



Briefing from Family Rights Group on the Welfare Reform and Work Bill: impact on parents who are care leavers

This briefing is also endorsed by:

**Barnardo's
Children England
Children's Society
Child Poverty Action Group
Coram Voice
The Fostering Network
Just for Law Kids**

Insert the following new Clause 15A –

“Universal Credit standard allowance: single claimants under the age of 25 years who are care leavers and lone parents

- (1) The standard allowance payable to a single person under the age of 25 years old shall be that same higher rate of standard allowance that is payable to a single person aged 25 years old or over where:-
 - (a) the single person under 25 years old is a care leaver. and is also
 - (b) a lone parent

- (2) For the purposes of this section, a care leaver is:-
 - a. a person eligible to claim Universal Credit and to whom a duty to provide leaving care services or support is owed under the Children Act 1989, as amended.

- (3) For the purposes of this section, a lone parent is:-
 - a. a person with responsibility for a dependent child or children, that child being in their primary care.

- (4) The Secretary of State shall, by regulation, establish an appeals process by which an individual can appeal a decision as to whether the provisions of this section applies in their individual situation.”

Family Rights Group

1. This briefing is prepared by Family Rights Group, the national charity that works with parents in England and Wales whose children are in need, at risk or are in the care system and with members of the wider family who are raising children unable to remain at home. We advise parents, grandparents, other relatives and friends about their rights and options when social workers or courts make decisions about their children’s welfare. We campaign for families to have a voice, be treated fairly and get help early to prevent problems escalating. We champion family group conferences and other policies and practices that keep children safe within their family network.

Care leavers: the background

2. There were 69,540 looked after children in England as at 31 March 2015¹. Looked after children are in the care system as a result of a care order or parental Section 20 voluntary agreement.² These children are typically in care as a result of parental alcohol or drug misuse, domestic violence, mental ill health, disability, imprisonment or bereavement. Most have suffered abuse or neglect. Their separation from their parents or other members of their family network, alongside the trauma or tragedy that they have suffered, can have a significant and lasting impact on these children’s mental health and emotional well-being - in 2014 only half of children in care had emotional and behavioural health that was considered normal.³ The Care Inquiry (2013), conducted by 8 voluntary organisations concluded that the greatest failing of the care system and associated child welfare procedures is that it too often breaks, rather than builds, relationships for children in care. 50% of sibling groups are split up.⁴ A fifth of children aged 13 years old or over have three or more placements in a year.⁵
3. In 2013-14, 10,310 young people aged over 16 left care, this is an increase of almost 50% in the past 10 years. As at the end of March 2014, 1 in 75 of all 19 year olds was

¹ Department for Education (2015) Children Looked After in England including adoption: 2014 to 2015 Available at: <https://www.gov.uk/government/statistics/children-looked-after-in-england-including-adoption-2014-to-2015>

² Children Act 1989

³ Department for Education (10 December 2014) Statistical First Release – Outcomes for Children Looked After by Local Authorities in England as at 31 March 2014. Available at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/384781/Outcomes_SFR49_2014_Text.pdf

⁴ Ashley C & Roth D (2015) What happens to siblings in the care system? Available at:

<http://www.frg.org.uk/images/PDFS/siblings-in-care-final-report-january-2015.pdf>

⁵ Department for Education (2014) Rethinking support for adolescents on the edge of care Available at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/342052/Rethinking_support_for_adolescents.pdf

a care leaver.⁶ These care leavers are vulnerable young people who require support to transition to adulthood and to independent living. That this is the case is reflected in the statutory framework of assessment, care planning, intervention and review that local authorities must follow to prepare 16 and 17 year olds who are looked after, for the time when they will leave care.⁷ The standard of the provision that is made for care leavers by local authorities has only been the subject of specified inspection by Ofsted since 2013. As at July 2015, 64% of the 59 authorities inspected had care leavers' services which were rated as requiring improvement or inadequate.⁸

4. In 2013, at the age of 22 years, 50% of adults in the UK still lived with their parents. In contrast, young people leaving care often lack the family and informal support networks that other young people depend upon for educational support and economic opportunities, emotional stability and a home. This can be seen starkly by examining numbers of care leavers not in education, employment or training (41%) compared to 15% of all 19-year-olds⁹

Care leavers as young parents:

5. Evidence from the Centre for Social Justice based upon data provided by 93 local authorities, revealed that 22% of female care leavers became teenage mothers; this is three times the national average¹⁰. When supported as care leavers in accordance with statutory duties and non-statutory guidance, and when supported as young parents, care leavers are better placed to be able to keep their own children safely in their care. When unsupported, care leavers are, as parents, particularly vulnerable to losing their own children to the care system. 1 in 10 care leavers aged 16-21 have had a child taken into care.¹¹ Extra stresses caused by poverty and debt, will increase pressure on these young parents, making them even more vulnerable to losing their babies. Teenage mothers are most at risk of experiencing the removal of their children to state care. Recent research interviews with 72 mothers who had experienced recurrent removals of their children to state care, found that 46% had been in care themselves.¹²

⁶ National Audit Office (17 July 2015) Care leavers' transition to adulthood. Available at: <https://www.nao.org.uk/report/care-leavers-transitions-to-adulthood/>

⁷ This is provided for in Volume 2 of the Children Act 1989 Guidance – Care Planning, Placement and Case Review regulations and statutory guidance.

