Leaving Care Finance Policy

Policy Owner: Head of Service: Children Looked After and Leaving Care

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Contents

1. Introduction

Each local authority has a statutory duty to publish a "Local Offer" for Care Leavers which explains what services and support is available to those with care experience.

Somerset's Local Offer can be found here: [Somerset Leaving Care Local Offer – Local Offer (somersetcareleavers.org.uk)]

This policy outlines the arrangements that Somerset Council has in place to meet our duties and responsibilities for young people in preparation for leaving care, and once they have left care, and complements the published offer.

2. Eligible Care Leavers in residential or foster placements

For children and young people looked after, there needs to be an early emphasis on promoting the development of financial literacy and financial capability skills. Pocket money and identified allowances, e.g. for leisure and clothing, can be used whilst the young person is in foster or residential care to help develop these skills. This should be considered for all young people as early as possible and at the latest from the age of 15 onwards.

As a move to more independent accommodation approaches, further use of allowances for food, mobile phones, toiletries etc. should also be encouraged. Young people, foster carer/s, residential workers and, where appropriate, family members should be encouraged to think ahead and collect items that can be put away and saved ready for when the young person sets up their own home.

. This should be promoted through Child Looked After and Pathway Plan reviews.

When leaving a care setting, all young people should have the essential items they need including:

- Suitcase, day bag, school/college/work bag
- Coats / jackets / footwear to cover all seasons in sufficient quantity for 1 week
- At least 1 smart outfit (interviews / special occasions)
- Clothing & equipment appropriate for hobbies / interests
- Enough toiletries to cover at least 2 weeks post leaving
- Mobile phone
- Some means of accessing the internet

If for any reason a young person does not have these items, the child's social worker and leaving care worker should work together to support the young person to get these items before the young person moves on.

Saving should be encouraged and where young people have saved and collected items in preparation for independent living, they are entitled to their full allowances.

The Share Foundation runs the Child Trust Fund and Junior ISA schemes for children and young people in care (for at least 52 weeks) on behalf of the Department of Education. This should be considered as a place to collect savings; this account can be accessed at 16 years old. For more information visit: The Share Foundation

Financial arrangements for Care Leavers, who have remained with their ex-foster carers under a Staying Put arrangement, are outlined in the Staying Put Policy and will be included in their *Staying Put Arrangement - Living Together Agreement*.

3. Allowances for Eligible and Former Relevant Care Leavers in supported or independent settings and Relevant Care Leavers

3.1 Living Allowances 16- and 17-year-olds

If a young person is not in work, a 'personal allowance' is paid weekly. From this, a young person is expected to meet all personal costs such as utilities, food, clothes, travel, leisure etc. Where young people are living in supported accommodation contributions are required for utilities and, where applicable, food. The amount and arrangements will depend on the type of accommodation and the young person's situation. This amount may be deducted at source, or the young person may give the necessary amount to the provider. This decision will be made between the young person, the allocated worker, their manager and the Leaving Care Team Leader.

Initially young people will be paid weekly, but as the young person develops financial capability, usually by the age of 17 and a half, allowances may be paid fortnightly, in preparation for transferring to the benefits system at 18. The timing of this will be agreed between the Leaving Care Worker and Leaving Care Team Leader.

Where possible, allowances will be paid directly into the young person's bank account. In some circumstances, particularly for those not engaged in education, training or employment, an arrangement may be made to collect their allowances at the same time as attending for a meeting with Leaving Care staff. In some circumstances young people may need assistance with managing their money and allowances may be split to require more frequent collection. In exceptional circumstances the Leaving Care Worker may need to shop for provisions with the young person or provide allowances 'in kind' instead of providing cash.

Allowances cannot be accrued for more than 2 weeks and paid as a lump sum at a later date, unless discussed in advance and agreed by the Leaving Care Team Leader.

3.3 Care leavers 18 years and over

Care leavers who are not in employment are eligible for several means tested welfare benefits via Job Centre Plus. This applies when people are in education, and regardless of whether the young person has remained in foster or residential care or is living in supported or independent accommodation. Leaving Care workers will help the young person to make their claims and to maximise their income from these sources. For further information, see https://www.gov.uk/browse/benefits.

