

# Children's Services

## Transition to Adulthood (Leaving Care) Financial Policy & Guidance 2016 – 2017

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## Notes and Implementation Issues

- 1. All allowances should be based on an assessment of need and be set out in the young person's Pathway Plan. The Plan must also highlight any attached conditions, how payments will be made, the frequency of payments, when they will be reviewed and when they will cease.**
2. By the age of 16 all young people (with some exceptions for UASC) should have a National Insurance Number and relevant identity documents with photographic evidence to ensure they can register for housing, bank accounts and claim welfare benefits.
3. All young people should, where possible, have a bank account by the age of 16 at the latest and where appropriate all allowances should be paid to young people through their account.
4. The allowances contained in section one of the Leaving Care Finance Policy apply to young people aged 16 & 17 who are looked after and/or deemed Eligible and Relevant and who are living in semi-independent placements and independent accommodation which is not registered under the Care Standards Act 2000 and therefore not inspected by Ofsted. The allowances contained in section two and three apply to all Former Relevant Children and the allowances in section four apply to all Eligible, Relevant and Former Relevant Children.
5. Depending on an assessment of need, Qualifying Children may be entitled to the same level of support as Eligible, Relevant and Former Relevant Children.
6. Young people (aged 16 & 17) living in fostering or residential placements will be covered by the allowances set out in the financial policy applying to foster care and residential care.
7. It is a requirement that allowances are index-linked, reviewed annually and are aligned with current welfare benefit rises.
8. Certain groups of children looked after and care leavers aged 16 & 17 are eligible to claim welfare benefits (lone parents and sick and disabled young people). Where young people are eligible to claim, support should be provided to maximise their benefit income. Where young people aged 16 & 17 are in receipt of welfare benefits a number of the leaving care allowances cease.
9. Looked after children and care leavers who are also unaccompanied asylum seeking children are entitled to the same allowances as any other looked after child or care leaver. However, allowances to this group of young people may be affected and limited as a result of their immigration status.
10. The allowances set out in the following sections apply to all young people who are deemed Eligible, Relevant and Former Relevant and are dependent on an assessment of need and their legal and immigration status. All allowances can

also be applied to Qualifying Children, subject to a full assessment of their circumstances and needs.

11. Wherever possible, VAT should be reclaimed on all purchases (that are VAT rated). A VAT receipt is required for all purchases made with a purchase card. When purchasing with all other payment methods a receipt with a VAT number is required for items up to £250.00 and a full VAT receipt is required for items over £250.00.
12. The headings used below are taken from the Children (Leaving Care) Act 2000 Guidance and the Planning Transition to Adulthood for Care Leavers Guidance and Regulations 2010.
13. Document Structure:
  - Section 1 – Children Looked After – Eligible and Relevant (and Qualifying) Children aged 16 & 17.
  - Section 2 (A & B) – Former Relevant (and Qualifying Children) aged 18 to 21/25.
  - Section 3 – Eligible, Relevant and Former Relevant (and Qualifying) Children aged 16 to 21/25.
  - Section 4 – Appendices - Categories of Care Leavers, Asylum Seeking Children & Young People, National Insurance Numbers and Leaving Care Finance Chart.

### **Assessing the Provision of Allowances for 16 & 17 Year Olds**

- **Eligible and Relevant Children aged 16 & 17**
- **Children Looked After aged 16 & 17 who have not been looked after for the pre-requisite 13 weeks which is required for a child to be deemed an Eligible or Relevant Children.**

Young people leaving care aged 16 & 17 (with the exception of Qualifying Children – identified in section 24 of the Children Act 1989) are entitled to a weekly Leaving Care Maintenance Allowance, which is paid at three different rates depending on the type of semi-independent placement and whether utility and/or food is provided within the placement.

**All other allowances are based on an assessment of need and will vary between young people.** For example, travel allowances associated with family contact will vary, depending on the location of family and the cost of travel to the specific location.

Birthday, festival and other allowances should not be provided to children placed/living at home where it is assessed that these may create disparities within the family (see appendix B).

The payments and any contributions from the young person noted in the policy may be available to a 16 or 17 year old subject to an assessment of need. Where young people are eligible to claim a means tested benefit certain allowances should cease. The Care/Pathway Plan **must** be used to evidence which allowances will/will not be

provided (and any contribution required from the young person who is working), the level of the allowances and the reasoning behind granting/not granting the allowance.

### **Assessing the Provision of Allowances for 18 to 21/25 Year Olds**

- **Former Relevant Children aged 18 to 21 and in certain circumstances up to 25 and older.**

The majority of young people leaving care aged 18 should be financing themselves through the following:

- a) Employment;
- b) Education allowances;
- c) Welfare benefits.

Following an assessment of need and depending on a young person being engaged in education or training some of the allowances set out in the policy may be provided. The Pathway Plan **must** be used to evidence which allowances will/will not be provided, the level and the reasoning behind granting/not granting the allowance: -

**Allowances covering Eligible, Relevant and Former Relevant Children Aged 16 to 21, or until they cease to be a Former Relevant Child – i.e. they complete the education/ training course being undertaken on their 21<sup>st</sup> birthday.**

### **Setting Up Home Allowance**

Young people can access the Setting Up Home Allowance between the ages of 16 and 21 when they move to semi-independent or independent accommodation. Where a young person moves to semi-independent accommodation it is recommended that a proportion of the allowance is used and when they move to independent accommodation the remainder can be used. The Pathway Plan **must** be used to set out what items a young person needs in the semi-independent or independent accommodation they are moving to, based on the items already contained in the accommodation and the items the young person may already have.

The Setting Up Home Allowance is divided into several components.

- Setting Up Home Allowance
  - TV licence – provided once
  - Household Items – household insurance provided one; remainder provided over a period of time
  - Health and Safety Pack – provided once
  - Setting Up Home Starter Pack – provided once

# Section 1

## Looked After Children and those deemed Eligible and Relevant (Aged 16 and 17) who are living in semi-independent and independent placements.

- Section 31 ‘Care Orders’– Eligible children (and those who have not been looked after for 13 weeks)
- Section 20 ‘Accommodated’ – Eligible children (and those who have not been looked after for 13 weeks)
- Young people previously looked after – Relevant children - Section 23A

Basis and Amount	Conditions and Comments
<p>Accommodation and Placements</p> <p>Where young people are moving into private sector accommodation the rent level must be within the Local Housing Allowance rate for the given area.</p>	<p>Placement and accommodation costs to be met in full for young people up to the age of 18. <b>Where young people are moving into private sector accommodation the rent level must be within the Local Housing Allowance for that area.</b> Any requirement to provide a deposit and rent in advance must be clarified prior to the tenancy agreement being authorised.</p> <p>Since April 2008 Housing Benefit for private sector tenants who rent from a private landlord is calculated using the Local Housing Allowance (LHA) rates. The Rent Officer sets the level of the LHA for the different types of property in each LHA designated area; these are known as Broad Market Rental Areas.</p> <p>Under LHA, payments will generally be made directly to the tenant unless they are particularly ‘vulnerable’. Care leaver status would, in principle, qualify a young person to have his or her LHA paid directly to the landlord. The intention of paying LHA directly to tenants is to encourage responsibility for paying the rent themselves.</p> <p>The current LHA rates will remain frozen until at least April 2020.</p> <p>Maximum weekly Local Housing Allowance rates from 1<sup>st</sup> April 2016 are:</p> <p>Stevenage and North Herts:</p> <ul style="list-style-type: none"> <li>• shared accommodation £72.04</li> <li>• one bedroom accommodation £122.36</li> </ul> <p>South East Herts:</p> <ul style="list-style-type: none"> <li>• shared accommodation £74.79</li> <li>• one bedroom accommodation £146.57</li> </ul> <p>South West Herts:</p> <ul style="list-style-type: none"> <li>• shared accommodation £78.50</li> <li>• bed accommodation £156.00</li> </ul>

	<p>Harlow &amp; Bishop Stortford:</p> <ul style="list-style-type: none"> <li>shared accommodation £68.08</li> <li>one bedroom accommodation £133.32</li> </ul> <p>Current rates for the other LHA areas can be checked via the Rent Service website, or via <a href="http://www.direct.gov.uk">http://www.direct.gov.uk</a> and follow the links to Local Housing Allowance and individual council areas.</p> <p>From April 2011 absolute caps on Local Housing Allowance were introduced for each property size within the private sector, £250.00 per week being the cap for a one bedroom property.</p> <p>For general information about care leavers and the Local Housing Allowance visit: <a href="https://lha-direct.therentservice.gov.uk/Secure/pdfs/TRSHB(LHA)2CL.pdf">https://lha-direct.therentservice.gov.uk/Secure/pdfs/TRSHB(LHA)2CL.pdf</a></p> <p>Young people leaving care living in the private rented accommodation are exempt from the Shared Accommodation Rate (SAR) up to the age of 22; therefore they are eligible to rent accommodation up to the 1 bedroom Local Housing Allowance rate. From their 22<sup>nd</sup> birthday, care leavers will only be eligible for housing benefit up to the shared room rate, but may be eligible for discretionary housing benefit. In exceptional circumstances Children's Services will act as a guarantor for young people following an assessment of need and all other possible guarantors being explored and ruled out. In situations where Children's Services has acted as a guarantor for 16 and 17 year olds, a new tenancy agreement should be produced when the young person reaches their 18<sup>th</sup> birthday. This is particularly important where young people are living in private accommodation. The liability and responsibility for the condition and the cost of the accommodation should be transferred to the young person at 18. Where necessary Children's Services will pay for the new tenancy agreement.</p> <p>When young people move into privately rented accommodation their personal adviser should take digital pictures that show the condition of the property and any items that are included in the rent/inventory. The pictures should be stored and transferred to a CD Rom. Three copies of the CD Rom should be made; one each for the landlord, young person and the young person's file. This will assist with negotiating with the landlord if there are problems regarding the condition of the property and the return of the deposit when the young person leaves the property.</p>
<p>Deposit and Rent in Advance.</p>	<p>Where a young person has access to housing authority or housing association independent accommodation a deposit and rent in advance should not be provided. In exceptional circumstances and depending on an assessment of need a deposit and rent in advance may be considered if a young person would be at risk in housing authority or housing association independent accommodation.</p> <p>Where young people are moving into private accommodation a deposit and rent in advance will be provided if the rent level falls within the given Local Housing Allowance rate for that area.</p>



