to records

Children's services, by law, have to keep a record of all their contact with you from the very first time they meet you. Your care record includes records of assessments, plans and meetings, even telephone calls. It has to be kept for 75 years after your 18th birthday.

When you reach 18 you have the right to access your care record. You can also access your care record if you are a child and children's service believe you are able to give informed consent. Each local authority will have a clear publicised way for you to do this. To see your files you will have to make a subject access request. Your social work or personal advisor should be able to help you with this.

Some information on your case record may not be shared with you for legal reasons. These could include that there is information that was shared by a person who has not consented to having access to it or it would be against the law to share the information (usually in relation to any legal proceedings). Children's services may also decide not to share information with you if they think doing this could cause serious harm to you or someone else.

You should be able to access your file within a month of making your request. When you get your file it can be very difficult to deal with all the information about your past. This is why we think that it is important to have the support of someone you trust at this time.

If you think it is taking too long to get your case record or you think that there is information missing from your record that you should be able to read, then you can raise this with your local authority or with the Information Commissioner's Office (ICO) ico.org.uk.





Jargon buster

Accommodated under Section 20

Being accommodated under Section 20 of the Children Act 1989 means you are a child being looked after by a local authority on a voluntary basis, without a court order. It is designed to provide temporary accommodation and care for children who cannot stay at home because their parents cannot suitably care or accommodate them, the child has been abandoned, or there is no one with parental responsibility for the child.

Appeals rights exhausted

You are appeals rights exhausted (or ARE) if you made an asylum or immigration application which has been refused and there are no further appeals possible against the decision. If you are in this situation, you would usually have no legal right to remain in the UK.

Assessment

An assessment involves collecting information about you and your life and talking to you about your needs. An assessment helps people understand your situation, what you need and how to plan for your future.

Care (being in care, being looked after)

Being in care or being a looked after child means the same thing.

A child can be in care for three main reasons:

- › If there is a legal order made by a judge in court, which says that children's services should look after a child (Care Order).
- › If the parents or those with legal parental responsibility (or the young person if they are aged 16 or 17) agree that children's services will look after them (Section 20).
- › If a child aged between 12 and 17 on a secure remand and living in a secure children's home, a secure training centre or a young offender institution.



Care leaver

A care leaver is a young person (up to 25) who has been looked after by a local authority in care and has since left that care or is preparing to leave care.

Care order

A care order is a court order made under Section 31 of the Children Act 1989 that places a child under the care of a local authority. It is used when the court finds that a child is suffering, or is likely to suffer, significant harm and that harm is due to the parents or the child being beyond parental control.

Care plan

In children's services, a care plan is a statutory document that sets out how a local authority will meet the needs, welfare, and long-term goals of a looked-after child (a child in care under Section 20 or a care order). Every child who is looked after by the local authority must have a written care plan prepared and maintained by their social worker.

Your Care Plan should clearly set out the plans for your immediate and long-term future based on your needs, welfare, and long-term goals. This should cover: personal support, where you are living, education and training, employment, family and social relationships, practical and other skills, financial support, health needs. This is your plan and you should play a key role in what your care plan says.

Child in need

A child in need is child or young person who is in need of services from children's services to make sure that they reach a reasonable standard of physical and mental health or development. Children with disabilities are also considered to be children in need.

Children's services

Sometimes called children's social care or social services. This is the service that each local authority must have to look after children in care, and support care leavers and children in need.



Entitlement

This is a right or service that a law or a policy says you should have. Having an entitlement mean you should get access to the support and assistance that the law or policy says children's services should provide.

Further education

This is education that you can take part in after secondary school and refers to any study or training that is not part of higher education.

Higher Education

This is education that you can take part in after secondary school or sixth form college. Higher education is university-level study which can take place at universities, further education colleges, or specialist institutions.

