

# Care Leaver Payment Consultation

## SUBMISSION FROM SOCIAL WORK SCOTLAND

*January 2023*

Social Work Scotland is the professional body for social work leaders, working closely with our partners to shape policy and practice, and improve the quality and experience of social services. We are committed to the rights-based principles and values of our profession, and therefore supportive of the ambitions of the Promise and efforts to improve the lives of those with whom we work. We welcome this opportunity to comment on the revised proposals to provide additional financial support to care leavers in the form of a Care Leaver Payment.

Social Work Scotland as an organisation is supportive of efforts to improve the situation of those who are, or have been, in contact with our care system. We recognise the well-researched impact of the trauma experienced by children and young people, particularly where this results in a period in care. The experience of care, even where necessary and positive, involves separation from family which in itself can have a lifelong impact; an impact which may include lower levels of resilience, and less robust financial circumstances and available support. As an organisation representing leaders in a profession working with those families and young people, we seek to influence practice and policy to improve the experiences of children and families. Underpinning much of this is the recognition of the importance of combating financial need and the impact of poverty.

In formulating this response, we also recognise the wider context. Recent years have seen a steadily growing gap between ambition, investment, and ability to deliver, resulting in cumulative pressures on staff and those with whom we work. The expression of this context includes staffing shortages, issues with recruitment and increased demand because of both greater levels of need following the covid 19 pandemic, and the plethora of new initiatives and improvements. It is also a context of financial pressures, change and uncertainty which is causing anxiety and

uncertainty for both the public and the workforce. It is critical that this wider context is acknowledged in each new initiative, with attention to ensuring the simplest, most effective and implementable approach.

Social Work Scotland have appreciated inclusion in earlier considerations which have informed this consultation and look forward to ongoing engagement as the work is refined.

The reflections within this response are drawn from consultation with our membership which covers senior leaders, including Chief Social Work Officers, service and team manager from across the country in both local authorities and third sector involved in delivery of services to children and adults. We have drawn on both recent comments and those related to earlier iterations of the payment.

Please note that Social Work Scotland has also responded to the consultation on the Social Security (Amendment) (Scotland) Bill.

### **Consultation Questions:**

#### **Purpose of the proposed Care Leaver Payment**

The Scottish Government proposes the establishment of a Care Leaver Payment.

The purpose of the payment is to help reduce some of the financial barriers which young people face whilst moving on from care into adulthood and more independent living.

#### **Question 1**

*How well do you think the name of the payment represents its purpose and intention?*

- Name of the payment represents the purpose and intention of the payment
- Name of the payment somewhat represents the purpose and intention of the payment

Name of the payment does not represent the purpose and intention of the payment.

*Please explain your answer and provide any names you think would be more suitable.*

Care Leaver Payment states the intent of the payment. As care leaver is defined in legislation, this removes any ambiguity.

We note that in the Social Security Bill the term used is 'care experience' while in the policy memorandum it refers to the care leaver and the experiences of young people leaving the care system and moving into independence. Care in terminology to ensure that the terms are accurately used to avoid confusion and challenge is advised - the term care experience could result in challenge from a wide and diverse group of individuals as it describes all those with experience of care e.g. those still in the care system, those who were in the care system but are now in permanent placement via an Adoption or Kinship Care Order, as well as those who have returned home, or are adults who were in care as children.

## **Question 2**

*Do you think the payment can fulfil the purpose set out above?*

Yes

No

Unsure

*Please explain your answer*

The importance of support to assist care leavers as they move in to the adult world is well acknowledged, and as a result already enshrined in the Children and Young People (Scotland) Act 2014. All young people need emotional support to manage that transition, and for care leavers that need is often greater and exacerbated by financial uncertainty.

In this context, the care leaver payment is welcomed as an additional opportunity to reduce vulnerability. Management of money however is a challenge for many

young people and provision of a significant sum makes that challenge greater. Factors which can feature in a care leaver's circumstance such as loneliness and a desire to belong, also make them more vulnerable to inappropriate decision making and financial exploitation.

Young people are allowed to make mistakes, and critical to whether the money will achieve its intent therefore is the support available around the money, including how they are helped to manage this alongside other forms of support being provided e.g. funding from local authorities for 'set up' costs, or other assistance.