There are some young people who will have no recourse to public funds and will not be able to claim welfare benefits due to their immigration status. This will include those young people from the EU with pre-settled status, Asylum Seekers and those with no status to live in the UK. It is important to identify these young people before they are 18 and include in their plan how they will be financially supported after they turn 18.

3.4 Birthday and Festival allowances

The following allowance will usually be paid:

- Birthday allowance age 17/19/20 per annum £65.00
- Birthday allowance age 18 & 21 per annum £80.00
- Festivals allowance e.g. Christmas, Eid or equivalent £65.00

3.5 Setting up home allowance (SUHA)

An allowance is available to pay towards the cost of setting up home and includes the cost of providing the first year's television licence and home contents insurance if that can be arranged. The allowance may be spent in stages and ideally the bulk of it will be spent for setting up the young person's own independent accommodation. The Leaving Care Worker will discuss with the young person the sort of things they can spend the money on, e.g. furniture and household items, assist the young person in balancing cost, value for money and choice, and will make these purchases with the young person. Agreement should be sought from the Leaving Care Team Leader before any items are purchased and in some cases from the Leaving Care Operations Manager depending on value of the item, in line with financial authorisation limits. In exceptional circumstances the Leaving Care

Operations Manager may agree additional setting up home allowance on the recommendation of the Leaving Care Team Leader.

The allowance may be accessed at any time up to the young person's 25th birthday. In exceptional circumstances it can be accessed up to their 27th birthday with the agreement of the Leaving Care Team Leader if they have been living in an environment where they have not been able to set up home prior to their 25th birthday.

3.6 Support to see family or important people in their lives

16 and 17-year-old young people will be funded for transport to visit family, or other important people, as agreed with their Social Worker or Leaving Care Worker, twice a month. If the young person has a need to visit their family more often, or they live outside of Somerset, this will need to be discussed on a case-by-case basis and a decision made by the Leaving Care Team Leader, which will be recorded in the Pathway Plan.

In some circumstances a young person over the age of 18 may be given such assistance as agreed with the Leaving Care Team Leader.

3.7 Driving Lessons

Support will be given to apply to charitable sources for funding to access a course of driving lessons if required.

In some circumstances a contribution can be made by Somerset Council. This decision will be dependent upon need in relation to education, training or employment, and the young person's capacity to partially finance lessons, and obtain and maintain a vehicle safely. A young person's Leaving Care worker will make a request to the Leaving Care Operations Manager to make this decision, outlining need and any risk.

3.8 Clothing

It is expected that young people leave care with adequate clothing and footwear as outlined in 2.0 above. Similarly, for a young person starting to be looked after over the age of 16 and living in supported accommodation, it is expected that they bring equivalent basic provisions with them. If for any reason that is not possible, the Social Worker will arrange for what is necessary to be purchased.

Once living semi-independently or independently, the young person will be expected to budget for replacement clothing from their allowances, benefits or earnings. Only in exceptional circumstances, as agreed by the relevant manager, will clothes/shoes be bought for a young person.

3.9 Identification Documents

All young people need a National Insurance Number from the age of 16, but they do not get issued automatically for children who are looked after. At the age of fifteen and nine months, the Social Worker for the young person should contact the New Registrations Section of the National Insurance Number Office – HMRC to instigate the process of obtaining the National Insurance Number. For detailed guidance, **click here**.

When the letter confirming the National Insurance number is received, the Social Worker should record it on LCS and scan the letter into documents. The original letter should be given back to the young person.

To ensure young people have other documentation to prove their identity, Children's Social Care will pay for the initial purchase of the following documents if the young person doesn't already have them:

- Passport / travel documents
- Provisional driving licence
- Copy birth certificate
- Deed poll to change name legally

3.10 Transition to employment, training, education and benefits income

There may be a need to bridge a financial gap for young people when their primary source of funding changes e.g. when starting work, transferring to benefits or waiting for a student loan. Transitional payments will usually be made to ensure that a young person is not without income. The amount will depend on the circumstances and will be decided on an individual basis by the relevant manager. Details of what has been agreed will be recorded on the child's LCS record.

3.11 Emergency Financial Assistance

Arrangements may be made to assist a care leaver in an emergency. This could involve a small cash payment or payment in kind. If authorised, the cause of the crisis and the details of help provided will be recorded on the child's LCS record.