Local authority (also know as the council, or borough)

This is the local government organisation responsible for running public services (like children's services) and making decisions in a local area. Local authorities have elected councillors who decide how money is spent and which services are provided by the employees of the local authority.

Local offer

Each local authority (in England) is required by law to publish information about the services available for care leavers within the local authority area. This local offer should set out how they will help care leavers prepare for independent living and adulthood. This information should include services they have to offer, and others they can offer. Most local authorities publish this information online.

No recourse to public funds

Having no recourse to public funds (NRPF) means a person who is not British and is subject to immigration control is not allowed to get help from the government for money or housing, even if they really need it.



Pathway plan

A pathway plan is very similar to a care plan (see above) but it is more focused on preparing you to live independently. If you are still in care, it is often included in your care plan.

Personal Adviser (also known as PA)

A personal adviser is the worker allocated to a care leaver to support them and to make sure that their pathway plan is carried out. Usually children's services have professionals dedicated to this role, however, in some circumstances, your personal advisor can be chosen from amongst the professionals that work with you.

Policy

A written statement that sets out guidance and rules about what services will provide, the way these can be provided, and what you can expect to receive.

Priority need

This is a legal term in housing law which sets out who has an important need for housing and helps the local authority identify who should have urgent need to access to council housing.

Secure remand

Secure remand is a court ordered decision that states that you must be locked up while you wait for your trial or sentencing. You can be placed in a secure children's home or a Secure Training Centre. Being on secure remand means that you are a looked after child.

Review

A review is when a children's services worker looks at previous assessments and decisions made about your care to check that things are still relevant and/or needed, and to make changes if necessary. There is usually a meeting with the people involved in your life called a Review meeting.

Rights

Your rights make sure you are safe, treated fairly, and can live a happy and healthy life. Rights mean you can say what you think, be cared for, go to school, and be protected from harm. Everyone must respect your rights, and they cannot be taken away from you, no matter what.

Transition

Transition means change. For a young person with a disability, this word is often used to describe the planned process of supporting the child or young person as they move from being looked after by children's services into adulthood and the support of adult services. This includes their move from child-focused health, social care, education, and support services to adult versions of these services. Young people who transition to adult services support are also care leavers so should still get support from children's services as a care leaver.





Getting information, advice and help

Coram Voice can help you if you are a care leaver. You can find information on our website or by calling our helpline, and we may be able to help you find an advocate.

Coram Voice
coramvoice.org.uk
0808 800 5792

More information about your rights as a care leaver:

Law Stuff
lawstuff.org.uk/childrens-services/leaving-care-support/

Become
becomecharity.org.uk
0800 023 2033

If you need an advocate:

Find My Advocate
coramvoice.org.uk/findmyadvocate

If you are having problems getting an advocate you can contact:

Safety Net
nyas.net/safetynet
0808 808 1001

Help at Hand
childrenscommissioner.gov.uk/help-at-hand
0800 528 0731

To get legal advice:

Find a solicitor
solicitors.lawsociety.org.uk

For immigration advice and support contact:

Coram Children's Legal Centre
childrenslegalcentre.com/get-legal-advice/immigration-asylum-nationality/

Refugee Council
refugeecouncil.org.uk

For housing and homelessness advice contact:

Centrepoint
centrepoint.org.uk
0808 800 0661

Shelter
www.shelter.org.uk
0808 800 4444

Help at Hand
childrenscommissioner.gov.uk/help-at-hand
0800 528 0731

For information about higher and further education for care leavers:

Propel
propel.org.uk



For information and support about being a disabled care leaver:

Mencap

mencap.org.uk

Scope

scope.org.uk

National Autistic Society

autism.org.uk

For mental health information and support:

Samaritans

samaritans.org

116 123

The Mix

themix.org.uk

Mind

mind.org.uk





With thanks to all the team at Coram Voice and Coram Children's Legal Centre.

We hope you find this guide useful. If you have any comments or suggestions, please email info@coramvoice.org.uk

Coram Voice

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