### **Payment amount and processes**

Previous commitments made by the Scottish Government indicated that the Care Experience Grant (now known as the Care Leaver Payment) would be an annual payment of £200 for 10 years.

Based on stakeholder feedback and early user testing, the Scottish Government has revised its approach to the Care Leaver Payment.

The Scottish Government now proposes the Care Leaver Payment is a one-off lump sum payment of £2000.

This change reflects views on the current cost of living and the potential limited impact of yearly payments of £200. It has also been highlighted that it could be challenging to deliver annual payments over 10 years without a re-application process.

### **Question 3**

*What are your views on the revised approach proposed by the Scottish Government?*

*Please share your views.*

Providing a one-off lump sum is more manageable than the previous proposed annual approach. Social Work Scotland were one of a number of voices which expressed concern at the limited impact an annual £200 payment would have and the complexities of managing annual payments over a 10-year timespan. One, more significant payment where available at point of need, has the potential to impact more positively on individual lives, as it can be used for otherwise unfunded but significant costs such as training, work equipment or housing deposit.

#### **Question 4**

*How helpful would a payment of £2000 be at the point of moving on from care?*

- Not at all helpful
- Somewhat helpful
- Helpful
- Very helpful

*Please explain your answer*

Care leavers already receive financial support at point of moving on from care. This varies in nature but usually includes house set up costs, and other essential items. Provision of the care leaver payment at point of leaving care may therefore not be the best time for young people to receive that £2,000 payment. Young people are already financially supported and in touch with services at that stage in their lives. Later in their journey that contact may be less or not happening (sometimes at their own request) but they may face financial need e.g. where seeking to improve their skills with a view to increasing their employment prospects, or clear debt.

Flexibility in when a young person 'draws down' the care leavers payment may therefore be worth exploring, to maximise the impact of the payment, particularly on the wellbeing of the individual care leavers.

### Question 5

*Would it be beneficial for applicants to have a choice in how their payment is made?*

*For example, having the payment made in instalments of smaller amounts over a period of time rather than as a lump sum.*

- x Yes
- No
- Unsure

*Please explain your answer and any suggestions you may have.*

See comments in response to question 4 above. Flexibility around when the payment is provided would be beneficial in achieving the policy intent.

Social Work Scotland would also be supportive of a level of flexibility in allowing the payment to be accessed in instalments - but within parameters, as our comments around the original £200 year payment remain valid. Those parameters should be simple and easily accessible. We suggest options to access the funding in one lump sum at a time of the young person's choosing, or to access one or more £500 sums up to the £2,000 limit at points of their choosing over the 10-year period. Where all the funding has not been accessed at the end of that period it should automatically be paid to the young person. This type of approach will enable the young people to access funding at times of their choice and need.

### Question 6

At what point would it be most helpful for care leavers to receive the payment?

- In preparation of moving on from care
- At the point of moving on from care
- Within one year of moving on from care

- Within 18 months of moving on from care
- x Other

*Please explain your answer and provide any other suggestions you have.*

Please see response to questions 4 and 5 above.

Social Work Scotland are supportive of a flexible approach which allow young people to access the funding at the point of leaving care, or at any point thereafter until they reach the age of 26 years. Restricting the payment to the point of leaving care or 18 months after that point will limit the ability of young people to access the payment at the points most appropriate or relevant to them. This would also particularly disadvantage those who opt in to continuing care. They will have 'left' care between the age of 16 and 18 but may remain in their placement until the age of 21. Provision of the payment after they move on from continuing care will be more beneficial and in keeping with the intent of the funds than receiving it while still in their previous looked after placement.

As noted, for many young people when they move on to their own accommodation set up and other support costs are provided by the local authority. Their need for funding may therefore come at a later point in their journey.

## **Impact of the proposed Care Leaver Payment**

### **Question 7**

*What might this payment help young people achieve when they are moving on from care?*

*Please share your views.*

Suggestions are contained in earlier answers.

Care leavers often do not have the background support of family, therefore access to a sum of money will in principle make a big difference. However, care is required to ensure that the right conditions and support are provided to avoid this creating additional pressures and risk for some of our young people.

If the flexibility suggested in our response to questions 4 and 5 is employed, we envisage a lump payment being of considerable assistance to care leavers though less so in relation to the initial costs linked to leaving care and more as they progress into adulthood. This is because initial costs are largely covered already by local authorities, but as adult life progresses access to funding could enable young people to improve employment opportunities, fund activities and generally increase the conditions which improve wellbeing and life chances. What this looks like will vary from one young person to the next.