3.12 Managing debt

In some circumstances it may be appropriate for a young person to borrow money, such as taking out a student loan or a mortgage on a property. However, some care leavers find themselves in unplanned debt or debt that has a negative effect or is out of their control. Leaving Care staff will offer basic advice about all aspects of debt and signpost young people to more specialist advice. On occasions financial assistance may be given where a young person is struggling with debt. This will be decided on an individual basis.

4. Accommodation

4.1 For 16 and 17-year-old care leavers

Somerset Council is responsible for providing or ensuring the provision of accommodation until a young person is 18 years of age. A contribution to the accommodation from the young person's weekly personal allowance is payable for utilities and maintenance as applicable. The amount will vary depending on the type of accommodation the young person is living in.

4.2 Care leavers over 18

Local Authority Children's Social Care do not have primary responsibility for the provision of accommodation for care leavers when they are 18. Young people become eligible for a range of means tested benefits including Housing Benefit. The Leaving Care Worker will help the young person to access any benefits they are entitled to.

If they wish, Somerset care leavers will be supported to register for social housing and if they meet the eligibility criteria will be Gold banded. This will be back dated to the date they became looked after or their 16th birthday if they were in care on that date.

If a young person is working and earning more than the amount to become eligible for Housing Benefit/Universal Credit, and living in supported accommodation, a contribution for rent may be expected, depending on their level of income.

If there is a plan for a young person to continue to live with a foster carer post 18, authorisation must be sought in advance in accordance with the Staying Put Policy. SCC Staying Put Policy.pdf

Somerset Council will support young people to secure accommodation in the private sector including providing a rent guarantor scheme. Further details can be found Social and private landlords – Somerset Leaving Care Local Offer.

Care leavers living in Somerset can get a 100% discount on their Council Tax where they are:

- liable for Council Tax as an occupier in the property for which they are claiming the discount whether or not they live alone;
- below the age of 25; and
- a registered care leaver with Somerset Council or any other relevant local authority within the United Kingdom (and subject to the provision of proof of registration, where required).

Further information and details about how to apply can be accessed here: [Council Tax discounts and exemptions (somerset.gov.uk)]

Where a care leaver is living outside of Somerset they should not be disadvantaged if there is no similar or equivalent scheme where they are living. The care leaver will therefore receive financial support from Somerset Council to cover their council tax bill subject to;

- Checks to ascertain if a care leaver discount/exemption scheme is operating in the area the young person lives in and if care leavers from Somerset would be eligible to apply
- Care leavers making applications under these schemes if applicable and any other discounts such as for a single person, disability etc
- Care leavers providing proof of council tax liability and team leaders checking that bullet points 1 and 2 have been carried out.
- Care leaver being under 21.
- Authorisation by the relevant Operations Manager

If agreed, care leavers will need to provide proof of payment of their council tax monthly. Following receipt of this, a BACS payment will be made to credit the amount of council tax paid.

5. Education for Eligible Care Leavers, Former Relevant and Relevant Care Leavers

5.1 Further and Higher Education

Somerset Council will offer financial support for care leavers through:

- at least one course of further or higher education of their choice until they are 21 years old or;
- until the end of a programme of education or training if that has been previously detailed in the pathway plan.

If not met by a Bursary or charitable funding, costs may be met for:

- Registration and Examination fees.
- Textbooks and equipment specified as essential.
- Activities essential to meet course requirements.
- Public transport between accommodation and course centre if over 3 miles, if they have attended the closest available and appropriate course to their home.
- Transport costs to open days & college interviews.
- Specific clothing, including clothes for interview and essential equipment related to the course.

5.2 Further Education

Care Leavers can claim Universal Credit and Housing Benefit whilst in further education from their 18th birthday and up until the end of the academic year in which they are 21. For young people who cannot access this, either because they are over 21 years or for some other reason, an assessment will be completed and, subject to the outcome of that assessment, personal allowances may be paid. Accommodation may also be provided, or the means to secure it, to a maximum of the relevant Local Housing Allowance rates. These can be found here: Search for Local Housing Allowance rates by postcode or local authority : DirectGov - LHA Rates (voa.gov.uk)

Care leavers are entitled to apply for Bursaries from their chosen educational establishment to help with costs associated with courses.