<p>Deposit and Rent in Advance. <i>Continued</i></p>	<p>Personal Advisers should check if a 'Rent Deposit Scheme' exists in the area the young person is aiming to live and/or what 'Rent Deposit Protect Scheme' the letting agent/landlord uses.</p> <p>In circumstances where Children's Services is providing the deposit, or is providing a bond guarantee, the deposit/bond guarantee should be in the name of Hertfordshire County Council.</p> <p>Many local authority housing departments operate Deposit Guarantee Schemes that offers landlords a legally binding deposit bond in place of a cash deposit. From April 2007, landlords and agents have, by law, had to sign up to one of three Government-backed schemes when they take a deposit. These schemes aim to ensure that letting agents, landlords and tenants have access to independent deposit protection.</p>										
<p>Leaving Care Maintenance Allowance</p> <p>£57.90 per week</p> <p>Leaving Care Maintenance Allowance Supported Accommodation Adjustments</p>	<p>This is provided to young people who are studying, undertaking unpaid training, looking for employment, or taking part in voluntary work. Young people who are undertaking paid training will get the equivalent or a higher allowance from their training provider. In situations where young people are not involved in any education, training, employment or voluntary activity the allowance will be paid at, or in association with meeting his/her social worker, leaving care personal adviser or Connexions worker.</p> <p>Young people who are undertaking low paid employment will continue to receive the Leaving Care Maintenance Allowance until they earn a given threshold.</p> <p>This allowance is provided up to the age of 18 and can be paid via BACS, in cash or in kind, depending on an assessment of need and the requirements and circumstances of individual young people.</p> <p>Sick and disabled young people and lone parents (aged 16 &amp; 17) are able to claim means tested benefits and therefore they do not receive the majority of the 16 &amp; 17 year old leaving care allowances as their welfare benefits cover are provided to cover these areas. The Leaving Care Maintenance Allowance, Clothing Allowance and Leisure Allowance cease for these groups.</p> <p>Where young people are living in semi-independent placements the following LCMA weekly rates will apply depending on the type and level of support/services provided.</p> <table border="1" data-bbox="342 1619 1523 1917"> <tr> <td>Young person is responsible for all utility and food costs</td> <td>£57.90</td> </tr> <tr> <td>Young person is provided with utilities but is responsible for food costs - semi-independent accommodation</td> <td>£47.52</td> </tr> <tr> <td>Young person is provided with utilities and food</td> <td>£37.52</td> </tr> <tr> <td>Young person placed in Emergency Accommodation - Bed and Breakfast, no cooking facilities – Breakfast only</td> <td>£57.90</td> </tr> <tr> <td>Young person placed in Bed and Breakfast with half board – Bed, Breakfast and Evening Meal</td> <td>£37.52</td> </tr> </table>	Young person is responsible for all utility and food costs	£57.90	Young person is provided with utilities but is responsible for food costs - semi-independent accommodation	£47.52	Young person is provided with utilities and food	£37.52	Young person placed in Emergency Accommodation - Bed and Breakfast, no cooking facilities – Breakfast only	£57.90	Young person placed in Bed and Breakfast with half board – Bed, Breakfast and Evening Meal	£37.52
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<p>Savings</p> <p>£5.00 Per Week</p>	<p>Young people are provided with a £5.00 per week savings allowance. This will be saved on behalf of the young person for the first year they are looked after. After the young person has been looked after for a year, the savings will be added to their Junior ISA and all subsequent payments will be added to the ISA on a quarterly basis.</p> <p>As the young person approaches the age of 18, their pathway plan should set out how the ISA will be transferred to the young person.</p>
<p>Lone Parents Entitled to Welfare Benefits</p>	<p>Transfer to Benefits From the Birth of their Baby.</p> <p>Due to having an entitlement to welfare benefits and when the lone parent is in receipt of benefits the Leaving Care Maintenance Allowance, Clothing Allowance and Leisure Allowance will cease. All other allowances remain.</p> <p>See Benefits Guidance</p>
<p>Sick or Disabled Young People Entitled to Welfare Benefits</p>	<p>Transfer to welfare benefits at age 16 or when entitlement to Employment and Support Allowance commences.</p> <p>Due to having an entitlement to welfare benefits and when the young person is in receipt of benefits the Leaving Care Maintenance Allowance, Clothing Allowance and Leisure Allowance will cease. All other allowances remain.</p> <p>See Benefits Guidance</p>
<p>Young People Detained in YOI, STC, SCH or in Hospital</p>	<p>Young people who are remanded and/or detained will be provided with up to a £12.70 per week pocket money allowance and £20.84 per week clothing allowance (2016-2017 Foster Care Rates).</p> <p>Different types of Secure Estate provision have pocket money and clothing allowance remuneration schemes linked to engagement in education, training or positive activities. The provision of leaving care allowances should not create a disincentive for a young person to engage in such activities. At the point of remand, or sentencing/custody the placement planning meeting/planning meeting/review should set out what allowances will be provided by the institution and if these will be topped up by HCC to the levels above. Where no remuneration scheme exists the allowances will be provided by HCC. How the allowances are provided and in what form, should be based on an assessment of need, the rules of the institution and a risk assessment of the young person's situation.</p> <p>On being sentenced allowances continue for Eligible and Relevant Children subject to the remuneration issues above. On being sentenced allowances only continue for Qualifying Children subject to an assessment of need, their parental situation, as well as the remuneration issues set out above.</p> <p>Young people who are detained in a NHS provision, or contracted out NHS service provision will be provided with the above allowances based on an assessment of need and risk, how these are provided should be set out in the individual placement</p>

<p>Young People Detained in YOI, STC, SCH or in Hospital <i>Continued</i></p>	<p>plan and pathway plan.</p> <p>Where family members are in receipt of welfare benefits prison visits and contact can be facilitate by the 'Assisted Prison Visits Scheme' allowances provided by the DWP. Travel costs for family members not in receipt of welfare benefits may be provided following an assessment of need.</p>
<p>Young People Placed with Parents / Living with Parents</p>	<p>Looked after children (Eligible) placed at home under placement with parents regulations and care leavers (Relevant) living at home.</p> <p>If the young person is engaged in education or training the parent should claim child benefit and tax credits.</p> <p>If the young person is not engaged in education or training the parent cannot claim child benefit or tax credits and the young person is not eligible to claim benefits, in which case leaving care funding will apply. Section 31 &amp; Section 23A</p> <p>See Appendix B</p>
<p>Qualifying Children</p>	<p>Dependent on an assessment of need which includes an evaluation of all income, Qualifying Children may be entitled to all allowances.</p>
<p>Contributions from Young People</p>	<p>Contributions</p> <ul style="list-style-type: none"> <li>• When a young person has a net income of £122.50 net or more per week, his/her maintenance allowance will be reduced by 50%.</li> <li>• When a young person has a net income of £142.50 net or more per week, his/her maintenance allowance and clothing and leisure allowance will cease.</li> <li>• When a young person has a net income of £187.50 net or more per week, his/her leaving care maintenance allowance and clothing and leisure allowance will cease and he/she will be expected to make a contribution to the cost of his/her accommodation.</li> </ul> <p>Contributions are undertaken from the principle of assisting with the development of money management and budgeting skills. When young people are making contributions towards the cost of their accommodation, payments should always be made to Children's Services who will then cover the full cost of the accommodation.</p> <p>Leaving Care Maintenance Allowance, pocket money, wages and earnings, Traineeship Allowances, Modern Apprenticeship Allowances and the 16 - 19 Bursary (EMA replacement) count as income.</p> <p>Young people should be issued with a Contributions Notice setting out the following:</p> <ol style="list-style-type: none"> <li>1. The level of reduction of their allowance/s;</li> <li>2. The level of their contribution;</li> <li>3. When the reduction or contribution will commence;</li> <li>4. How the contribution will be collected;</li> <li>5. What the young person can do if their circumstances change;</li> </ol>

Contributions from Young People  
*Continued*

6. What the young person can do if they do not agree with the assessed reduction or contribution.

Contribution equation:

Total income minus: fares, work costs and the cost of lunches. See examples below

Example 1 – No contribution required

Leaving Care Maintenance Allowance	£57.90
16 – 19 Bursary	£40.00
Wages from part time job	£28.00
Total Income	£125.90
minus costs (lunches X 2)	£10.00-
	<b>£115.90</b>

Example 2 – Contribution required

Leaving Care Maintenance Allowance	£57.90	£28.95
Wages from part time job	£93.00	£93.00
Total Income	<b>£150.90</b>	
Minus costs (lunches X 4)	£20.00	
	<b>£130.90</b>	<b>£121.95</b>

Leaving Care Maintenance Allowance reduced by 50%

**LCMA reduced by 50% - net income becomes = £121.95**

In order to monitor incentive payments and other education, training and employment related payments, social workers and personal advisers will need to maintain close liaison with a young person's education, training and employment provider. Additionally, this liaison will ensure a young person receives practical assistance, if, and when required. To facilitate this process young people must sign the 'Agreement to Share Information Form' so that social workers/personal advisers can liaise with the above.

To assist a young person with making a successful transition to employment and managing their wages they will not be expected to make any contributions until they have completed six weeks of employment.

A young person will need to provide proof of income in order that his/her social worker/personal adviser can calculate incentive opportunities and contributions. If proof is not forthcoming it will be assumed that earnings are exceeding £142.50 net per week. In these circumstances the minimum allowance (accommodation costs plus £57.90, or equivalent) will be provided. The £57.90 can be paid via BACS, in cash, in kind or by food parcels. Additionally, all other allowances can be suspended.