⁸ National Audit Office (17 July 2015) Care leavers' transition to adulthood. HC 269

⁹ National Audit Office (17 July 2015) Care leavers' transition to adulthood. HC 269

¹⁰ Centre for Social Justice (January 2015) Finding Their Feet, Equipping care leavers to reach their potential Available at: <http://www.centreforsocialjustice.org.uk/publications/finding-their-feet>

¹¹ Centre for Social Justice (January 2015) Finding Their Feet, Equipping care leavers to reach their potential. Based on Freedom of Information Requests by Centre for Social Justice in August 2014, to which 108 of 119 local authorities were able to give data.

¹² Broadhurst, K and Mason, C (2015). Mother's experiencing recurrent removal of children –presentation at Your Family, Your Voice Event on 2nd December 2015. Interview participants were accessed via local authorities and care leavers are still often known to local authorities.

Our concerns about impact of the Bill on lone parents under the age of 25 who are care leavers

6. Under the current system of Income Support and Income-based Job Seeker's Allowance, the rate of personal allowance which is payable to a claimant depends upon the claimant's age and whether the claimant has children or not. Under 25 year olds who are not parents, receive a lower rate of personal allowance than those over 25 years old. A lone parent aged 18 years or over will receive the same higher rate of personal allowance that over 25 year olds are entitled to. Thus lone parents receive a sum of £73.10 per week which equates to £316.77 per month.
7. Under Universal Credit, the government has introduced different rates of standard allowance for single claimants (regardless of whether they are a parent), depending on whether the claimant is aged under or over 25 years old. Therefore under Universal Credit, the standard allowance for a single parent under 25 years of age is £251.77 per month, almost £65 less per month; or nearly £780 less over the course of a year, than lone parents of that age receive under the current regime.
8. Many young parents under the age of 25 who are care leavers are entirely reliant on welfare benefits and tax credits to support themselves and their child(ren). We are very concerned about the impact the reduced rate of universal credit will have on these already very vulnerable young parents.
9. We are concerned that the impact of this reduction in income may force some young parents who are care leavers into severe financial hardship and debt. This may result in them having to move home away from the formal support networks and the services which are an integral part of their own Pathway Plans¹³ as well as the plans in place to support them in caring safely for their child/ren. It could lead to young parents being denied the chance to provide consistent and stable care for their children. If their ability to meet their children's needs is compromised, this risks children being denied the chance of being raised by their parent thus impacting on the child and the parent's right to respect for family life. It could also increase the number of children in care, which would not be in children's best interests and would lead to a considerable greater cost to the Government.¹⁴ We are concerned that the payment of a lower personal allowance undermines those provisions which aim to support care leavers and particularly undermines the government's commitment under the leaving care strategy to 'ensure that care leavers are adequately supported financially in their

¹³ A Pathway Plan is a plan which local authorities must make to plan for a care leavers health and development, education, training and employment, contact with family and managing money. Pathway Plans continue until a care leaver reached 21, or 25 if the care leaver is in education or training.

¹⁴ National Audit Office (2014) Children in Care reports that the cost of one child being in an independent foster care placement for a year is £40,000. Available at: <https://www.nao.org.uk/report/children-in-care/>

transition from care to adulthood to enable young people leaving care to have the same opportunities to fulfil their potential as their peers'.¹⁵

10. It is worth noting that this is in the context that under 25 year olds in work will not be legally entitled to the new National Living Wage rate which has been announced by the Chancellor.

Our recommendations

10. We recommend that a New Clause be inserted into the Bill to provide that the higher rate of standard allowance payable to Universal Credit claimants who are single and aged 25 years old and over, should also be payable to single claimants with dependent children who are under the age of 25 years where the claimant is a care leaver.
11. This recommendation is wholly in keeping with existing statutory and non-statutory provision which recognises the vulnerability of care leavers, the challenges they face and the need to provide additional support for them. These provisions include:-
 - (i) The duties upon Local Authorities to provide care leavers with specified forms of advice, assistance and support until the age of 21 years, or 25 years where the care leaver is in education and training¹⁶;
 - (ii) Staying put arrangements under the Children and Families Act 2014 which inserted into the Children Act 1989 a mechanism by which young people who had reached the age of 18 years (and thus had ceased to be looked after) could 'stay put' in the home of their foster carer(s) until the age of 21;
 - (iii) The governments' 2013 published care leaver strategy which made a commitment to coordinate the activities of government departments to improve support available for care leavers in respect of key matters including financial assistance, housing, education and health;
 - (iv) The care leaver charter which set out a series of key principles which are to remain constant through any changes in Legislation, Regulation and Guidance concerning care leavers. These are designed to raise expectation, aspiration and understanding of what care leavers need and what the government and local authorities should do to be good Corporate Parents.¹⁷
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¹⁵ Department of Education (October 2013) [Care Leaver Strategy](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/266484/Care_Leaver_Strategy.pdf). Available at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/266484/Care_Leaver_Strategy.pdf

¹⁶ Children (Leaving Care) Act 2000 amending Part II of Schedule 2 of the Children Act 1989.

¹⁷ Department for Education (2012) [Care leavers' charter](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/264694/Care_leavers__charter.pdf). Available at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/264694/Care_leavers__charter.pdf