The 16 to 19 Bursary Fund is money the government has given to local authorities, schools, colleges and other education and training providers (institutions) to give to students. Its purpose is to provide financial support to help students overcome specific barriers to participation, so they can remain in education.

There are 2 types of 16 to 19 bursaries:

- a bursary for students in vulnerable groups including care leavers
- discretionary bursaries that institutions award to meet individual needs. For example, transport, meals, books and equipment

Education institutions are responsible for managing both types of bursaries. The Leaving Care Service will assist young people to make an application. A guide is available on the 16 to 19 Bursary Fund page. There should also be information about applying for the 16 to 19 Bursary Fund on institution websites.

5.3 Higher Education

Tuition Fee Loans and Maintenance Loans for living costs are available to care leavers. Full information can be found here: https://www.gov.uk/student-finance/new-fulltime-students.

In addition, Somerset Council will pay an annual bursary of £2,000 to young people in Higher Education. The Leaving Care Worker will arrange for this to be paid. They will also continue to be paid the education incentive until they are 21 years, or until the end of the programme of education commenced before 21.

If there is a delay in this being paid after term starts, a transitional payment from Somerset Council will be considered until the student grant/loan is available. Arrangements about the reimbursement of this payment will be made on an individual basis and recorded in the Pathway Plan.

Some Universities and Colleges pay Institutional Bursaries and extra bursaries for students who have been in care. The Leaving Care Worker will assist in applying for all these and to charitable organisations for any additional funding.

Further information on what different universities offer can be found on the Propel website ([Propel | Home]).

Somerset Council provides rail warrants for travel to and from university during term time, and the means for transporting a care leaver and their belongings to and from university at the beginning and end of term, if required.

Accommodation (or the money to secure it to a maximum of the relevant Local Housing Allowance rates) will be provided for holidays during the course, except for the time leading up to the first term, or after the last term.

During the holidays, if a return to a previous foster carer is planned, this must be agreed in accordance with the Staying Put Policy. A contribution to the carer by the young person for food and utilities is expected.

5.4 Educational Incentives

An incentive for those in continuing education will be paid during term times for those under 21 years, or until the end of the programme of education commenced before 21, to help with incidental and day to day additional expenditure associated with their education as follows:

15 hours or over	£30 per week
Fewer hours	£2 per hour

For full time courses, to qualify for the full payment, a young person must achieve 80% attendance. If attendance is less than that, the amount of incentive paid will be reduced accordingly. For part time courses, if attendance is less than 80%, the young person will receive an incentive at £1.00 per hour for attendance.

The exception to this is if the young person is prevented from attending due to ill health. If this is the case the incentive can continue for up to 3 weeks. The young person will need to certify themselves as unwell for the first week and seek a certificate from a GP for the remaining 2 weeks. The level of payment will be based on the previous term's attendance level.

These arrangements will continue until the end of the course of study they are undertaking, even if that continues beyond their 21st birthday.

If the young person is eligible for incentive payments, they will continue based on their engagement with their studies. Their leaving care worker will agree with them how this is going to be confirmed on a termly basis.

5.5 Unpaid work experience, voluntary work and positive employability related activities

Incentives and other related costs for those engaged in these activities may be paid and will be at the same rate as those in education. This will be agreed on a case-by-case basis by the relevant manager. They will not be paid if being undertaken as part of a Job Centre Plus Agreement or as an order in force because of criminal activity.

5.6 Care leavers over the age of 21 who are returning to education or starting new courses

Young people previously eligible for Leaving Care services, who wish to resume, or start another programme of education or training, after the age of 21, are entitled to request support. Their Leaving Care worker will inform them as they approach the age of 21 and it will have been referred to in their last Pathway Plan prior to 21 years.

Support can be available for as long as the young person continues the agreed education or training programme, even if this goes beyond their 25th birthday.