<p>Clothing £20.84 per week – actual payment £10.84</p>	<p>£20.84 per week clothing allowance. £10.00 of the Clothing Allowance is contained in the Leaving Care Maintenance Allowance.</p> <p>The clothing allowance can be paid weekly, monthly or quarterly and can be paid directly to the young person or spent by the leaving care social worker/personal adviser in the company of the young person. The arrangements for providing and spending the clothing allowance should be set out in the young person’s pathway plan.</p>
<p>Initial Clothing Allowance  £331.44</p>	<p>In circumstances where young people become looked after and are placed in semi-independent or independent accommodation they will be provided with an initial clothing allowance subject to an assessment of need.</p> <p>The Initial Clothing Allowance is paid in situations where young people become looked after with insufficient clothing for everyday needs. When a young person is first looked after the social worker/personal adviser should make a list of the clothing that the young person has and another list setting out what clothing is required and the cost. The list and costing should be submitted to a manager for approval.</p>
<p>Birthday 17<sup>th</sup> birthday £100.00  18<sup>th</sup> Birthday £100.00 –  Residential Rate</p>	<p>A gift, or gifts, to the value of £100.00 or a contribution towards the cost of celebrations and a smaller value gift. If the allowance is not used to purchase a gift or gifts, it can be provided in the form of a gift card or gift voucher. Only in exceptional circumstances can the £100.00 be given to the young person in cash.</p> <p>The birthday allowance will only be paid to young people who remain in active contact with their social worker or leaving care personal adviser and are engaged in the pathway planning process.</p> <p>This is provided to young people living in a semi-independent or independent setting. Young people living in Foster Care or a Children’s Residential Unit will receive a birthday allowance from that setting.</p>
<p>Christmas/ Festivals  £100.00 at age 16  £100.00 at age 17</p>	<p>A gift, or gifts, to the value of £100.00 or a contribution towards the cost of celebrations and a smaller value gift. If the allowance is not used to purchase a gift or gifts, it can be provided in the form of a gift card or gift voucher. Only in exceptional circumstances can the £100.00 be given to the young person in cash.</p> <p>The Christmas/festival allowance will only be paid to young people who remain in active contact with their social worker or leaving care personal adviser and are engaged in the pathway planning process.</p> <p>Young people who are non-Christians will be given a choice as to when their festival allowance is to be provided. If they do not have a preference, the allowance should be made available at Christmas to ensure that they receive their entitlement. Additionally, they should also be offered the choice of having a proportion of their allowance at their festival of choice and a proportion at Christmas.</p> <p>This is provided to young people living in a semi-independent or independent setting. Young people living in Foster Care or a Children’s Residential Unit will receive a Christmas/festival allowance from that setting.</p>



<p>Key Documents £110.00</p> <p>Up To £218.00</p> <p>£936.00 50% of cost = £468.00</p>	<p>Children’s Services will purchase a passport (including the check and send facility) and 1 birth certificate for each young person.</p> <p>One passport, or passport renewal age 16 to 21, one birth certificate only if the young person does not have the original.</p> <p>Children’s Services will purchase a travel document for Unaccompanied Asylum Seeking Children dependent on an assessment of need (£72.00 or £218.00).</p> <p>The total cost of the nationality and citizenship process for young people who gain citizenship is £936.00 (under 18 year old rate as at 18 March 2016). Children’s Services will contribute 50% of the cost (£468.00); and the young person will be expected to contribute the remaining 50%.</p>
<p>Education, Training and Employment.</p>	<ul style="list-style-type: none"> <li>• Young people who are undertaking full time education courses or unpaid training courses receive the Leaving Care Maintenance Allowance.</li> <li>• Young people who are undertaking a paid traineeship or Apprenticeship will not receive the Leaving Care Maintenance Allowance but will receive the equivalent or a higher allowance from their training provider.</li> <li>• Young people who are working or undertaking voluntary work will continue to receive the Leaving Care Maintenance Allowance until their wage reaches a given threshold.</li> </ul> <p><b>Education and Training</b> Young people who are undertaking an education course or training activity will receive the Leaving Care Maintenance Allowance. Additionally, young people who are undertaking full time education courses or unpaid training courses (minimum 12 hours study/training and contact time) are eligible for the 16-19 bursary (£1,200.00 per year, usually paid for 30 weeks at £40.00 per week) scheme (administered by individual colleges).</p> <p>Young people are expected to attend the nearest college for the given course they wish to undertake. In exceptional circumstances, and following an assessment of need, the nearest college rule can be waved, where it can be demonstrated that it is not in the best interest of the young person to attend the nearest college.</p> <p><b>Paid Training</b> Young people who are undertaking a paid traineeship will not receive the Leaving Care Maintenance Allowance but will receive the equivalent or a higher allowance from their training provider. If the traineeship allowance is paid at a rate less than £97.90 the allowance is topped up to £97.90. The £97.90 may then be subject to a £10.38 or £20.38 deduction dependent on the type of placement and whether a) utilities or b) utilities and food are included with the placement (semi-independent accommodation or supported lodgings).</p> <p><b>Apprenticeships</b> Young people who are undertaking an apprenticeship will not receive the Leaving Care Maintenance Allowance but will be given the equivalent or a higher allowance from their training provider.</p>

<p>Education, Training and Employment. <i>Continued</i></p> <p><u>'Virtual School for 16 Plus Budget'</u></p>	<p>The National Minimum Wage of £3.30 per hour applies to apprentices from 1 October 2015. The wage applies to:</p> <ul style="list-style-type: none"> <li>• all apprentices aged under 19</li> <li>• apprentices aged 19 or over in the first year of their Apprenticeship</li> </ul> <p>This should mean that apprentices get a weekly wage of at least £125.40 (38 hours).</p> <p>National Minimum Wage – under 18 = £3.87 per hour, age 18 to 20 = £5.30 per hour, age 21 to 24 = £6.70 per hour.</p>
<p>Education, Training and Employment Related Support</p> <p><u>'Virtual School for 16 Plus Budget'</u></p> <p>Further and Higher Education Equipment</p> <p>Commencing Work Grant</p> <p>Child Care Costs</p> <p>F.E. &amp; H E Computer Grant</p>	<p>Children's Services may provide equipment and travel costs for education or training courses and employment opportunities of the young person's choice depending on an assessment of need. Where appropriate, Children's Services will consider funding extra tuition.</p> <p>Funding may be provided for subsequent education or training courses and/or for changed courses depending on an assessment of need and the young person demonstrating a commitment to continuing education or training and consistent attendance.</p> <p>If special equipment is required for a traineeship/apprenticeship the provider should be approached in the first instance. If equipment is not provided, and depending on an assessment of need, it will be provided by Children's Services.</p> <p>Young people who are undertaking full time further or higher education courses are entitled to a grant to assist with: Stationery, educational visits, books and equipment, Computer and I.T. equipment, interview clothing, commencing work clothing/equipment – based on evidenced need.</p> <ul style="list-style-type: none"> <li>• Stationery, Educational Visits Grant, Books and Equipment Grant and I.T. Grant Equipment of up to £475.00 per year</li> </ul> <p>The Grant is per academic year, is not transferable and is only available for stationery, educational visits, books, general equipment and I.T. equipment.</p> <p>Children's Services will purchase equipment and/or clothing to assist the young person with their chosen employment e.g. interview clothes, overalls, protective clothing, depending on an assessment of need. Maximum Commencing Work Grant £125.00. This is provided as a one off.</p> <p>Child care costs should be accessed through the Care to Learn Fund</p> <p>All young people entering further education (level 2 or above) or higher education will be provided with a Note-Pad or Lap-Top. One of Computer Grant of up to £500.00 depending on an assessment of need.</p>



<p>Introduction to Driving</p>	<p>Young people should submit a list of requirements regarding equipment, course books etc to the Virtual School for 16 Plus via their social worker, leaving care personal adviser or connexions worker and return all receipts to the Virtual School.</p> <p>This must be agreed and set out in the young person's pathway plan. The provision of this allowance is linked to increasing a young person's employability and is only available to young people who have been engaged in education, training or employment for 3 months and do not have any driving convictions.</p> <p>Children's Services (Virtual School) will provide the funding for 1 provisional driving licence, 1 theory test, 1 practical test and the cost of 5 (1 hour) motor car driving lessons to introduce young people to driving. This is dependent on an assessment of need and the young person matching the cost of the 5 (1 hour) lessons. Young people must pay the cost of the 5 lessons in advance (from their 16-19 bursary/birthday/Christmas/festival allowance). In general, by paying for 10 lessons in a block, driving schools provide an extra lesson free.</p> <p>Depending on circumstances, lone parents and sick and disabled young people may be exempt from the 3 months in education, training or employment condition.</p>
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<p><b>Exceptional Needs</b></p> <p>All areas are dependent on an assessment of need</p> <p>From the age of 16 until the age of 21/24 Eligible, Relevant and Former Relevant young people living in semi-independent or independent accommodation are entitled to up to £350.00 of exceptional needs payments.</p>	<ul style="list-style-type: none"> <li>• <b>Counselling and Therapeutic Needs</b> Children’s Services will assist young people to access counselling and/or therapeutic services via universal health services and the Child and Adolescent Mental Health Services. Depending on an assessment of need and where CAMHS services and universal services are not available a request should be made to the Multi-Agency Panel (MAP) for support.</li> <li>• <b>Health</b> Children’s Services will assist young people to access services to meet their health and developmental needs via the ‘looked after’ children health provision and via universal health services. Social workers should complete form HC1 (SC) for all 16 &amp; 17 year olds. The HC1 (SC) form enables young people to obtain an NHS low income exemption certificate. This will provide free or reduced cost dental, optician and prescription services. In situations where young people require specific health items these will be considered following an assessment of need.</li> <li>• <b>Religious Needs</b> Children’s Services will assist young people to access services aimed at meeting their religious needs depending on an assessment of need.</li> <li>• <b>Cultural Needs</b> Children’s Services will assist young people to access services aimed at meeting their cultural needs depending on an assessment of need.</li> <li>• <b>Lone Parents</b> £3.10 per week healthy start payment – from 10 weeks into the pregnancy. 16 &amp; 17 year old looked after (and care leavers) young women are not able to access benefits in advance of the birth of the baby and therefore will need essential items prior to the birth – maternity clothing, feeding equipment, bedding etc, dependent on an assessment of need.</li> <li>• <b>Special Needs</b> 16 &amp; 17 year olds with a low or moderate special need or learning difficulty/disability who are not in receipt of DLA/PIP and where the cost cannot be met from any other source.</li> <li>• <b>Emergency Payments Including Utilities</b> Emergency payments are provided following an assessment of need in situations where a young person does not have any access to money or food etc. The one-off payment can be provided as a food parcel, a food voucher, an assisted shopping trip or in exceptional circumstances a cash or utility payment.</li> <li>• <b>Corporate Parent Payment</b> Gift for new baby, flowers and clothing for family bereavement, terminal illness etc, a payment or cost normally met by a family member.</li> </ul>
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# SECTION 2

## Former Relevant Children

### Group A

Care Leavers Aged 18 to 21, or until the completion of the education course being undertaken on their 21<sup>st</sup> birthday - Former Relevant Children - Section 23 C (1)

### Group B

Care Leavers Aged 21 to 25 who return to the authority to resume or commence education or training - Former Relevant Children - Section 23 CA (1)