### **Question 8**

*Do you think this payment could have any negative impact on young people leaving care?*

*Please share your views.*

Money management is a complex skill, and for some young people, access to a significant sum increases the potential for risk and challenge. Mitigation consideration should be given and particularly where:

- Young people have specific vulnerabilities eg they have learning disabilities, or struggle with mental health issues,
- Where there is evidence or concern about financial exploitation by wider family, friends, or associates.

Consideration should also be given to what generic supports should be available to assist care leavers with money management.

Crucial to how young people will be supported is the balance between being able to spend the funding as they wish, and how any protective intervention is managed.



## Eligibility criteria for applicants

The Scottish Government proposes that people leaving care from the age of 16 will be eligible to apply for the payment if they are looked after by a local authority in Scotland at the point of moving on from care.

The care settings and placement types which would be considered eligible include:

- foster care
- residential care
- formal kinship care
- informal kinship care where a Kinship Care Order is in place (as per section 72 of the Children and Young People (Scotland) Act 2014)
- secure care, and
- those in receipt of Continuing Care, which is where a young person born after 1 April 1999 who is looked after in foster, kinship or residential care is eligible to remain in their current care placement until they turn 21.

### Question 9

*What are your views on the proposed eligibility criteria for applicants of the payment?*

*Please explain your answer*

*'People leaving care from the age of 16 will be eligible to apply for the payment if they are looked after by a local authority in Scotland at the point of moving on from care.'*

While this statement advises that only those looked after away from home will be eligible, the list of care settings following the statement indicates that the payment will be relevant also to some non-looked after children. Clarity in the overarching statement would be welcomed.

We strongly suggest that rather than defining eligibility by care setting, a simple 'previously looked after away from home' definition along with the age threshold would suffice. The inclusion of continuing care is unnecessary and may create confusion –

young people in continuing care are not looked after, but all will have been looked after on their 16<sup>th</sup> birthday and therefore 'left' care on or after their 16<sup>th</sup> birthday.

Children subject to informal kinship care via a Kinship Care Order are also not looked after, and we question why the payment would apply to this group. Social Work Scotland would not be supportive of including those children subject to a KCO, as extending eligibility in this way to one group of non-looked after children will create additional complexities and anomalies. This is because:

- It treats one non looked after legal order as if the child to whom it applies was looked after but does do the same for other similar groups.
- As a KCO lasts until a child is aged 16 years, those subject to a KCO would be eligible even though they have not 'left' their placement and are therefore not facing the challenges of independence.
- It extends eligibility to some children who have never been looked after or care experienced but who are subject to a KCO.
- It creates inconsistency by excluding many children in similar circumstances but subject to other legal orders e.g. children who have been adopted but were looked after before the adoption order was granted.
- It creates an equity issue by giving those subject to a KCO rights of access to funding not available to looked after children who left the care system before their 16<sup>th</sup> birthday.

Fundamentally it creates inconsistencies by muddying the definition of care leaver which in the Children and Young Person (Scotland) Act 2014 is set out within the guidance for Part 10; *'a care leaver is a young person who **ceased to be looked after** on, or at any time after, their sixteenth birthday'*.

Social Work Scotland has been involved with Scottish Government in finding ways of mitigating the unintended implications of other legislation and guidance relevant to kinship care. We would caution against creating more complexities, and support keeping to the clear legislative definition of care leaver for the purposes of the Care Leaver Payment.

If equity across other previously looked after and looked after children is a priority a definition of 'previously looked after' without the age condition would be required. This would widen eligibility and result in significant additional funding. We suggest that it would also reduce the policy intent of focusing on meeting the evidenced needs amongst those leaving care at point of entering adulthood, and would require a reconsideration of the name of the payment to avoid legal confusion.

We recognise the particular needs of children who left care prior to their 16<sup>th</sup> birthday, and particularly those in adoptive and kinship families. Our SWS position does not minimise those needs, or the importance of ongoing support.

### **Question 10**

*Is there anything else you think the Scottish Government should take into consideration related to eligibility criteria for the Care Leaver Payment?*

*Please share your views.*

Please see our comments in relation to question 9 above, particularly in relation to the inclusion in the definition of eligibility of children subject to a Kinship Care Order and the inequities and anomalies this will lead to.