Programmes might include:

- completion of a basic skills course, so that the young person has the numeracy and literacy skills needed to compete in the jobs market
- take up of a course of further education
- take up of a university place
- support to enable the young person to complete a recognised postgraduate qualification or
- participation in vocational training and apprenticeships

Where a care leaver requests this support, an assessment will be carried out by the Leaving Care team who may seek assistance from more specialist colleagues. The assessment will focus on the appropriateness of the education or training course for the young person given their level of ability, the purpose of undertaking the course and how it will help them to find employment in the future. It will draw on information about the young person's skills and capabilities, previous support given and the extent to which the young person made use of that, which will have been set out in Pathway Plans up to age 21.

The extent of practical and financial assistance provided will depend on the young person's needs and will reflect the type of course, whether it is full, or part time and an assessment of the young person's existing income will also be carried out. Advice will be given on sources of funding available from bursaries, grants and charitable organisations.

The maximum payable for living allowances will be the equivalent of the personal allowance, and accommodation costs at the relevant Housing Allowance rate. Additional costs to support the course of study could include funding for essential clothing, books or course equipment, travel, childcare etc. Incentives, festival and birthday allowances will not apply.

An assessment will be completed to identify the type of support that will be offered and, if agreed, the Pathway Plan will be updated to reflect this. Authorisation will be required from the Operations Manager.

If financial support is given, it will be dependent on attendance at the setting and the Leaving Care Worker will need to verify this with the university or college.

6. Training, Apprenticeships and Employment for Eligible Care Leavers, Former Relevant and Relevant Care Leavers.

6.1 Top up payments for Eligible Care Leavers in supported or independent settings, Former Relevant and Relevant Care Leavers

When in full time employment, training or apprenticeship, if the young person's income falls below the minimum income, Somerset Council may top up to the minimum income. If part-time, a pro-rata figure for the top up may be agreed. Proof of earnings will be needed in these situations.

For young people who need to live in supported accommodation, the relevant managers have the discretion to increase this amount to ensure that there is not a disincentive for them to be engaged in Training, Apprenticeships and Employment.

https://www.support-for-care-leavers.education.gov.uk/en/money-and-benefits

6.2 Work based Training, Apprenticeships and Employment

All care leavers will be supported through at least one move into the employment of their choice.

Costs may be met by Somerset Council for:

- Suitable clothes for interview purposes
- Transport costs to interviews
- Specific clothing/uniform
- Start-up equipment, including health and safety equipment
- Transitional payments where there is a gap between benefits and receipt of first salary or wage
- Service charges in supported accommodation if it is agreed by the relevant manager that this type of accommodation is in the young person's best interests

Care leavers who start an apprenticeship aged between 16 and 24 years will receive a government bursary payment for the first year of their apprenticeship via their training provider. For more information about Apprenticeship funding see: https://www.gov.uk/government/publications/apprenticeship-funding

6.3 Incentives

An incentive will be paid for care leavers under 21 years undertaking an apprenticeship, if they are paid on or below the national minimum wage for apprenticeships, to help cover the additional expenditure associated with their education or training as follows:

- 15 hours or over £30 per week
- Fewer hours £2.00 per hour

Details of national minimum wage can be found here: National Minimum Wage and National Living Wage rates - GOV.UK (www.gov.uk). The same expectations apply regarding attendance, details regarding this are found in 5.4.

7. Health & Wellbeing

7.1 Health costs

Care leavers under the age of 19 and in full time education will generally be exempt from most National Health Service health charges. For others they may claim assistance via the National Health Service Low Income Scheme. NHS Low Income Scheme | NHSBSA.

Lone Parents and Sick and Disabled young people in receipt of Universal Credit will be exempt from National Health Service prescriptions, dental and sight tests charges.

Full details of the help available is in HC11 (V24) 05.2024.pdf: ‘Help with health costs’.

Requests from young people for assistance over and above the basic provided by the above will be considered on a case-by-case basis e.g. if there is a need for a young person to have glasses frames due to their employment or training rather than the basic minimum, or they need complex orthodontic treatment which is not covered by benefits.

7.2 Emotional wellbeing, counselling or therapeutic needs

For young people under the age of 18 who require mental health support from the Child and Adolescent Mental Health Service, contact should be made via the single point of access Single Point of Access (SPA) - CAMHS.

The Somerset Emotional Health and Well-being Team can provide consultation for the professional team around young people and may be able to provide direct support to the young people. There are also other commissioned services free for care leavers including Somerset Counselling Centre and Somerset Activity and Sports Partnership.