Basis and Amount	Conditions and Comments						
Accommodation and Placements	<p>Accommodation costs for young people aged 18 and older will only be provided in exceptional circumstances. Placements and accommodation costs for exceptionally vulnerable young people aged 18 and older may be funded in part or full following an assessment of need and the case being considered by the Hertfordshire Access to Resources Panel (HARP). Where possible young people should claim housing benefit.</p> <ol style="list-style-type: none"> <li>1. See Staying Put policy – young people living in foster care who meet the Staying Put criteria can remain in their placement.</li> <li>2. Supported Lodgings placements are available to all care leavers aged 18 to 21.</li> <li>3. Failed Asylum Seekers (all rights exhausted) with no recourse to public funds will continue to be provided with accommodation subject to a human rights assessment.</li> </ol> <p>Children’s Services is not able to act as a guarantor for care leavers aged 18 and older.</p> <p>See Section One – Accommodation and Placements for LHA rates - page 7 &amp; 8</p>						
Deposit and Rent in Advance	See Section One – Deposits and Rent in Advance – page 8 & 9						
Leaving Care Maintenance Allowance Rates  Failed Asylum Seekers with no Recourse to Public Funds	<p>LCMA is provided to young people aged 18 and above when during the four week initial benefit claim period and to failed asylum seeking young people with no recourse to public funds:</p> <p>The following weekly rates will apply, depending on the type of accommodation and level of support provided:</p> <table border="1" data-bbox="342 1766 1523 1957"> <tbody> <tr> <td data-bbox="342 1766 1279 1803">Young person is responsible for all utility and food costs</td> <td data-bbox="1279 1766 1523 1803">£57.90</td> </tr> <tr> <td data-bbox="342 1803 1279 1877">Young person is provided with utilities but is responsible for food costs - semi-independent accommodation</td> <td data-bbox="1279 1803 1523 1877">£47.52</td> </tr> <tr> <td data-bbox="342 1877 1279 1957">Young person in Supported Lodgings, Staying Put (Supported) or Staying Put (Lodgings) and provided with utilities and food</td> <td data-bbox="1279 1877 1523 1957">£37.52</td> </tr> </tbody> </table>	Young person is responsible for all utility and food costs	£57.90	Young person is provided with utilities but is responsible for food costs - semi-independent accommodation	£47.52	Young person in Supported Lodgings, Staying Put (Supported) or Staying Put (Lodgings) and provided with utilities and food	£37.52
Young person is responsible for all utility and food costs	£57.90						
Young person is provided with utilities but is responsible for food costs - semi-independent accommodation	£47.52						
Young person in Supported Lodgings, Staying Put (Supported) or Staying Put (Lodgings) and provided with utilities and food	£37.52						

<p>Leaving Care Maintenance Allowance Rates <i>Continued</i></p>	<p>See Barking and Dagenham Case Law Judgement.</p> <p>Failed asylum seekers and 'all rights/appeals exhausted cases' with no recourse to public funds are provided with the above allowances only after a human rights assessment and until the removal date is reached or the age of 21, whichever comes first.</p>
<p>Initial Benefit Claim</p>	<p>Subject to the type of accommodation, £57.90, or £47.52 or £37.52 (see table above) may be claimed for a maximum of 4 weeks. The 3<sup>rd</sup> and 4<sup>th</sup> week should only be paid following checking the progress of the young person's claim with the DWP. Young people making their initial claim for Universal Credit will have to wait for 6 weeks for their first payment. Subject to liaison with the DWP the initial UC Initial Benefit waiting period payment will be 6 weeks.</p> <p>The Supported Lodgings and Staying Put (Supported and Lodgings) rate for asylum seeking young people who do not qualify for benefits is £57.90.</p> <p>As a general rule the Leaving Care Maintenance Allowance is always paid in advance and welfare benefits are always paid in arrears. Even where a benefit claim is submitted, verified and established on the young person's 18<sup>th</sup> birthday, they will have to wait at least 2 weeks for the first benefit payment, obtaining the first benefit payment in such a timescale would be exceptional. As such, Children's Services extend the pre 18 allowance for up to four weeks whilst a young person's claim is established and in payment.</p> <p>Supporting information and identity documents should have been obtained prior to a young person's 18<sup>th</sup> birthday, in preparation for a claim that should be started on the 18<sup>th</sup> birthday and workers should contact the benefits agency (DWP) after one week to clarify the first payment date.</p> <p>If the young person has not received their first benefit payment after four weeks they should be supported to claim a Short Term Benefit Advance (STBA) from the DWP or a grant/loan through Herts Welfare Assistance Scheme which is the successor scheme to the Social Fund, administered through Hertfordshire Health and Community Services.</p>
<p>Travel</p> <p><u><i>'Virtual School for 16 Plus Budget'</i></u></p>	<p>£20.00 – 18 year old Saver Card (student discount bus travel card) – provides a 50% reduction on all journeys.</p> <p>£20.00 - 18 year old student discount train travel card – provides a 30% reduction on all journeys.</p> <p>This is provided to 18 year olds undertaking full time education or training - one-off.</p>
<p>Qualifying Young People</p>	<p>Dependent on an assessment of need which includes an evaluation of all income, Qualifying Young People may be entitled to all allowances.</p>
<p>Asylum Seekers with no Recourse to Public Funds - Contact</p>	<p>Following an assessment of need failed asylum seekers with no recourse to public funds will be provided with a £5.00 per week phone card/contact allowance where they have significant family members overseas. (not paid in Staying Put)</p>

Key Documents Up to £110.00	Children's Services will purchase a passport (including the check and send facility) and 1 birth certificate for each young person.
Up to £218.00	One passport or passport renewal - aged 16 to 21, one birth certificate only if the young person does not have the original.
£1236.00 50% of cost = £618.00	Children's Services will purchase a travel document for Unaccompanied Asylum Seeking Children dependent on an assessment of need (£72.00 or £218.00).
£1236.00 50% of cost = £618.00	The total cost of the nationality and citizenship process for young people who gain citizenship is £1236.00 (age 18 and over rate from 18 March 2016) Children's Services will contribute up to 50% towards the cost (£618.00).
Further and Higher Education	<p>Funding for Further and Higher Education courses is available:</p> <ul style="list-style-type: none"> <li>• up to the young person's 21<sup>st</sup> birthday;</li> <li>• or until the completion of the course following the young person's 21<sup>st</sup> birthday where the course commenced before their 21<sup>st</sup> birthday;</li> <li>• between the 21<sup>st</sup> and 25<sup>th</sup> birthday where a young person wishes to resume or commence education or training between those dates;</li> <li>• until the education or training course is completed following the 25<sup>th</sup> birthday where the course commenced prior to the 25<sup>th</sup> birthday.</li> </ul>

Education, Training and Employment Related Support	<p>Children's Services may provide financial assistance for costs associated with education or training courses or employment opportunities of the young person's choice, depending on an assessment of need. Where appropriate, Children's Services may consider funding for extra tuition.</p>
	<p>Further and Higher Education Equipment          Young people who are undertaking full time further or higher education courses are entitled to a grant of up to:          - £475.00 Stationery, Educational Visits, Books and Equipment Grant          These Grants are per academic year, are none transferable and are only available for stationery, educational visits and books and equipment.</p>
F.E. & H E Computer Grant	<p>All young people entering further education (level 2 or above) or higher education will be provided with a Note-Pad or Laptop. One off Computer Grant of up to £500.00 depending on an assessment of need.</p>
Commencing Work Grant	<p>Child care costs should be accessed through the Care to Learn Fund.</p> <p>Children's Services will purchase equipment and/or clothing to assist the young person with their chosen employment e.g. interview clothes, overalls, protective clothing, depending on an assessment of need. Maximum Commencing Work Grant £125.00. This is provided as a one off.</p>
	<p>Young people should submit a list of requirements regarding equipment, course books etc to the Virtual School for 16 Plus via their social worker, leaving care personal adviser or Connexions worker and return all receipts to the Virtual School.</p>
Introduction to Driving	<p>This must be agreed and set out in the young person's pathway plan. The provision of this allowance is linked to increasing a young person's employability and is only available to young people who have been engaged in education, training or employment for 3 months and do not have any driving convictions.</p>
<u>'Virtual School for 16 Plus Budget'</u>	<p>Children's Services (Virtual School) will provide the funding for 1 provisional driving licence, 1 theory test, 1 practical test and the cost of 5 (1 hour) motor car driving lessons to introduce young people to driving. This is dependent on an assessment of need and the young person matching the cost of the 5 (1 hour) lessons. Young people must pay the cost of the 5 lessons in advance (from their 16-19 bursary/birthday/Christmas/festival allowance). In general, by paying for 10 lessons in a block, driving schools provide an extra lesson free.</p> <p>Depending on circumstances, lone parents and sick and disabled young people may be exempt from the 3 months in education, training or employment condition.</p>

## Education & Training (16 & 17 year olds) Young People Aged 18 and Older

### Further Education Courses

*'Virtual School for 16 Plus Budget'*

Children's Services is committed to assisting and supporting young people to maximise their potential through educational and training opportunities.

1. Eligible and Relevant young people (16 and 17 year olds) who are studying at sixth form college or further education colleges will be supported via their foster care placements or children's homes and for those living in semi-independent and independent via their leaving care maintenance allowance.
2. From the age of 18 to the end of the academic year following their 21<sup>st</sup> birthday, care leavers who are 'estranged from their families' and who are studying full time (12 hours or more of 'guided learning') can claim Income Support and Housing Benefit on the grounds of being in 'Relevant Education'. Young people can start or change courses at any point up until their 21<sup>st</sup> birthday.
3. Where young people aged 21 to 25 wish to resume or commence education or training the following guidelines in regard to financial support will apply;
  - Young people should contact the duty worker for the leaving care team that supported them prior to their 21<sup>st</sup> birthday (or, up to the end of their previous education/training course if completed after 21).
  - A joint assessment of need will be undertaken by a Targeted Youth Support Service leaving care personal adviser and a worker from the 'Virtual School for 16 Plus'.
  - Funding will be considered by the Care Leavers Education and Training Panel following an assessment of need (including access to financial resources) and will be based on the motivation and commitment of the young person to undertake, sustain and complete the course in line with the following principles:
    - Full time courses – Following an assessment of need young people may be provided with a maximum weekly maintenance grant of £57.90 per week (Income Support rate 2016-2017) and a registration fees grant of up to £400.00. These grants are subject to young people maintaining 85% attendance, having satisfactory reports from the college and not having access to other financial resources. Personal advisers will liaise with colleges and/or training providers to ensure satisfactory attendance and progress. As young people will be on a low income, personal advisers should support their students to apply for reduced rate fees. As young people will not be receiving a means tested benefit; will be in receipt of a low income and because care leavers are a priority group for learner support funds, personal advisers and students should make timely applications for these funds. In certain circumstances students who have a low income may be eligible for housing benefit if the course is part time.
    - Part time courses – One off grants will be made following an evaluation of the course and an assessment of need of the young person and their financial circumstances. Grants may range from £20.00 to £500.00 to be used to assist with registration fees and equipment costs. Grants will be based on need, motivation to gain educational qualifications and whether the candidate has any education qualifications.
    - A key priority will be to ensure all young people hold a level 2 qualification.

## **Education & Training (21 to 25)**

Access arrangements to Higher Education courses are the same as young people aged 18 to 21.

