



'Continuing Care' Practice Guide

North Ayrshire Health and
Social Care Partnership

Social Services

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Continuing Care Practitioner Guidance

Introduction

The Children and Young People (Scotland) Act introduces Part 11 (Continuing Care) This part of the Act outlines the entitlement that eligible young people and adults have in relation to wishing to stay in their current placement after they are 16 years of age up to their 21st birthday. If they are a care experienced young person over 21 or an adult they are entitled to support, advice and guidance up to their 26th birthday through Aftercare provision (Part 10).

As a practitioner you will need to be aware of some of the changes that the Act places on the Local Authority and key facts that are introduced in the Act. This guidance focuses on Continuing Care:-

Continuing Care

- The aim of “Continuing Care” is to provide young people with a more graduated transition out of care.’
- An eligible young person is one whose final placement (before their 16th birthday) was in foster, formal kinship or residential care
- An eligible person is described in the Act as a person **who is at least 16 years of age.**
- The higher age limit for considering Continuing Care is **18 years of age.**
- **The young person must be informed of their right to continuing care**
- If a young person wishes to exercise that right an assessment must be carried out to consider if the placement is appropriate and that placement will not have a **significant adverse effect** on the young person’s welfare. It should also consider whether proper planning is in place for the young person’s future.
- Subject to an assessment, a local authority must provide an (eligible) care leaver with the accommodation and support they were receiving immediately before they ceased to be ‘looked after’ **up until their 21st birthday.**
- If a young person continues to stay in their placement they cease to be ‘looked after’ and therefore any orders will have to be terminated. (Further detail in this guidance)
- Young people in Continuing Care are entitled to the same supports (i.e. accommodation and other assistance) as when they were looked after.
- Reviews must be carried out at an interval not exceeding twelve months and a new assessment completed.

The statutory guidance uses the term ‘Welfare assessment’. This will be the ‘Pathway assessment’ for a young person in North Ayrshire with the drop down ‘Continuing Care’ option selected. Appendix 1 contains a list of requirements that the assessment must address.

The agreed processes are outlined in the following pages

Process – Continuing Care

This guidance should be read in conjunction with the Celcis flow chart found on www.qirfecna.co.uk.

The Social Worker along with the young person should consider continuing care among the alternative options available to them **before their sixteenth birthday**. This will be discussed at the nearest Looked After Child review before their sixteenth birthday.

Scenario 1) Young Person on CSO and looked after away from home expresses a desire to continue in their current placement (for s25 see Scenario 5 on page 6)

- Is the young person eligible for continuing care? (i.e were they born on or after April 1999)
- Social Worker discusses with the present carers the young person's desire to continue in their current placement.
- If present/carers agree follow process below.
- If they do not agree go to **Scenario 3** on the next page.
- Carry out a Pathway assessment. (see information to be contained in a assessment in **Appendix 1**).
- Following the assessment is Continuing Care available and appropriate? If Yes continue with the process below. If No go to **Scenario 4**.
- Discuss continuing care at the review preceding the young person's 16th birthday. **(The young person should be informed that they do not need to make this decision at this point and can request Continuing Care at any time up to their 18th Birthday. Continuing Care should not be used as an alternative to remaining looked after under the 1995 Act. A young person who is currently looked after should remain looked after up until the age of eighteen years if that is in their best interest)**
- Request children's hearing and request termination of Order if it is felt this is in the person's best interests. **The report for the hearing should inform the panel of the Continuing Care provisions and why this in the young person's best interests.** (It may be better to postpone continuing care till the young person is nearing 18 and leave an order in place).
- Young person stays within placement with the same level of support as previously.
- Discussion between Fieldwork Children and Families and Throughcare to decide who takes on the responsibility for the young Person
- Young Person can stay within placement until 21 years of age but will be reviewed annually and will have a Pathway Plan (see review procedures in page 7)

Scenario 2) Young Person on CSO looked after away from home and *does not* express a desire to continue in their current placement. This will be recorded at their review.

- CSO continues until compulsory measures are no longer required.
- Review children's hearing to be held and placement continues till their eighteenth birthday or order terminated if no longer required.
- When ready to move on begin Pathway assessment
- Placement ends.

Scenario 3) Young Person looked after away from home and current carers do not agree to continue their current placement but young person wishes to stay in continuing care.

- At the next review discuss the views of the present carers and the reasons why the placement cannot continue till the young person is 21.
- A residential establishment can only be not available if the establishment is closing or if an external placement where the arrangements have come to an end.
- An alternative placement should be found for the young person. The Review should discuss and make recommendations and actions.

A local authority does not have a duty to provide Continuing Care to an eligible young person if the young person was in a care placement where the carer/provider has indicated that they are unable or unwilling to continue to provide the placement. **(This does not apply to local authorities residential houses)**

Scenario 4) Following an assessment the Continuing Care Placement is not available or appropriate

If the continuing care placement is not available or appropriate after the young person has requested it, the minutes of the Looked After Review and the pathway assessment should record these reasons.

It is only under exceptional circumstances that a placement should be deemed not to be appropriate. The core question: What makes it **not** good enough now? should be answered in the Pathway Assessment.