For those over 18, the young person would need to be referred to their GP and Adult Mental Health services.

In exceptional circumstances, and when neither NHS services nor the specifically commissioned services are available, it may be appropriate for funding to be agreed by the Operations Manager.

Requests for finance to cover travel to appointments or for any other related cost will be considered on a case-by-case basis.

8. Specific groups of Eligible and Former Relevant Care Leavers and Relevant Care Leavers and those with additional or specific needs

8.1 Care leavers who are parents

8.1.1 Living Costs

A pregnant 16 or 17 year old young woman, unless in foster care, will continue to receive their personal allowance and will have access to the Healthy Start scheme (Get help to buy food and milk (Healthy Start) until her baby is born. Thereafter she, if a lone parent, is entitled to Child Tax Credit and Child Benefit, although not housing benefits. This applies regardless of the young person's care status, i.e. on a Care Order, subject to Section 20 or discharged from Section 20. The Leaving Care Worker will assist in making these claims at the appropriate time with the Under 18s Benefits Advisor. Benefits received will replace the Leaving Care Personal allowance. Further information is available from: Benefits available during pregnancy – background information.

8.1.2 Maternity Grant

Care Leavers on benefits or a low income may be entitled to a Sure Start Maternity Grant to purchase what is needed for their baby. Further information is available from: Sure Start Maternity Grant.

8.1.3 Childcare Costs

There is help available towards the costs of childcare. If the young person is under the age of 20, Care to Learn could pay towards the young person's childcare and travel costs while they are learning.

If the young person is aged 20 or over and studying at a school sixth form or sixth form college, they could get help with their childcare costs while they are studying.

More information can be found at: Help paying for childcare: Help with childcare while you study.

If the young person is not in education, they may be entitled to support for childcare through other government run schemes.
More information can be found at: Help paying for childcare: Childcare you can get help paying for.

8.1.4 Cold weather payments

Care leavers may be able to get help with heating costs during cold weather. Further information is available here: An introduction to Cold Weather Payments (publishing.service.gov.uk).

8.2 Care leavers who are disabled

16- and 17-year-old care leavers who meet the sick and/or disabled criteria may be able to claim limited capability to work and work-related activity based Universal Credit and Personal Independent Payments. Further information is available here: Health conditions, disability and Universal Credit: Overview.

However, they cannot claim Housing Benefit or Housing costs through Universal Credit.

Information about Personal Independence Payment is available at https://www.gov.uk/pip/what-youll-get or from the Personal Independence Payment enquiry line 0800 121 4433.

For 16- and 17-year-olds, full costs of supported accommodation will be paid for, and the support element of Personal Independence Payment awarded will not be considered. The young person will be encouraged to use the money to aid their life opportunities. The mobility part of Personal Independence Payment however will be considered when awarding travel payments/tickets.

Where a young person over 18 is living in supported accommodation because of their additional needs, but the support element is not funded by Adult Social Care, the young person will be expected to contribute towards their support from the support element of Personal Independence Payments.

Similarly, the mobility part of their Personal Independence Payment will be considered when awarding travel payments/tickets.

8.3 Care leavers in custody

Young people aged 16 and 17 in custodial settings will not receive full personal allowances but will be paid £20 per month. This is because they will not have the usual expenses of living in the community and there are usually opportunities for the young person to earn some money. If this is not the case, exceptions can be made with the agreement of the relevant manager. Festival allowance will continue to be paid. Transport from custody will be arranged or paid for and any immediate needs on release assessed and planned for through resettlement planning with the Youth Justice Service.

If a young person is over 18, an individual decision will be made to consider if they are able to earn money through working or have family/friends providing support.

8.4 Unaccompanied asylum-seeking young people

16 and 17-year-old unaccompanied asylum-seeking young people living in supported accommodation will receive funding from Somerset Council as for all care leavers.

From the age of 18, former relevant care leavers who have been granted leave to remain in the UK can work, claim means tested benefits, and have rights to public housing. Where an outcome from their asylum claim has yet to be decided, Somerset Council will continue to pay a personal allowance or provide support in kind until a decision is made.