The simpler the definition is to understand the greater the likelihood that it will meet its objective, and that young people will be supported to access the funding.

We would therefore reiterate the views outlined in question 9:

- A simplification of the definition to 'previously looked after away from home' and 'left care on or after 16<sup>th</sup> birthday'.
- Related to this, the removal of children subject to informal kinship care via a Kinship Care Order
- A focus on the legal definition of a care leaver to avoid the inequities and anomalies extension of definition would create.

The alternative is an eligibility criteria which aligns to that of the care experienced bursary and opens access to anyone with care experience, regardless of the age at which they

left the care system. This would broaden access to the funding to a significantly larger group – though not all those subject to a KCO. It would however, also dilute the policy objective to help reduce some of the financial barriers which young people face whilst ‘moving on from care into adulthood and more independent living’. Many of those eligible in this wider definition would not be facing the challenges of moving from care into independent living having left care many years previously.

### **Age requirements for applicants**

The Scottish Government proposes that young people moving on from care, aged 16 to 25, will be eligible to apply for and receive the payment.

The reasoning for the age range proposed is that it will include the cohort of young people with care experience that the Scottish Government thinks should receive a Care Leaver Payment. This age range includes individuals leaving care from the age of 16 and individuals potentially in receipt of Aftercare support, which care leavers are eligible to access until they reach their 26<sup>th</sup> birthday.

### **Question 11**

*What are your views on the proposed age requirements for applicants of the payment?*

*Please explain your answer.*

Aftercare support is currently available to young people up to the age of 26 years. Aligning the payment with this definition is sensible. It also covers the period where young people are most likely to be accessing aftercare support and therefore able to be assisted in managing the payment..

To underline our point in question 10, the age criteria is an important aspect of the policy.

## **Income requirements for applicants**

The Scottish Government proposes that an individual's income should not impact their eligibility for the payment.

The Scottish Government also proposes that the receipt of this payment should not negatively impact an individual's entitlement to other support.

### **Question 12**

*What are your views on an applicant's income impacting their eligibility for the payment?*

*Please explain your answer.*

If the Care Leavers Payment is about acknowledging the additional challenges that care leavers face and seeks to mitigate some of the financial barriers and ease the move into adulthood, then the payment should not impact on an individual's entitlement to other support, be that financial/benefits, emotional or practical.

### **Question 13**

*What are your views on this payment impacting an individual's entitlement to other support?*

*Please explain your answer.*

As in our answer to question 12 above, accessing the Care Leavers Payment should not impact on other support a care leaver may receive as part of an aftercare or any other package of support.

There may also be specific situations where payment of a lump sum will impact on other areas e.g. unaccompanied asylum-seeking young people who have left care and receive the payment and whose asylum case is in process would as a result, be above the legal aid limit. The importance of flexibility noted in our response to questions 4-6 is, in those situations, critical in ensuring that the policy intent is met and those who are perhaps amongst the most vulnerable are not disadvantaged by a payment intended to assist them. Consideration of an exceptions clause may be useful to cover such scenarios.

## The application process

The Scottish Government is considering which body or organisation could deliver the proposed Care Leaver Payment. To help inform this decision, consideration is being given to how the application process and receipt of the payment will be experienced by applicants.

### Question 14

*What should the experience of applying for and receiving the proposed Care Leaver Payment look and feel like for applicants?*

*Please share your views.*

The views of care leavers should inform how the payment is made and by which organisation.

From discussion with our Members, who include those working in this area, aspects which are important were highlighted as:

- Simplicity of process
- Avoidance of unnecessary barriers e.g. limited forms of ID, access only via an online platform (many YP may not have access to a computer)
- Use familiar agencies/routes e.g. Social Security Scotland
- Minimise reliance on accessing social work files/information.
- Include a simple method of local authorities providing care leavers with confirmation of their care leaver status as is the case for the care experienced grant for further and higher education.

Members are of the view that local authorities are not good income maintenance bodies – their systems are not set up for that purpose, but to provide social work care and support. The view of SWS is that citing the Care Leavers Payment in an organisation set up for the purpose of income maintenance will provide a smoother and more accessible system. As care leavers are likely to be already familiar with benefits agencies, citing it with Social Security Scotland is supported.