The following activities immediately prior to the start of a resumed or new course will be taken as evidence of motivation and commitment:-

1. Courses of study leading to a level 1 qualification or above;
2. Employment in the field relating to the requested education/training course;
3. Voluntary work relating to the requested education/training course;
4. Training courses relating to the requested education course.

Young people may also be required to demonstrate that they can contribute to the funding package via part time employment. In such circumstances an assessment of financial need will be completed in order to assist the young person with their weekly maintenance.

Following the assessment of need the request for financial support will be presented to the Care Leavers Education and Training Panel who will consider all requests.

The Care Leavers Education and Training Panel consist of:

1. The Virtual School Team Manager for Care Leavers
2. The Vulnerable Young People Policy Manager
3. The Practice Manager for the Asylum Seeker Care Leavers Team

Following the Panels' agreement to funding, each case will be allocated to a Targeted Youth Support Service Personal Adviser who will develop a Pathway Plan, a payments transfer system (generally by regular BACS payments) and a system for monitoring the young person's education/training progress.

## **Financial Support - Traineeships and Apprenticeships**

### **Apprenticeships**

The majority of apprenticeships are classed as employment with a study component. These types of apprenticeships are generally secured by young people gaining employment with a company or organisation that is a registered apprenticeship provider. The young person is employed and also undertakes a study component towards a:

- National Vocational Qualification (NVQ)
- Technical Certificate
- Functional Skills (Mathematics, English)
- Personal Learning and Thinking Skills (PLTS)
- ERR (Employment Rights and Responsibilities) Workbook

From the 1<sup>st</sup> October 2015, the minimum wage rate is £3.30 per hour for apprentices aged 16 to 18 and those aged 19 or over who are in their first year. All other apprentices are entitled to the National Minimum Wage for their age and can be found on

[www.gov.uk/national-minimum-wage-rates](http://www.gov.uk/national-minimum-wage-rates)

As the apprenticeship is deemed employment, young people will be eligible for a range of benefits, including housing benefit and tax credits depending on their circumstances. If the apprenticeship is deemed employment, the young person would not be covered by the age 21-25 Education and Training Care Leaver entitlements.



**Traineeships and Programme Led Apprenticeships**

These types of traineeships and apprenticeships are provided by a training provider or college, with work experience provided at the establishment site, and are therefore deemed education/training rather than employment. Young people may be eligible for benefits and tax credits depending on their age and circumstances. In general young people aged 22 to 25 will not be able to access benefits or tax credits (unless they are parents or have a disability). Young people undertaking these courses are eligible for the 21-25 Education and Training Care Leaver entitlements, subject to an assessment of need and the conditions above being met.

**Financial Support**

Access to financial support will always be dependent on an assessment of the young person's financial circumstances. Where appropriate; young people will be provided with practical support to help them access education, training or benefits funding, rather than with the provision of direct grants. The level of practical support and financial support should be set out within the young person's pathway plan and highlight any conditionality to the support being provided.

# Higher Education

*'Virtual School for 16 Plus Budget'*

## Student Finance

The level of fees, loans, grants, and bursaries for higher education student's change each academic year. The most accurate and up to date information is available via the following link:

<http://www.gov.uk/studentfinancesteps>

## Tuition Fees and Tuition Fee Loans

From September 2016 the maximum tuition fees and tuition fee loan per year is:

- New full-time students £9,000.00
- New full-time students at private university or college £6,000.00
- New part-time students £6,750.00
- New part-time students at private university or college £4,500.00

To qualify for a tuition fee loan the part time course needs to be at least 25% of an equivalent full-time course each year (e.g. four years instead of one year full time).

The tuition fee loan is provided by Student Finance England and is paid directly to the university to cover the full cost of the course.

## Maintenance Grants

Maintenance grants have been discontinued for new students starting courses after the 1<sup>st</sup> August 2016, existing students will continue to receive a maintenance grant, but will receive a lower level of student loan.

## Maintenance Loans

The maintenance loan is provided by Student Finance England and is paid directly to the student, normally in three instalments and is provided to help with living costs such as rent, food, bills and equipment and books.

The maximum maintenance loan in 2016-2017 for students starting courses after the 1<sup>st</sup> August 2016 (per year) is set out below:

- Students studying in London £10,702.00
- Students studying outside of London £8,200.00
- Students living at home £6,904.00

Students who started courses in 2015-2016 or before:

- Students studying in London £8,009.00
- Students studying outside of London £5,740.00
- Students living at home £4,565.00
- In the final year of the course the maximum loan rate is reduced by approximately 10%.
- Young people who get the maximum Maintenance Grant will receive a reduced Maintenance Loan.

## Loan Repayment

Graduates repay the combined tuition fee and maintenance loan when they have finished studying and are earning over £21,000.00 per year. The monthly repayments are linked to the person's income and the interest charged is linked to the retail price index (RPI), plus 3%. After a certain amount of time (30 years), any outstanding loans will be written off, if the money has not been repaid.

**Support From Individual Universities**

In addition to the financial support provided by Student Finance England, most Higher Education Institutions will offer their own financial support. Each university will have its own eligibility criteria and any awards may only be available to a limited number of students:

- **Bursaries**
- **Scholarships**
- **Fee Waivers**

Bursaries and Scholarships will generally not have to be repaid and Fee Waivers are applied to part, or all of the course costs.

**Access To Learning Fund**

Most universities also have an Access to Learning Fund which is available to students who are experiencing financial hardship. Some universities offer care leavers priority access to Access to Learner Funds.

**National Scholarship Programme (NSP)**

The National Scholarship Programme is designed to offer support to students from low income backgrounds. The NSP is funded jointly between the government and individual universities. Individual universities can make their own decisions as to who receives a National Scholarship. Some universities may offer care leavers priority access to the NSP. Support may be offered in a variety of ways including cash grants, reduced cost accommodation or a fee waiver. Any funds received from the NSP are non-repayable.

**The Care Leavers Higher Education Bursary**

The Care Leavers Higher Education Bursary is provided by the student's local authority (Hertfordshire Children's Services) and is provided as a minimum grant of £2000.00 throughout the length of the whole course.

**Grants and Awards From Charitable Trusts**

Trusts and charities provide financial grants and awards to students. Advice about what may be available is available through individual universities or through the Educational Grants Advisory Service (EGAS).

Public libraries should have directories of charitable trusts that provide grants and awards:

- The Educational Grants Directory
- The Charities Digest
- The Grants Register
- The Directory of Grant Making Trusts

**General Information**

Care leavers considering attending university should check with the universities that they are thinking about applying to, for information about the support that each institution will provide. This information can then assist when making a final choice about which university to apply for as a first, second or third choice.

The students' support service should be able to provide information on both the practical and financial support that may be available.

Many universities are now accredited under the Buttle Trust Quality Mark Award Scheme. The Quality Mark acknowledges and highlights additional support that establishments provide to young people leaving public care. [http://www.buttletrust.org/quality\\_mark](http://www.buttletrust.org/quality_mark)

Information about additional support to care leavers can be found via the Fair Access Agreements that each institution is required to have. Information can be found on the web site of each institution or via: <http://www.offa.org.uk>

Young people considering attending university should make use of :

- The Who Cares? Trust – H.E. Handbook via - <http://www.thewhocarestrust.org.uk>
- The North Class – Care Experienced North England University Guide via [http://readingroom.lsc.gov.uk/lsc/NorthWest/Supporting\\_Care\\_Leavers\\_in\\_Accessing\\_Employment\\_and\\_Skills\\_Training\\_A\\_Guide\\_for\\_Leaving\\_Care\\_Teams\\_Guide\\_5.pdf](http://readingroom.lsc.gov.uk/lsc/NorthWest/Supporting_Care_Leavers_in_Accessing_Employment_and_Skills_Training_A_Guide_for_Leaving_Care_Teams_Guide_5.pdf)

**Welfare Benefits**

The majority of young people who undertake higher education courses are ineligible for welfare benefits such as Income Support and Housing Benefit/Local Housing Allowance. Certain limited groups of young people who undertake higher education courses such as lone parents and sick and disabled young people may remain, or be eligible for welfare benefits whilst studying. If a young person is entitled to welfare benefits (Income Support, Employment and Support Allowance, Housing Benefit/Local Housing Allowance and Child Benefit/Child Tax Credits) they are not eligible for the full Hertfordshire Higher Education Grant, but continue to receive the Hertfordshire Higher Education Bursary.

Lone Parents and Sick and Disabled Students who are in receipt of Welfare Benefits should check with the Department for Work and Pensions regarding the rules about student finance. Being in receipt of student finances may cause disqualification for welfare benefits. Generally, lone parents and sick and disabled young people will be required by the DWP to take out Student Loans and apply for the Special Support Grant. Their level of welfare benefit will be calculated by taking into account the loans and grants.

Lone Parents may be eligible for the Government's **Childcare Grant** (£155.24 per week for one child and up to £266.15 per week for more than one child) and/or **Parents' Learning Allowance** (up to £1573.00 per year). Disabled students may be eligible for the **Disabled Students' Allowance**. Students who have adult dependents may be eligible for an **Adult Dependents' Grant (ADG)** (up to £2757.00 per year).

## Hertfordshire Children's Services - Higher Education Financial Support

### Virtual School for 16 Plus Budget

The Hertfordshire Higher Education Grant which includes the Government's Higher Education Bursary can be accessed once (for 4 years) at any point between a young person's 18<sup>th</sup> and 25<sup>th</sup> birthday.

All young people entering higher education are entitled to:-

- A one off £500.00 Computer Grant (a Note-Pad or Laptop, depending on an assessment of need and if not previously accessed).
- A Stationery Grant, Educational Visits and Books and Equipment Grant of up to £475.00

The Grant is per academic year, is not transferable and is only available for stationery, educational visits and books and equipment. Young people should submit a list of requirements regarding equipment, course books etc and return receipts to their Virtual School Connexions worker or leaving care personal adviser.

- A Higher Education Bursary of £2000.00 which is provided over the period of a two, three or four year course. Depending on the length of the course the £2000.00 per course will be constituted of £1000.00 per year (2 year course) H.E. Bursary, £666.67 per year (3 year course) H. E. Bursary, £500.00 per year (4 year course) H. E. Bursary.
- A Vacation Living Allowance - £57.90 per week for 22 weeks.
- A Vacation Accommodation Allowance for 22 weeks – Up to the level of the LHA one-bedroom self-contained rate or the level of university accommodation.
- Young people applying to, and undertaking higher education courses will be required to apply for all available universal student funding i.e. maintenance loans, tuition fee loans and maintenance grants as well as individual establishment bursaries. These loans and grants and the H.E. Bursary should be used by students as their main source of income through-out their term time course of study. This will fund their higher education accommodation, living expenses and travel etc.
- The Vacation Allowances should be used as the main source of funding during the Christmas, Easter and Summer Vacation.

