

Leaving Care?

Know your rights



Think before you move

Scotland's Commissioner
for Children and
Young People



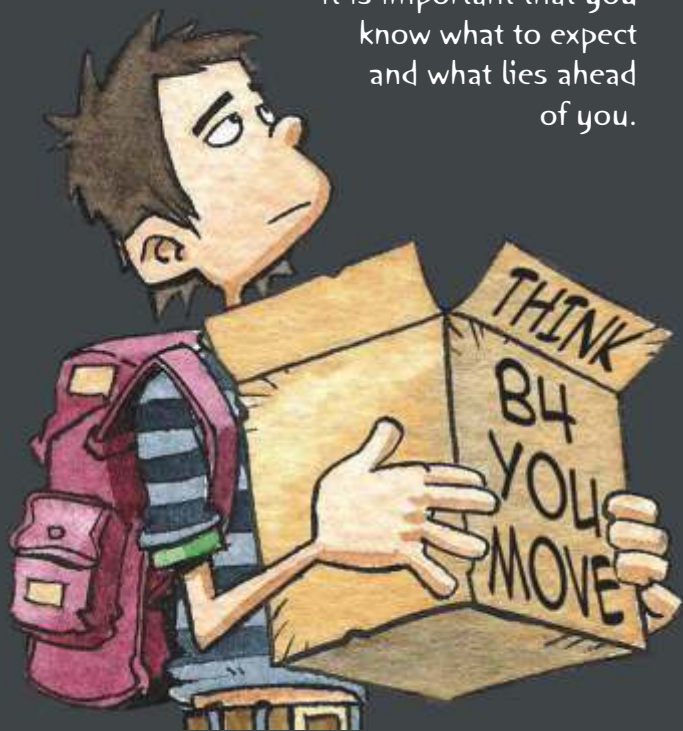
Keeping Promises

The job of Scotland's Commissioner for Children and Young People is to promote and safeguard your rights. If you are a young person who is going through the leaving care process then take a look at this.

Leaving care should be a positive experience for every young person. No one should be moved on without the proper preparation, support, love and guidance. Young people have been telling us that they don't know what they are entitled to or what their rights are when going through the leaving care process.

This leaflet uses real life examples that young people have shared with us. Leaving home for anyone is a scary experience but even more so when you are leaving care.

It is important that you know what to expect and what lies ahead of you.



"Someone told me I have to leave care at 16"

There are a lot of myths about this. Young people used to feel that they should leave care at 16, but times have changed and young people are telling us that they want to stay longer. You should be looking to stay on until at least 18 if you don't feel ready.

"I don't feel ready to move out"

You should not be pressured to move out and should be properly prepared to move on, so if you don't feel ready then let your workers or guardians know. If people are not listening to you and are still pressuring you then contact SCCYP. You have the right to have a say when decisions are being made about you.

"Other people need these beds - I'm 16 and an adult now so I should be moving on"

It's not your problem if other young people need a bed to stay in. You are entitled to care and support like everyone else even if you are over 16. If you don't feel ready to move then tell someone. Don't be embarrassed about resisting moving out. This shows that you are mature enough to be thinking about what's best for you. If you are ready to move on and are 100% sure, then make sure you have the proper support.

"Most of the people I know are homeless or in B&Bs"

Being placed in homeless accommodation or B&Bs is not a proper option. You should not have to be made homeless to get a proper home.

"I just want to move out and get away from this place"

If you leave care before your official school leaving date then the local authority (your Council) may not have responsibility to support you. You may not want this now but later in life you might want support with college, furniture, driving lessons or just a few £s to get some new clothes for an interview. So think hard before you make a decision.

"So I'm moving out what help should I get?"

You should get the help you need to:

- Get a place to live near family, work or education
- Set up a home. Each local authority (your Council) should provide a set amount of money to do this. Ask your workers for this information. You have a right to see this
- Be supported to continue in education and training
- Be in a safe environment and not live in the most run down areas

"Ok so who do I turn to for help?"

