

NATIONAL PROTOCOL

INTER-AUTHORITY ARRANGEMENTS FOR CARELEAVERS

1. Status of this Protocol:

1.1 This Protocol has been agreed by the Department for Education and Skills (DfES) Leaving Care Project Group and the Association of Directors of Social Services (ADSS) as a model for managing joint working arrangements between local authorities where a care leaver who is the responsibility of one authority is residing in another authority.

1.2 Those local authorities which have established protocols may obviously retain those protocols at their own discretion and subject to their acceptance by partner authorities. This document is designed to support authorities where one or other of the respective agencies does not have such an agreement. DfES and ADSS consider that this Protocol represents a minimum standard of joint working required of authorities to implement the Children (Leaving Care) Act 2000.

This National Protocol is being issued in July 2004 and will be reviewed after one year.

2. Statement of values:

2.1 Local authorities working to this Protocol recognise that care leavers deserve the same standards of care that reasonable parents would provide for their own children. This means that they agree to:

- make sure that young people know what our responsibilities towards them are;
- make sure that young people know what their entitlements are;
- have the highest expectations of them;
- strive to ensure that they are not discriminated against; and
- offer as much support as reasonably possible throughout the transition to adulthood and independence.

In short, the values which underpin this Protocol reflect those which underpin the Children Act 1989 and the Children (Leaving Care) Act 2000.

3. Aim of this protocol:

3.1 The Children (Leaving Care) Act firmly established the principle that a local authority should retain responsibility for its own care leavers (see definition of responsible authority below). This Protocol is predicated on that principle and affirms that wherever reasonably possible the responsible authority should continue to ensure the direct provision of services to those care leavers for whom the authority holds responsibility.

3.2 This Protocol is intended to offer guidance to local authorities to ensure minimum standards of leaving care services for care leavers who have moved between authorities. It also describes a process that the authorities should follow in circumstances where it is not practicable for the responsible authority to provide a full care leaving service to young people who are resident outside their area. These circumstances might include significant distance or, exceptionally, a breakdown in the relationship between a young person and their responsible authority. The aim of this Protocol is to enable local authorities to agree consistent arrangements and appropriate support for care leavers.

3.3 Wherever reasonably possible local authorities should seek to provide one another with the maximum assistance necessary to ensure that care leavers' needs are met in accordance with the legislation.

4. Definitions

4.1 This Protocol relates to all young people who qualify for a service as defined by the Children (Leaving Care) Act 2000 (as it amends the Children Act 1989). This therefore includes all young people who are "relevant" (Section 23A), "formerly relevant" (Section 23C), and "qualifying young people who have been looked after by local authorities" (Section 24). This Protocol will simply refer to all such young people as "care leavers".

4.2 The Children (Leaving Care) Act firmly establishes the principle that local authorities should retain responsibility for their own care leavers irrespective of where those care leavers may live. The "responsible authority" (Section 23A) is the one which last looked after the young person before they became a care leaver. This Protocol seeks to support authorities to work in partnership and find pragmatic solutions to address the needs of care leavers who do not live within the boundaries of their responsible authority. But the Protocol in no way dilutes the core duties that the responsible authority retains with regard to its care leavers.

4.3 Within this Protocol the "host authority" or the "receiving authority" refers to the local authority within whose boundaries the care leaver is living where that is different from the responsible authority.

5. Named Lead Officer in each authority

5.1 Each authority will provide a named Lead Officer who:

- can be contacted in the event of difficulty and who will try to resolve any concerns reported about the service offered to young people; and
- will contribute to the monitoring of the Protocol.

The lead officer will usually be the local authority service manager with overall direct accountability for care leaving services.

5.2 The Lead Officer will ensure that wherever a care leaver from that responsible authority intends to move or has moved to a different local authority then the Lead Officer of the receiving authority is notified with as much notice and information as is reasonably possible.

5.3 The Lead Officer will also ensure that systems are in place to receive such notifications from other responsible authorities in order to enable negotiations between authorities about how best the needs of the care leaver can be addressed. Those systems will include the capacity to respond quickly where the move of the care leaver is unplanned.

5.4 The Lead Officer will also ensure that monitoring arrangements are in place to monitor the implementation of this Protocol. Lead officers might usually share monitoring information about services for care leavers living outside the responsible authority area with senior officers in their own authority, with regional leaving care networks and with other professional forums.

6. Principles of negotiation

6.1 Every local authority should be mindful that the Children (Leaving Care) Act established the principle of the “responsible authority” in order to ensure continuity of care and responsibility, consistent with the aims of the legislation to ensure good parenting. A good parent does not discharge their responsibility when their child leaves the area. By the same token, every local authority ought to aspire to provide a needs-led, comprehensive, and equitable service to all young people in their area, regardless of whether it is the ‘responsible authority’ for the young person.

6.2 Wherever possible a responsible authority should strive to provide services directly to its care leavers. Where it is not possible for the responsible authority to provide a service directly then the responsible authority may seek to negotiate support for a young person with the receiving authority who will make every effort to comply with requests. This Protocol recognises that the receiving authority should try to meet these needs as far as possible within the limit of their resources but will retain the right to decide what they can, or cannot, offer. Receiving authorities may also retain the right to charge responsible authorities for their services but it is expected that such charging would not apply to the provision of basic advice and support nor should it ordinarily include the costs of indirect services (eg on-costs for administration).