How the Vacation Maintenance Allowance, Accommodation Allowance and the H. E. Bursary are to be provided should be set out in the young person's pathway plan.

- Higher National Certificate and Higher National Diploma courses are defined as Higher Education Courses. Both HNC and HND courses often attract a bursary and/or a grant from the individual university.

Young people eligible for means tested welfare benefits are provided with the:

- Computer Grant
- Equipment Grant
- H. E. Bursary

### **Higher Education - Payment Process**

The frequency and amount of each payment as well as the method of paying the allowance should be set out in the young person's Pathway Plan. All payments are dependent on, and subject to young people agreeing to the following arrangements:

- Maintaining regular and ongoing contact with the Hertfordshire University Support Worker based in the 'Virtual School for 16 Plus' by phone, e-mail and one to one meetings
- Attending all pre-arranged meetings with the Hertfordshire University Virtual School Support Worker and undertake/complete all actions and agreed tasks
- To identify a suitable contact within the university staff/support service in order to take part in joint meetings to ensure educational goals and targets are met and appropriate practical, educational, pastoral and financial support is being provided. To agree to regular liaison between the university and the Hertfordshire University Support Worker to monitor progress, attendance and attainment.
- To inform the Hertfordshire University Support Worker of any change of circumstances (contact details, course details) as soon as possible.

Agree to focus on educational activities by not undertaking more than fifteen hours of employment during term time. To understand that in circumstances where more than fifteen hours of employment is be undertaken this income will be taken into account when calculating the level of financial support.

### **Post Graduate Courses**

*"Virtual School for 16 Plus Budget"*

Children's Services will assist young people to identify financial support and resources to undertake post graduate courses. Generally, vocational post graduate courses are funded by secondment from an employer, or by individual universities providing a bursary to cover course/tuition fees. Children's Services may consider a contribution to post graduate courses following a needs assessment and all avenues of funding being explored.

<p><b>Exceptional Needs</b></p> <p>All areas are dependent on an assessment of need</p> <p>From the age of 16 until the age of 21/24 Eligible, Relevant and Former Relevant young people living in semi-independent or independent accommodation are entitled to up to £350.00 of exceptional needs payments.</p>	<ul style="list-style-type: none"> <li>• <b>Health</b> Personal advisers should complete NHS form HC1 for 18 to 21 year olds who are not employed and/or not registered for welfare benefits. This is particularly important for care leavers who are maintained by Children’s Services and who need to demonstrate their level of income in order to access free, or reduced cost NHS services. The HC1 form enables young people to obtain an NHS low income exemption certificate. This will provide free or reduced cost dental, optician and prescription services.</li> <li>• <b>Religious Needs</b> Children’s Services will assist young people to access services aimed at meeting their religious needs depending on an assessment of need.</li> <li>• <b>Cultural Needs</b> Children’s Services will assist young people to access services aimed at meeting their cultural needs depending on an assessment of need.</li> <li>• <b>Special Needs</b> 18 to 21 year olds with a low or moderate special need or learning difficulty/disability who are not in receipt of DLA and where the cost cannot be met from any other source.</li> <li>• <b>Emergency Payments Including Utilities</b> Emergency payments are provided following an assessment of need in situations where a young person does not have any access to money or food etc. The one-off payment can be provided as a food parcel, a food voucher, an assisted shopping trip or in exceptional circumstances a cash or utility payment.</li> <li>• <b>Corporate Parent Payment</b> Gift for new baby, flowers and clothing for family bereavement, terminal illness etc, a payment or cost normally met by a family member.</li> </ul>
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## Section 3

Eligible, Relevant and Former Relevant Children Aged 16 to 21, or until completion of an agreed programme of education or training being undertaken on the young person's 21<sup>st</sup> birthday

<b>Setting Up Home Allowance</b>	
£145.50 Not Transferable	For TV licence. (First licence paid for by Children's Services and subsequent ones paid for by young person).
Up to £1875.50	To be spent on items for equipping accommodation. This allowance will be spent in stages; initially on semi-independent setting needs and subsequently, on independent accommodation needs. The allowance will always be spent collaboratively between the personal adviser and young person. Original receipts should be retained by social workers/personal adviser for audit purposes, reclaiming VAT and in case defective items need to be returned.  The above amount should include: one year's contents insurance, any removal and transport costs and costs associated with fitting a cooker/washing machine by an approved person.
Up to £50.00 Not Transferable	Health and safety pack <ul style="list-style-type: none"> <li>• Two smoke detectors, one carbon monoxide detector, door security chain, chub lock, fire blanket and first aid kit.</li> </ul>
Up to £50.00 Not Transferable	Setting up home starter pack. <ul style="list-style-type: none"> <li>• Coffee, tea, washing-up liquid, light bulbs, laundry and cleaning equipment utility key/card top-up, etc.</li> </ul>
<b>Up To £2121.00</b>	<b>Total Amount</b>
<p>As a general principle up to £500.00 can be used prior to the young person's 18<sup>th</sup> birthday whilst they are living in semi-independent accommodation (furnished) and the remainder can be used after the age of 18 when they move to independent accommodation (unfurnished).</p> <p>All spend and items should be recorded and a tally kept of expenditure and the remaining available budget.</p> <p>The Setting Up Home Allowance is available up to the age of 21 or, until the completion of an education or training programme extending beyond 21, where young people are attending further education/training or higher education courses. The Setting Up Home Allowance should always be used to purchase household items. In situations where part, or all of the Setting Up Home Allowance is unused by the age of 21 or the completion of the post 21 education/training programme a list of any outstanding requirements should be included in the final Pathway Plan, with costs. The final Pathway Plan should also set out a timescale and process for obtaining the final items.</p>	



The entitlement to the Setting Up Home Allowance extends to the age of 21, or until the end of the agreed program of education/training being undertaken on the 21<sup>st</sup> birthday.

Young people must be supported by staff to purchase items via guided spending. Young people should not be given money to purchase items on their own. VAT must be reclaimed on all purchases where items are VAT rated. Original receipts must be kept by Children's Services.

## Section 4

## Appendices

### Appendix A

#### Categories of Care Leavers

#### Categories of Young People Eligible for Leaving Care Services and Support

##### **Eligible children: [paragraph 19(2)(b) of Schedule 2 to the Children Act 1989 and Regulation 40 of the Care Planning, Placement and Case Review (England) Regulations 2010]**

- An eligible child is a young person aged 16 or 17 who is looked after and has been looked after for at least 13 weeks after the age of 14. [Can become an eligible child at any point from their 16th to 18th birthday as long as they have completed 13 weeks] [must complete 24 hours looked after age 16/17]
- The 13 weeks can be a continuous period or a series of episodes.
- In calculating the 13 weeks no account is taken of pre-planned short breaks amounting to no more than 4 weeks and where a child returns to their parent, or someone with parental responsibility.
- Young people who are remanded into custody become looked after at the point of remand. This group may become a eligible children or relevant children if they complete 13 weeks of being looked after.

##### **Relevant children: [Section 23A(2) ]**

- A relevant child is a young person aged 16 or 17 who was an 'eligible' child' but is no longer looked after.
- Additional relevant children:
  - Detained (sentenced), or in hospital prior to 16th birthday, and
  - Looked after for at least 13 weeks after age 14 and looked after at point of being detained (sentenced) or entering hospital.
- In calculating the 13 weeks no account is taken of pre-planned short breaks amounting to no more than 4 weeks and where a child returns to their parent, or someone with parental responsibility.
- A child who has lived with someone who has parental responsibility or a residence order for a continuous period of 6 months or more, and has ceased to be looked after (whether that period commenced before or after they ceased to be looked after) is not deemed a Relevant child (but is deemed a Qualifying child).
  - If the above arrangement breaks down and the child ceases to live with the person concerned, the child becomes a relevant child.

##### **Former Relevant children (age 18 to 21, or, until the education or training programme being undertaken on their 21st birthday is completed): [Section 23C (1)]**

- A young person who was previously an 'Eligible' child or a 'Relevant' child

### **Former Relevant children (age 21, and under 25) [Section 23CA (1)]**

- Young people who inform the local authority that they want to pursue education or training between the age of 21 and 25 and where previously a former 'Relevant' child.

### **Persons Qualifying for Advice and Assistance (aged 16 to 21, and under certain circumstances aged under 25)**

- Young people aged at least 16, and under 21, who were subject to a special guardianship order and were looked after before the making of that order.
- Young people who were previously subject to a private fostering arrangement
- Young people who successfully returned home for six months (aged 16/17) and were previously 'Eligible' and/or 'Relevant'.
- Young people who were looked after for less than 13 weeks between the age of 14 to 18, but were looked after for at least 24 hours aged 16 and 17.
- Young people aged 16, and under 21, who were looked after in a series of pre-planned short breaks.

## Appendix B

### **Guidance on the Provision of Financial Support to Children aged 16 or 17 who are A) Placed with Parents, or B) Return to Live with Parents in a Planned, or Unplanned Manner**

#### **Principles:**

- Wherever possible, parents should be financially responsible for their own children and should not be funded by the local authority to support their own children.
- Where financial allowances are provided to parents, these should not create inequalities with other siblings and children within the family/household who have not been looked after.

#### **Section 1**

#### **Placement with Parents – Children Reaching the Age of 16 Subject to a Care Order or Interim Care Order**

The Care Planning, Placement and Case Review Regulations 2010 and associated Guidance sets out that the Responsible Local Authority is required to assess and meeting the needs, including the financial needs of an 'Eligible' (and 'Relevant') child.

Her Majesties Revenue and Customs (HMRC) Guidance sets out that where a child aged 16 or 17 is resident with a parent and is undertaking full-time education or training, the parent will normally be eligible for child benefit. As a result of being eligible for child benefit, the parent should also be eligible for child tax credit and/or working tax credit (depending on income), and any benefits arising from a child's disability. Where a child is placed with a parent, a transitional payment equivalent to the level of child benefit and child tax credit/working tax credit that a parent would be entitled to will be provided for a period of up to six weeks. On average it takes four to six weeks to establish a child benefit and child tax credit and/or working tax credit claim.

Transitional payment example:

Child benefit equivalent -	£20.70
Child tax credit:	
Family element -	£10.48
Child element -	£53.46
<b>Total Paid – 6 weeks maximum</b>	<b>£84.64</b>

For a parent to be eligible for child benefit and tax credits no part of the child's accommodation or maintenance costs should be met by the local authority, as such Children's Services should set a date to cease any transitional payments. The date to cease financial support should be set at a point between four and six weeks after a placement with a parent or a return home.