There are **three** circumstances where a local authority does not have a duty to provide Continuing Care to an eligible young person;

- a) If the young person was accommodated in secure care immediately before ceasing to be looked after;
- b) If the young person was in a care placement where the carer/provider has indicated that they are unable or unwilling to continue to provide the placement; or
- c) If the local authority considers that providing the care would **significantly adversely affect the welfare of the person.**

Scenario 5) Young Person on s25 or on PO looked after away from home and expresses a desire to continue in their current placement

- Is the young person eligible for continuing care and is this appropriate? (i.e. were they born on or after April 1999)
- If the young person does not express a desire to stay go to **Scenario 6** below.
- If the young person does express a desire to stay discuss with present carers the young person's desire to continue in their current placement.
- If they do not agree go to **Scenario 3**.
- If young person is subject to a PO this will continue (normally up to 18). If subject to s25 this can continue (could be up to 21 if in Continuing Care)
- If present carers agree to continuing care go to next step.
- Carry out a Pathway assessment and Plan. (see information to be contained in a welfare assessment in **Appendix 1**)
- Is Continuing Care available and appropriate? If Yes go to next step. If No go to **Scenario 4**.
- Discuss continuing care at the review preceding the young person's 16th birthday. **(The young person should be informed that they do not need to make this decision at this point and can request Continuing Care at any time up to their 18th Birthday. Continuing Care should not be used as an alternative to remaining looked after under the 1995 Act. A young person who is currently looked after under s25 could remain in their placement until the age of 21 under continuing care)**
- Young person stays within placement with the same level of support as previously.
- Discussion between Fieldwork Children and Families and Throughcare to decide who takes on the responsibility for the young Person
- Young Person can stay within placement until 21 years of age but will be reviewed **at least** annually. (see review procedures in page 7)

Scenario 6) Young Person on s25 or on PO looked after away from home and does not express a desire to continue in their current placement. This will be recorded at their review.

- Pathway assessment begins.
- Consider Compulsory measures if necessary.
- Consider alternative placement
- Placement ends

Protecting an order until the young person reaches 18.

A young person should only be removed from an Order if this is their best interests. Once it is agreed that a Continuing Care placement is available and all parties are in agreement the Looked After review should discuss which route is in the Young Persons best interests.

Review Process for Continuing Care Placements

Reviews that are been carried out close to the young person's 16th birthday must address continuing care. The reviewing officer must ask if continuing care has been considered and if the young person and carer have been informed of this option and if it has been discussed. A Pathway assessment must have been completed if the Young Person has requested continuing care before the review

If this option is to be progressed the review should discuss the appropriate time to request the removal of the young person's order and when this would be in their best interests. It may be appropriate to continue the order and postpone continuing care closer to their 18th birthday.

When a Young Person is in a Continuing Care Placement this will be transferred to the Area Team to the Throughcare Team.

Throughcare will review all Continuing Care placements on a six monthly basis and a new Pathway assessment prepared for the review.

Carefirst process

Pathway Assessment

- From the 'Find Assessment' page on Carefirst select application as Care Assess. Then select 'Throughcare' as the context.
- Chose Pathway assessment
- A new question has been added and will now need to be completed. Tick 'Yes' if this is a continuing care assessment.

Continuing Care agreed

- Decisions of LAC Review will be recorded as per existing procedures
- Admin will **end** CLA Episode with the Destination Accommodation of **Continuing Care. This removes the YP from the LAC System**
- A new episode will be added to reflect the continuing care placement. Same placement will be added but a legal reason of Continuing Care. Records with this legal reason will not be counted as part of LAC stats.
- Young person will be transferred from Area Team to Throughcare Team
- AYRshare will be updated to reflect new Lead professional.

Reviewing the Placement

- Six monthly Reviews of the placement will be carried out by Throughcare
- The Pathways Assessment will be completed prior to and presented at the meeting. A new question in the form has been added to reflect Continuing Care as the Assessment Type

- Following the Review the decision of the meeting will be recorded as an observations under the new heading of **Continuing Care Review**

End of Continuing Care

- Placement and legal reason will be ended
- YP will be closed on CareFirst?
- Section 25 cases will still be reviewed by Throughcare. Young Person will not be closed on Carefirst at end of Continuing Care as they will be an Aftercare case

Appendix 1

Matters to be considered in the welfare assessment

- 1.** The eligible person's emotional state, day to day activities, personal safety, influences on the eligible person and the eligible person's personal identity.
- 2.** The eligible person's family relationships, children, other caring responsibilities, life story, friends and relationships with other significant people in the eligible person's life, including the eligible person's carer (if in a care placement).
- 3.** The eligible person's general health (including any mental health needs), contact with health services, medical conditions and disabilities, activities that might affect the eligible person's health and emotional and mental wellbeing.
- 4.** The eligible person's schooling, skills and experience, qualifications and certificates, training and work.
- 5.** The eligible person's future plans for study, training or work.
- 6.** The eligible person's current accommodation arrangements, practical living skills, accommodation options for the future and any support required for everyday living.
- 7.** The eligible person's sources of income, outgoings, savings and debts, requirement for financial support and budgeting skills.
- 8.** The eligible person's knowledge of their rights and legal entitlements, any previous or current involvement in legal proceedings, including criminal proceedings as a victim, witness, or alleged perpetrator.