Every local authority (your Council) should produce information for young people which says what kind of throughcare and aftercare support you are entitled to. Ask your workers for a copy of what you are entitled to. This will show you what level of support you should receive now and in the future. It will have things like financial information, support you can receive if you have a child, support with getting in to education and so on.

"I have spoken to my workers and they say that the only place I can live in is a B&B and that I have to move out at 16. Who can help me?"

- Person doing your pathways assessment and plan, if you haven't got one then ask (all young people moving on should be doing this)
- Children's Rights Officer
- Who Cares? Scotland worker
- Scottish Throughcare and Aftercare Forum
- Scottish Child Law Centre

If you don't know where to start then just ask...

SCCYP!

Useful Contacts

Who Cares? Scotland

Telephone: 0141 226 4441

Scottish Child Law Centre

Freephone: 0800 328 8970

SCCYP Scotland's Commissioner for Children and Young People

Young Persons Freephone: 0800 019 1179

E-mail: inbox@sccyp.org.uk

Scottish Throughcare and Aftercare Forum

www.scottishthroughcare.org.uk

These are national organisations and you can find out your local worker's name and number. It's important that you find out who these people are in order to receive the best support. On the other side of this page there is space for you to write your workers' names and numbers.

Show this leaflet to your workers, local authority, social workers, carers and so on. If your workers cannot provide the above for reasons beyond their control then tell...



www.sccyp.org.uk

Important Contacts

Throughcare and Aftercare Worker:

Key Worker:

Social Worker:

Children's Rights Officer:

Director of Social Work:

Who Cares? Scotland Worker:

Housing Worker:

Careers Advisor:

Health Worker:

All of the people above have a responsibility to make sure you have the support you need when going through the leaving care process. If you need support finding these people then ask a worker or guardian. You are entitled to this information.

If you or your workers want to find out more about your rights then log on to the SCCYP website at www.sccyp.org.uk or give us a call on 0131 558 3733

There are two important documents that set out your rights:

- The Children (Scotland) Act 1995
- "Supporting Young People Leaving Care in Scotland Regulations and Guidance on Services for Young People Ceasing to be Looked After by Local Authorities ." (The Regulations are dated 2003 and the Guidance is 2004, but both are in one document.)

These documents state what your local authority, workers, housing, guardians and so on should be doing to keep you safe active and happy. Here are a few examples.

Your local authority has a legal responsibility to do the following:

- Every young person should be prepared for the time that they will be leaving care (Section 17(2) Children (Scotland) Act 1995) and Regulation 6
- If you come off of your supervision requirement after your official school leaving date, every local authority has to provide aftercare support up to your 19th birthday. (Section 29 Children (Scotland) Act 1995.)
- The local authority can also continue to provide support up to your 21st birthday (Section 29) and this can also continue into your 20s if you are continuing in education or training (Sections 29 and 30) Children (Scotland) Act 1995
- Young people's views must be taken into account when you're leaving care and when your pathways assessment and plans are being made (Sections 17 and 29(6) of the Children (Scotland) Act 1995) and Regulation 3
- The local authority must provide suitable accommodation that takes into account young people's needs (Regulation 14)

Scottish Executive Guidance: "Supporting Young People Leaving Care in Scotland" (2004)

- Young people should be looked after until 18 if it's in their best interests (1.3 and 1.12)
- All local authority departments have a corporate parent role (1.4)
- Young people should not be placed in unsuitable bed and breakfast or hostel accommodation (9.3)
- The location of the accommodation should be in an area where the young person does not fear attack or harassment as a result of discrimination (9.7)
- Homelessness legislation should not be used as the main route for accessing accommodation for young people ceasing to be looked after (9.13)
- You have the right to appeal and make complaints (Chapter 10)
- Young people should have access to independent advocacy to help them do this (10.5)

Show this leaflet to your workers, local authority, social workers, carers and so on. If your workers cannot provide the above for reasons beyond their control, then tell ...

SCCYP!

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This is a general guide to law and policy. Specific advice should be taken about individual cases. This is the law in March 2007 and laws may change in the future. Contact SCCYP for more information. Design by Lunaria Design, www.lunaria.co.uk. Illustration by Alex Leonard @ Tambo Illustration.