Child benefit can continue, or be reinstated if a child is residing with a parent on a regular basis, generally on at least 2 nights per week from Monday to Sunday or is home for a complete week. – HMRC Guidance.

Where a child was placed with a parent/s prior to their 16<sup>th</sup> birthday a review of the financial support for the child and parent/s must take place when the child becomes an '**Eligible**' child. The review must be undertaken within the framework of the Leaving Care Assessment of Need.

The majority of 'Eligible' children will be living in foster care, residential care or, in a placement deemed 'Other Arrangements'. The financial support provided to the child will be set out in the fostering financial policy, residential financial policy and leaving care financial policy.

In situations where a child aged 16 & 17 is placed with a parent or returns home to live with a parent and is not engaged in any education or training, the leaving care financial policy provides guidance on the provision of any allowances.

In circumstances where the child is living with a parent/s and the Care/Pathway Plan is focused on revoking the Care Order, or Interim Care Order, both the assessment of, and financial support should be based on assisting the transition to parental financial support and for the child to enter/resume or continue education or training.

The primary aim of leaving care financial support for 16 & 17 year olds is to enable young people to prepare for independent living and develop money management skills; as such, each young person should have an assessment of their individual leaving care financial needs and any subsequent allowance provided to those not in education or training should be provided to the young person in a manner that assists with the development of these skills and a return to education or training.

Young people placed with parents who are not engaged in education or training should therefore be provided with the standard Leaving Care Maintenance Allowance of £57.90 per week (2016-2017).

In order to avoid any inequalities within the family, by the provision of leaving care support, an assessment must be undertaken regarding the need for supplementary allowances, i.e. those in addition to the Leaving Care Maintenance Allowance. For example, where there are children in the family who have not been looked after, it may be inappropriate to provide any allowances other than the Leaving Care Maintenance Allowance if these allowances create disparities, inequalities and potentially undermine parenting responsibilities.

The provision of a leaving care birthday allowance for one child would potentially create an inequality if other family members do not receive a similar allowance, as such, the leaving care birthday allowance should not be provided and parents therefore take responsibility for the level of all birthday allowances to their children. The assessment of, and the reason behind this decision should be made using the guidance contained at the start of this document in the section 'Assessing the Provision of Allowances for 16 & 17 Year Olds' and should be set out in the young person's Care/Pathway Plan.

When developing a Care/Pathway Plan for a young person placed with parent/s or living with a parent/s who is not engaged in education or training, consideration should be given to whether the young person should provide a percentage of their Leaving Care Maintenance Allowance to their parent/s as a contribution to living costs. The level of the contribution should be set out in the young person's Care/Pathway Plan. For example, it may be appropriate that the young person retain an amount equivalent to the fostering pocket money and clothing allowance elements i.e. £33.54 (fostering pocket money £12.70 and clothing allowance £20.84) and provide a contribution to the parent of £24.36 per week (2016-2017).

In circumstances where a contribution has been set and the young person does not make the necessary contribution, the amount set can be deducted from the young person's Leaving Care Maintenance Allowance and paid directly to the parent/s.

As noted above, there is an obligation on the local authority to provide financial assistance to young people leaving care that would normally fall on parents, and/or on the welfare benefit system. Being an Eligible or Relevant child not engaged in education or training (regardless of them being placed at home) disqualifies parents from welfare benefits/tax credits/universal credit. In situations where the child is not engaged in education or training, the leaving care finance policy should be used as the framework for the provision of allowances to the child and/or parent).

The majority of Eligible or Relevant children, regardless of being engaged in education or training are disqualified from welfare benefits/tax credits/universal credit, with the exception of sick and disabled children and children who are also lone parents.

In circumstances where a care leaver aged 16 or 17 is placed/living with a parent who is in receipt of a welfare benefit/tax credit/universal credit, the difference between the young person's Leaving Care Maintenance Allowance and the level of the welfare benefit/tax credits/universal credit that the parent would be entitled to in respect of that child, (if they were not an Eligible or Relevant child) can be provided directly to the parent/s. This would only apply to a child not engaged in education or training.

### **Care Order Revocations and Ceasing Financial Allowances**

Where an 'Eligible' child has lived with a person with parental responsibility for at least 6 months and they cease to be looked after, due to the revocation of the Care Order, or Interim Care Order they become a 'Qualifying' child (a Qualifying child is a 16 to 21/24 year old subject to Section 24 of the Children Act 1989). The 6 month period living with parents that is required to be deemed a Qualifying child, can include time both prior to and after the revocation of the Care Order.

Welfare benefit legislation relating to 'Qualifying' children sets out that both parents and children are entitled to welfare benefits/tax credits/universal credit in their own right.

'Qualifying' child status does not have any impact on either the child, or parents benefit or tax credit entitlements. Once a child is deemed a 'Qualifying' child and following a financial re-assessment of their financial needs, the majority, if not all, of the leaving care financial support being provided should cease. The primary responsibility for meeting a 'Qualifying' child's financial needs rests with the parent/s.

The detailed financial and practical arrangements to support the child and parent should be set out in the Care/Pathway Plan and Placement Plan. The level of the leaving care financial support should be based on an assessment of need and set out in the Care/Pathway Plan.

### **Placement with Parents – Children aged 16 or 17 Subject to Care Order or Interim Care Order Being Placed with Parent/s**

In circumstances where, following an assessment of suitability, it is deemed appropriate to place a child with a parent/s at the age of 16 or 17, the assessment of financial support to the child and parent should be completed prior to the placement being made and should be set out in the Care/Pathway Plan and Placement Plan.

The principles and financial approach set out above in section 1, i.e. the Leaving Care Maintenance Allowance being provided to the young person (if not engaged in education or training), and, an assessment of the need for any additional allowances being undertaken to consider the types and level of financial support to be provided should be followed. The Care/Pathway Plan should be used to evidence and explain the level of, and the types of financial support to be provided.

## **Section 2**

### **Children aged 16 & 17 Accommodated Under Section 20 Returning to Live with a Parent/s in a Planned Manner who Cease to be Looked After and Become 'Relevant' children**

In circumstances where it is deemed appropriate for a child to return to a parent/s at the age of 16 or 17, following an assessment of suitability, the evaluation of financial support to the child and/or parent should be completed prior to the child returning to the parent/s. On the child returning to the parent/s the child becomes a 'Relevant' child. Where the young person is undertaking an education or training activity, financial responsibility should transfer to the parent as set out in section 1. Transitional financial support will be provided for a period of four to six weeks.

In circumstances where a young person (subject to section 20) aged 16 & 17 returns to live with a parent, agreement to, and approval of the ceasing to be looked after must be sought from the Director of Children's Services (Operations Director, Specialist Services) – Regulation 39.

In circumstances where the 'Relevant' child is living with a parent/s as part of planned return to a parent/s, both the assessment of, and financial support should focus on assisting the transition to parental financial support. The principles set out above in section 1 should be used to assess the type and level of financial support. The Pathway Plan should be used to evidence and explain the level of, and the types of financial support to be provided (for those not engaged in education or training).

Where a child remains living with a parent/s for six months (after a planned return) the child's status changes from a 'Relevant' child to that of 'Qualifying' child. Once a child becomes a 'Qualifying' child, both parent/s and child are entitled to claim welfare benefits/tax credits like other parents/children. See above section 1.

Once a child is deemed a 'Qualifying' child and following a financial re-assessment of their financial needs, the majority, if not all of the leaving care financial support being provided should cease. The primary responsibility for meeting a 'Qualifying' child's financial needs rests with the parent/s.

## **Section 3**

### **Children Subject to a Care Order or Interim Care Order Returning to a Parent/s Against the Assessment of the Child's Needs and the Wishes of the Local Authority**

Social workers will need to undertake an assessment and risk assessment of the appropriateness of the child remaining with the parent/s where the child has returned to a parent/s against the wishes of the authority and follow due procedure.

Financial support should only be provided to the child in line with the Leaving Care Finance policy. No payment nor any percentage of the Leaving Care Maintenance Allowance should be made to the parent/s until it is deemed an authorised placement with parent/s.

The Pathway Plan and the provision of financial support should focus on positive engagement or re-engagement with the child.

## **Section 4**

### **Children Accommodated Section 20 Returning to a Parent/s Against the Assessment of the Child's Needs and the Wishes of the Local Authority**

Social workers will need to undertake an assessment and risk assessment of the appropriateness of the child remaining with the parent/s where the child has returned to a parent/s against the wishes of the authority and follow due process. A statutory review should take place to approve the decision to cease the child's Section 20 status. In circumstances where a young person (subject to section 20) aged 16 & 17 returns to live with a parent, agreement to, and approval of the ceasing to be looked after must be sought from the Director of Children's Services (Operations Director, Specialist Services) – Regulation 39.

Financial support should only be provided to the child in line with the Leaving Care Finance policy (where the young person is not engaged in education or training). No payment or any percentage of the Leaving Care Maintenance Allowance should be made to the parents until it is deemed appropriate for the 'Relevant' child to remain living with the parent/s.

The Pathway Plan and the provision of financial support should focus on positive parental engagement or re-engagement with the child/young person and should support the child/young person to continue/resume education or training.

## **Summary**

In essence, financial support to 16 and 17 year olds living at home should be provided by parents:

- where a child/young person is engaged in an education or training activity, the parent/parents are entitled to claim child benefit/child tax credits;
- where children/young people are not engaged in education or training the guidance above and the leaving care finance policy provides the framework for the provision of allowances.



## Appendix C

### **Unaccompanied Asylum Seeking Children (UASC)**

#### **Eligible and Relevant Children**

##### **Key Guidance**

Social Workers and Personal Advisers must ensure an UASC has applied to extend their leave to remain and the application is submitted to the Home Office before their leave status expires. In the majority of UASC cases their leave status expires at the age of 17½, or on their 18<sup>th</sup> birthday. If this task is completed and submitted within time the young person is eligible to claim means tested benefits on their 18<sup>th</sup> birthday. See section on - Access to Public Funds and Welfare Benefits at the end of this appendix.

Consideration should also be given to appealing an initial asylum decision where a young person is granted limited leave to remain.

Unaccompanied Asylum-Seeking Children (UASC) are covered by the Children Act 1989 and the provisions of the Care Planning, Placement and Case Review Guidance and Regulations 2010 [16 & 17 year olds] and the Planning Transition to Adulthood for Care Leavers Guidance 2010 and the Care Leavers (England) Regulations 2010 [16 to 21/25 year olds] in exactly the same way as other children in this country.