6.3 Where there is a delay in the provision of service arising from differing interpretations of policy between authorities, the named officers in the responsible and receiving authorities will negotiate directly in order to achieve a speedy resolution. In exceptional cases where such a resolution cannot be

achieved then they should refer the case to their respective senior managers for resolution within 4 working weeks. The minimum standard of service should be maintained to the young person concerned whilst a resolution is being reached. It falls upon the responsible authority to ensure that the minimum standard is maintained but the receiving authority must do all it reasonably can to support the responsible authority pending resolution.

7. Financial responsibility

The responsible authority retains financial responsibility for:

- direct financial support to the young person;
- the cost of any negotiated services provided by agreement by the receiving authority (see paragraphs 6.2 and 8.9).

8. Good practice guidelines

8.1 Wherever practicable, the responsible authority will continue to deliver services directly to the young person. At the same time and in the spirit of the legislation, the receiving authority will do its utmost to support the responsible authority and ensure the provision of at least a minimum standard of service to the care leaver.

8.2 Young people will be involved in the planning and negotiations to transfer their support under this Protocol, and will be kept informed at all times.

8.3 Each young person will remain on an active caseload with the 'responsible authority' as long as they are receiving services from either or both authorities.

8.4 The 'responsible authority' will continue to have responsibility for gathering management information, and will need the co-operation of the receiving authority. This will be part of the negotiation between the two authorities.

8.5 Authorities should offer each other maximum co-operation so that they are able to work effectively together to provide good quality services to young people.

8.6 Where the 'responsible authority' provides the service to a young person living in another local authority, they may seek:

information or advice from the receiving authority about
resources within that area; and

to negotiate additional support from the receiving authority.

8.7 The receiving authority will, if requested, provide services to all young people on an equitable basis that will be comparable to services that they provide for their own care leavers.

8.8 If possible, services should be provided at nil cost to the responsible authority, but in some circumstances the Protocol recognises that it may be necessary for the receiving authority to negotiate charges to the responsible authority for its assistance. These circumstances may include:

where the numbers of incoming care leavers in a receiving area are consistently substantial relative to the authority's own looked after and care leaver population;

where staff shortages in the receiving area mean that the receiving authority would have to recruit additional staff to fulfil a commitment under this Protocol;

or

where care leavers have exceptional needs (e.g. extremely challenging behaviour).

8.9 Each authority retains the right to make decisions about which services they can, and cannot provide for young people from other authorities.

8.10 Where a young person is to move to another authority, the responsible authority will make every effort to ensure the move is planned and that any support arrangements are negotiated in advance. The Pathway Plan will be the central document in this negotiation.

8.11 Where a young person moves at short notice, or is found to be living in another authority, the authorities concerned will act promptly to assess and meet their needs. The receiving authority will provide emergency financial assistance and the responsible authority must recognise its responsibility for refunding this.

8.12 Though there will be exceptions, as a general rule it is not likely to be in the best interest of a young person to move between areas in an unplanned fashion, not least as this is likely to be contrary to the Pathway Plan which the young person has helped develop. There is a collective role shared by the agencies to impress upon the young person the need to work in partnership in the delivery of the Pathway Plan and to understand that unplanned moves are bound to prejudice the quality of service that they can expect to receive.

8.13 Where a young person in a receiving authority has a complaint about the service that is being provided, the matter will be referred to the responsible authority for resolution in accordance with its own complaints policy and procedure. Where that complaint relates to the delivery of service provided by the receiving authority there should be effective dialogue between the authorities about the handling of the complaint.

9. Procedures

9.1 Planned moves where the 'responsible authority' is seeking input from the receiving authority.

The Aftercare Service/case-manager in the 'responsible authority' will contact the local manager in the receiving authority and will:

- Provide them with a Pathway Plan and any other information that is required;
- Negotiate any support or services that are needed.

The receiving authority will then provide a response to this request within 4 working weeks. In the meantime the young person's support will continue to be provided by their responsible authority

9.2 Detailed arrangements as to the services to be provided to the young person will be subject to a review of their Pathway Plan, which will be convened by the responsible authority in the receiving area.

9.3 Unplanned moves to another authority

When a young person moves to another authority at short notice, or is found to be living there, the receiving authority will take the following steps upon receiving a referral from another agency or upon the young person presenting him or herself:

- Interview the young person to assess any immediate need;
- Contact the 'responsible authority' urgently to inform and discuss the young person's immediate needs; and
- Meet any emergency needs for advice or support in the meantime while discussions take place .

The responsible authority will:

- Provide the receiving authority with as much information as possible immediately, including a faxed or e-mailed copy of the most recent Pathway Plan;

Agree a process to refund any immediate reasonable costs incurred by the receiving authority (see paragraph 6.2); and

In the event that the young person intends to remain within the receiving authority, agree to a meeting to review the Pathway Plan within 4 working weeks.

Monitoring arrangements

10.1 Lead Officers will maintain accurate records which detail the young people for whom their authority is responsible but who are resident elsewhere as well as of those young people for whom their authority is acting as a receiving authority. As a minimum those records will include details of age, race, gender and disability as well as the location of the care leaver, the nature of the move (planned or unplanned) and the duration of the residence. Authorities should also record cases of dispute.

10.2 DfES and ADSS will collaborate to collate and review this information during 2005 after the first year of implementation of the National Protocol. That review will include an analysis of the usefulness of the Protocol. Any comments about the Protocol in the interim should be forwarded to:

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