### **Support to apply for the payment**

The Scottish Government proposes that support is provided to those who require it when applying for the payment.

#### **Question 15**

*Do you think young people should have support to apply for the payment?*

- x Yes (if they wish this)
- No
- Unsure

#### **Question 16**

*What support might a young person need when applying for the payment?*

*Please share your views.*

Again, the views of care leavers will inform the answer to this question.

Our members note that young people need and ask for different levels of support depending on their circumstances and experiences. As a result, a range of support should be available. Some care leavers will want help to access the funds, decide what is best for them, and support around spending of the money from a trusted social worker,

previous carer or aftercare worker; other young people will not wish any contact with their social worker or aftercare worker and would want help from the paying agency, CAB or other agencies not linked to the care system; still others may want support from their previous foster carer or residential house.

### **Question 17**

*How should this support be provided?*

*Please share your views.*

See above.

### **Support for those who have received a payment.**

The Scottish Government is considering what further support, such as financial management support, may be required for those who receive the payment.

### **Question 18**

*What support might a young person need once they have received the payment?*

*Please share your views.*

As already noted, all young people need assistance to learn how to manage and prioritise money and spending. Care leavers are no different but may have additional factors to deal with. Support to manage money is therefore important if the goal of the Care Leaver Payment is to be realised.

Such support is often as much emotional as practical and may appropriately come from any of those listed in question 17 above, or community organisations.

### **Question 19**



*How should this support be provided?*

*Please share your views.*

See response to question 18

### **Awareness and publicity**

The Scottish Government wants to ensure that as many people as possible who may be eligible for the payment know about it and have the opportunity to apply.

In order this information is widely shared and understood, we will use a variety of methods of communication including but not limited to:

- public awareness campaigns
- social media
- community hubs
- healthcare practices
- educational establishments, and
- key workers in the lives of children, young people and their families.

### **Question 20**

*Are there any other communication channels you think we should consider which have not been set out above?*

*Please share your views.*

Many and diverse communication channels are important, to ensure knowledge is as wide as possible and to account for the differing needs and wishes of the young people involved. Social media, press, and written material on an ongoing basis is required.

In addition to those listed, we would add:

- Benefits, money advice and debt support agencies
- CAB, CPAG and related groups and charities
- Third sector groups working with young people and young adults

- Employment support agencies
- Cosla
- Local Authority Chief Executives, Health Board Chief Officers, HSCP Chief Officers, Chief Social Work Officers, Education providers
- Local authority GIRFEC, Aftercare and Promise leads
- Advocacy services
- ADES, and Education Scotland

### **Future consideration of financial assistance for people with care experience**

Legislation is required to deliver the proposed Care Leaver Payment. A provision has been included in the Social Security (Amendment) (Scotland) Bill which will allow Scottish Ministers to provide financial assistance to people with experience of the care system. The proposed Care Leaver Payment would be delivered using this legislation.

A further consultation will be conducted on the details of the payment and its administration in advance of the power in the Social Security (Amendment) (Scotland) Bill being exercised.

#### **Question 21**

*Is there anything else you think the Scottish Government should consider in the development and delivery of the payment?*

*Please share your views.*

The lives of young people can be chaotic, and the payment should therefore be easy to administer and simple to access.

#### **Question 22**

*What other financial assistance might those with care experience benefit from in the future?*

*Please share your views.*

There is an important distinction between care experience and care leaver. As noted, care leaver has a specific legal definition relating to those 16 and over who leave 'care'; care experienced is wider covering those who are still 'in care' – looked after at home or away from home - as well as all those who are no longer in care but have experience at some point in their life of the care system. There is not agreed legal definition of care experience.

The needs of young people both in the care system and who have left the care system vary significantly, as do the supports which may assist them. The Promise outlines this diversity clearly, and many care settings and processes are set up to ensure that as young people grow and develop, their skills to manage life and finance are expanded.

Some young people will also find an identity in the term care experienced which is helpful, others wish to identify in other ways and access practical, emotional and financial support through 'normal' non stigmatising channels.

If further consideration is being given to additional supports for care experienced individuals including care leavers, we suggest speaking with a wide range of those in that situation, alongside those working with those young people to inform the discussion and any subsequent decision making. It is likely that wide and general awareness across organisations familiar with the intricacies of the care system and needs of those who have experienced care, as well as general community supports and charities less familiar will be required.

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