However, they will also have an immigration status:

1. Applying for Asylum;
2. Accepted as a Refugee;
3. Granted Exceptional Leave to Remain [divided into:
  - a. Humanitarian Protection, or
  - b. Discretionary Leave],
4. Indefinite Leave to Remain;
5. Refused Leave to Remain,

all of which will need to be taken into account when undertaking their Leaving Care Assessment of Need and developing their subsequent Pathway Plan.

It should be noted that applicants who are granted refugee status may not automatically receive indefinite leave to remain. Applicants granted refugee status may be given limited leave to remain for five year periods. At the end of each five year period their circumstances will be reviewed and if the conditions in their home country have improved they will be expected to return.

Most Eligible and Relevant (16 & 17 year olds) unaccompanied asylum-seeking children will receive the same entitlements as any other young person. However, there may be some differences in entitlement, which will need to be acknowledged in their Pathway Plan. For example, unaccompanied asylum-seeking children who are applying for asylum and are awaiting an initial decision, or have been granted exceptional leave to remain are not entitled to the 16- 19 Bursary.

When developing Pathway Plans with Eligible and Relevant (UASC) particular attention must be paid to their immigration status and contingency plans developed which take account of their possible status options at the of age eighteen.

Department for Education guidance highlights that pathway planning for the majority of UASC who do not have permanent immigration status should initially take a dual or triple planning perspective, which, over time should be refined as the young person's immigration status is resolved.

Planning may be based on:

- a transitional plan during the period of uncertainty when the young person is in the United Kingdom without permanent immigration status;
- longer term perspective plan in the United Kingdom should the young person be granted long term permission to stay (for example through the grant of Refugee Status); or
- a return to their country of origin at any appropriate point or at the end of the immigration consideration process, should that be necessary because the young person decides to leave the UK or is required to do so.

## **Failed Asylum Seekers aged 18 to 21/25**

### **Former Relevant Children**

Where young people have an immigration status that means they have permission to work and/or have recourse to public funds they will be expected to be working or claiming benefits like other Former Relevant Children. Additionally, Hertfordshire Children's Services will apply all of the aspects of the Former Relevant Children section of the leaving care financial policy with some exceptions to the Higher Education and Further Education sub-section.

Where young people have:

- limited leave to remain;
- exceptional leave to remain;
- (are) appealed an adverse decision;

they are only eligible for a Hertfordshire Children's Services Higher Education Grant for higher education courses that finish in the academic year prior to their status expiring.

Hertfordshire Children's Services will provide a Higher Education Grant to unaccompanied asylum seeking young people only if all of the following circumstances are met:

- a) they have been offered a higher education place
- b) Student Finance England have award them a loan and/or grant
- c) they are classified as a home student.

Hertfordshire Children's Services will work with education establishments and training providers to ensure that young people who have limited leave to remain have access to purposeful activities such as short education courses, training opportunities and courses and voluntary activities.

Where asylum seeking young people:

- have lodged an asylum application, but do not have an initial decision;
- have no recourse to public funds;
- are all rights exhausted;

they will not be eligible for higher education funding.

Consideration will be given to supporting young people with short term universal access courses that provide enhanced education and training skills.

Young people who have exhausted all 'avenues and rights' regarding appealing an adverse asylum decision, and/or are unable to extend their exceptional leave to remain, and/or lose access to public funds and the right to work are deemed 'end of line cases' or 'all appeal rights exhausted' cases (at this point the young person will usually receive a removal directions notice).

Where young people lose access to welfare benefits and are deemed 'end of line cases' or 'all appeal rights exhausted' cases, Hertfordshire Children's Services will provide an allowance commensurate with benefits following the completion of a Human Rights Assessment. This allowance can continue to be paid until the removal date or the young person's 21<sup>st</sup> birthday (or the end of their education course following their 21<sup>st</sup> birthday), whichever comes first [in principle funding for education or training courses should cease as soon as a young person receives a NRPF or ARE status]. In addition, the provision of an allowance and accommodation is dependent on the young person remaining in contact with their personal adviser and actively engaging in the pathway planning process.

(See London Borough of Barking and Dagenham [2010] EWCA Civ 1101 - Case Law)

## **Pathway Planning Guidance**

When undertaking the Leaving Care Assessment of Need with unaccompanied asylum-seeking children at age fifteen and a half and subsequently developing their Pathway Plans, personal advisers must take account of young people's immigration status and how this may limit access to public funds and services at the age of eighteen. Every effort must be made to clarify young people's immigration status as soon as possible in order to develop clear plans for their future e.g. ensure that extensions to Discretionary Leave and Humanitarian Protection are applied for within timescale i.e. six to eight weeks before expiry.

Pathway Plans should explore how an unaccompanied asylum-seeking child's immigration status may limit future support and financial opportunities. Pathway Plans for unaccompanied asylum-seeking children should always incorporate a dual plan approach. For example, Pathway Plans should highlight what support would be given if the young person gains indefinite leave to remain, and an alternative Pathway Plan should highlight what support would be available should they be granted limited leave to remain and/or receive removal directions.

## Appealing an Initial Asylum Decision

When young people receive their initial asylum decision consideration should be given to lodging an appeal against the decision if they receive a status other than Indefinite Leave to Remain/Refugee Status. In effect, Limited Leave to Remain is a failed asylum decision. Young people are more likely to obtain a positive decision if they appeal at the first decision stage rather than wait until their limited leave status expires. Social workers and personal advisers should liaise with the young person's solicitor to support/consider an appeal. Young people have to lodge an appeal within a very limited time (14 days of the initial decision). Evidence highlights that a high percentage of initial decision appeals are successful.

Young people who receive an initial decision giving them Limited Leave to Remain for a year or less may not be able to appeal the initial decision.

## Summary

Unaccompanied Asylum Seeking Children (UASC) making the transition from care to adulthood have both a leaving care status and an asylum and immigration status in addition to their placement and accommodation, education, health, financial and religious and cultural needs.

Planning transition to adulthood for UASC is a particularly complex process that needs to address young people's care needs in the context of wider asylum and immigration legislation and how this changes over time. Pathway planning to support a UASC's transition to adulthood should cover all areas that would be addressed within all young people's plans as well as any additional needs arising from their specific refugee and immigration status and issues.

The majority of young people making the transition from care to independence, will, with support and assistance develop a settled life in the U.K. Whilst this may be the case for some UASC this may not always apply due to the outcomes of their asylum claim. Planning for many UASC may have to be based around short term achievable goals whilst entitlement to remain in the UK is being determined.

Planning for a return home may be difficult (for both young people and staff working with them), but care and pathway plans should include contingencies for durable and best interest plans for UASC and young people who are likely to have to return to their country of origin. It will be essential that arrangements for returns should be managed in a sensitive and consistent way.

Transition to adulthood planning and pathway planning for the majority of UASC who do not have permanent immigration status should initially take a dual or triple planning perspective which over time should be refined as the final asylum outcome becomes known:

- Longer term perspective plan in the United Kingdom should the young person be granted Refugee Status

- A transitional plan during the period of uncertainty when they are in the United Kingdom without permanent immigration status.
- A return to their country of origin at an appropriate point or at the end of the process should that be necessary due to their immigration status.

Claiming asylum can be a complex process and social workers/personal advisers should work with the young person's legal representative and the dedicated case owner at the Home Office to ensure that the young person understands the process of claiming asylum, the possible outcomes and to provide them with necessary support.

Pathway plans should always consider the implications for the young person if their application to extend their leave to remain or their appeal against refusal of that application is dismissed. In such circumstances the person will become unlawfully present in the United Kingdom and be expected to make plans for return to the country of origin. Pathway plans should highlight the risks associated with young people disappearing ('going underground') to avoid returning and the difficulties associated with returns that occur quickly with little or no planning. Liaison with the Home Office case owner may be necessary to manage these risks.

### **Schedule 3 of the Nationality, Immigration and Asylum Act 2002**

It is important that Personal Advisers and others working with the young people understand that their immigration status may affect their eligibility to leaving care support after they turn 18 because of the provisions of Schedule 3 of the Nationality, Immigration and Asylum Act 2002.

This is especially the case for any of the young people who are "unlawfully present in the UK" – which includes those who have been refused asylum and have either not applied for an extension of further Discretionary Leave to remain or have applied for an extension but that application and any appeal has been rejected.

Liaison with the legal adviser may be required to establish whether Schedule 3 applies in a particular case, as refusal of asylum does not necessarily indicate that a young person is 'unlawfully present in the UK'.

In these cases, the young people can generally only be supported to the extent necessary to avoid a breach of their human rights (under the European Convention of Human Rights).

#### **Access to Public Funds and Welfare Benefits**

Young people must apply to extend their leave to remain at least two months before their immigration leave status expires. If this task is completed by a young person's eighteenth birthday and they have proof that the Home Office has received their application, the young person is then eligible to apply for benefits. Personal Advisers should obtain a letter from the young person's solicitor that includes details of the young person's immigration status; the date of the application to extend the leave to remain was submitted. The solicitor submits the renewal/extension by recorded post. The recorded post item will have a tracking number that can be used to verify that the

Home Office received the application. The letter from the solicitor and a print out of the Post Office tracking statement should be submitted with the young person's benefit claim.

## Appendix D

### **National Insurance Numbers**

All young people should automatically receive a National Insurance Number at the age of 15 and 9 months. The National Insurance Number is sent to the address where Child Benefit is being claimed for the young person. As the majority of children looked after do not have a Child Benefit claim, National Insurance Numbers do not automatically get issued. At the age of 15 and 9 months the social worker for the young person needs to contact the New Registrations Section of the National Insurance Number Office – HMRC.

For detailed guidance see:

<http://www.hmrc.gov.uk/manuals/nimmanual/NIM39310.htm>

## Appendix E

### HERTFORDSHIRE - LEAVING CARE FINANCIAL SUPPORT CHART

- If you have left Foster Care or a Children's Home, and you are an Eligible, Relevant, or a Former Relevant young person, this chart provides information about the financial support that Children Services can offer you. It is important to talk to your Social Worker/Leaving Care Personal Adviser about the allowances that may be available to you and what your responsibilities are when receiving them.
- With your Social Worker/Leaving Care Personal Adviser, explore what you may be entitled to and complete the chart.

Entitlements	Comments	Amount
Leaving Care Maintenance Allowance		
Accommodation or Placement Support		
Education/Training/Employment Costs		
Clothing		
Birthday/Christmas and Festival Allowances		
Health		
Key & Identity Documents		
Travel & Contact Costs		
Exceptional Needs Costs		
Setting Up Home Allowance Costs		
Other Payments and Allowances		
		<b>Your Weekly Total</b> <b>Your Monthly Total</b> <b>Your Yearly Total</b>