Where young people have not yet received an outcome to their asylum claim, have limited leave to remain (usually Discretionary Leave), or are appealing an adverse decision, Somerset Council will consider funding education courses that finish in the academic year prior to their status expiring. This will enable young people to complete courses and gain qualifications which they can use on returning to their country of origin.

Some young people are “unlawfully present in the UK”. They can generally only be supported to the extent necessary to avoid a breach of their human rights (under the European Convention of Human Rights). This includes those who:

- have been refused asylum and have not applied for an extension of further Discretionary Leave to remain
- have applied for an extension, but that application and any appeal has been rejected.

In these circumstances, a Human Rights Assessment should be completed to ascertain if Leaving Care support should continue. As a rule, the person will not usually be able to show that support should continue solely because they have no other means of assistance and would be made destitute if it is stopped. This is because they could avoid that by leaving the United Kingdom.

Examples that could demonstrate that support should continue for human rights reasons might be:

- The person is taking all reasonable steps to leave the UK but is unable to do so immediately e.g. because they are waiting for the required travel documents from the national embassy
- The person is temporarily unable to leave the UK because they are too sick to travel

- The person is awaiting the outcome of judicial review proceedings in the higher courts in relation to his/her asylum claim

8.5 16 or 17-year-old young people who return home

On returning home, the young person's parent/s can claim all benefits and tax credits if their child is under statutory school leaving age or, if over that age, undertaking full time education or training. The parent will be expected to make the relevant claims and provide financial support for their child. Also, parents who are in work and earning over the tax credit limit will be expected to support the young person.

However, if the parents cannot access benefits/tax credits and can produce evidence of an application that has been refused and the young person is under statutory school leaving age, the relevant manager will decide whether to offer any financial assistance.

For those over statutory school age, similarly all benefits should be claimed and if they cannot be accessed a personal allowance may be paid to the young person. The relevant manager will make that decision. The remainder of the range of Leaving Care allowances, setting up home allowance, festival payments and incentives etc. will not apply, except for essential requirements in relation to Education Training or Employment.

The amount payable will be decided on an individual basis and be recorded in the Pathway Plan.

If a return home is unsuccessful and the young person reverts to eligible or relevant status, they would be treated financially as any other care leaver.

8.6 16- and 17-year-old care leavers who live with an extended family member or other person known to them.

There will be circumstances where the most appropriate place for a young person to live is with a person connected to them, but who does not have parental responsibility. If the young person is looked after, i.e. either on a Care Order or accommodated under Section 20, the connected person will need to be assessed in accordance with fostering regulations and will receive a fostering payment if approved. Any exceptions to this would need to be carefully considered and agreed by the relevant senior manager.

8.7 Young people in receipt of Criminal Injuries Compensation Authority (CICA) payment

Young people will be assisted to seek independent financial advice regarding the use of their award and how, for example, by establishing a Discretionary Trust Fund, they may retain entitlement to means tested benefits. A Criminal Injuries Compensation Authority payment is disregarded in calculating means tested benefit entitlement for the first 52 weeks after receipt of the award. Further information is available here: [Compensation, social security benefits and lump sum payments]

8.8 Young people with other income

If a young person is in regular receipt of an income (for example, from parents/relatives, interest on an inheritance), the first £15 per week of this will not be considered for the purposes of personal allowance payments.

9. Qualifying Care Leavers

Qualifying Care Leavers are entitled to an assessment about what advice, guidance and assistance they need. This can include financial support and could be provided until the young person reaches the age of 21, or 25 where they are engaged in education or training. The details of the support will depend on assessed need, so decisions will be made on a case-by-case basis.

Leaving Care staff will aim to maintain contact with qualifying young people on a regular basis, at a minimum of 6 monthly, to establish whether they may need assistance. At any time, qualifying care leavers may contact the department by telephoning Somerset Direct (details below).

10. Somerset Council contact details

A young person, parent or guardian may request assistance by:

Email: generalenquiries@somerset.gov.uk

Write to us:

Somerset Council, County Hall, Taunton, Somerset, TA1 4DY

Telephone:
0300 1232224

Phone lines are open from 8am to 6pm Monday to Friday and from 9am to 4pm on Saturdays. Inbound and outbound calls may be recorded for training or quality purposes.

The link below can be used to make any complaints, comments or compliments:
Complaints, comments and compliments (somerset.gov.uk)