



Heads of Aftercare Bill 2014

Submission to the Joint Committee on Health and Children

March 2014

Key Concerns:

- 1. Lack of detail concerning needs assessments. Assessment is key to any successful plan, and it is vital that this is not left to Regulations.**
- 2. Absence of implementation process, including timeframe for implementation, accountability for implementation, and review process.**
- 3. Young people leaving care lack skills or support networks for independent living.**
- 4. The most vulnerable young people leaving care are those not in education.**
- 5. Housing Crisis – more accommodation needed in Dublin and weighting system.**
- 6. Aftercare supports should be extended to 25 years, in line with remit of DCYA and National Children and Young People’s Framework.**
- 7. The provision of aftercare is not the sole responsibility of the CFA, and cross departmental coordination is vital.**
- 8. There is no mention of the *Leaving and Aftercare Services National Policy and Procedure Document*.**
- 9. Consistent language must be used in the Bill and be congruent with the *Leaving and Aftercare Services National Policy and Procedure Document*.**

Introduction

1. EPIC is an independent organisation established to advocate with, and on behalf of young people in care and young people with care experience.¹ A core part of the work of EPIC is the provision of an individual advocacy and support service for children and young people with care experience. There is also a research and policy section which seeks to make positive change for children in care and young people with care experience at a national level.
2. EPIC welcomes the opportunity to respond to the General Scheme and Heads of Aftercare Bill 2014 and this submission is to provide additional information and to accompany the oral presentation to the Joint Oireachtas Committee made by EPIC on the 1st of April 2014 at 5:15pm. Overall, EPIC supports many aspects of this progressive Heads of Aftercare Bill. It provides long overdue legislative footing to the provision of Aftercare, and adds to the many good building blocks that have already been established. EPIC, along with other organisations, and as part of the Action for Aftercare group, has been calling for Aftercare to be provided in legislation for many years. Any aftercare service must be equitable, consistent, and standardised. Alongside this legislation there is a requirement for:
 - additional funding to ensure that vulnerable young people leaving care are appropriately and equitably supported, and
 - the development of standards to ensure quality across the country, and ongoing monitoring of the service to ensure equitable delivery of the service.
3. Section 45 of the Child Care Act (1991) sets out young people's current entitlement to aftercare services, which states that supports *may* be available to care leavers up to the age of 21 (or 23 if participating in education). This means that the provision of aftercare services is at the discretion of the Child and Family Agency (CFA). The lack of a statutory entitlement to aftercare has resulted in the level of supports being inequitable across the country, with some areas providing good services whilst other areas have poor or non-existent services. Following recommendations on aftercare services in the *Implementation Plan of the Ryan Report (2009)*, the HSE developed a *Leaving and Aftercare Services National Policy and Procedures Document (2011)* and more recently an *Implementation Plan* to accompany the roll out of this policy. The full implementation of this policy should contribute to the standardisation of aftercare services at a national level. Under the *Ryan Report Third Progress Report*, it states 'enhanced services for young people leaving care' as one of the Priorities for 2013. In particular Action 64 states "The HSE will ensure the provision of aftercare services for children leaving care in all instances where the professional

¹ See www.epiconline.ie for more information.

judgement of the allocated social worker determines it is required” and Action 67 “The HSE will ensure that care plans include aftercare planning for all young people of 16 years or older.” EPIC therefore welcomes this long overdue development in the provision of aftercare, as well as the Minister for Children’s ongoing commitment to strengthen entitlement to, as well as the quality and consistency of, the aftercare service.

4. The transition between care and aftercare presents a serious challenge to young people and any service providers. Ensuring young people are well supported as they find their independence will create short and long term dividends. Children who are in the care system are without the supports that children in a traditional family set up receive. Children in the care system do not have family supports to fall back on, and as a result, the State, as their corporate parent, must provide that support. Young people leaving care tend not to have good coping mechanisms and do not have good networks within their community. They have never lived alone before, and can suffer from isolation. Furthermore, some young people will also be dealing with the impact of early life difficulties, which could compound their need for additional supports. National and International research, as well as our own experience, has shown that young care leavers are more likely to leave care with poor coping mechanisms, poor education, poor life skills, a lack of supports and friendships, all of which leaves them more at risk of feeling isolated, suffering from mental health problems, engaging in risky behaviour, self harm or suicide, becoming young parents etc. Developments in aftercare can help safeguard many young people from such difficulties and improve their overall outcomes. This Bill is an opportunity to enshrine appropriate supports in legislation, and make a significant improvement to the lives and outcomes of children in care.
5. The provision of an appropriate aftercare service has been highlighted as a key element in achieving positive outcomes for young people leaving care. It is essential that young people leaving care are provided with the type of transitional support that their individual situation requires. EPIC believes that all young people leaving the care of the State at age 18 are entitled to an appropriate aftercare service that meets their needs; to include assessment, an aftercare plan, implementation of the plan, and regular reviews.

The challenges of leaving care

6. Many care leavers face the challenge of living independently at the age of 18 years, which is approximately 7/8 years younger than many of their peers who live with their families. While some remain living with their former foster family for a few years, others have to find suitable accommodation and face the sudden responsibilities of being an adult, often with few skills or social supports. Research carried out by EPIC on outcomes for 65 young care leavers aged 17-18 years in the North Dublin area highlight some particular needs of this group:
 - 31% moved accommodation 3 times or more during the previous 20 months

- 39% were reported to have mental health needs
 - 37% were currently unemployed.²
7. Some of the most common issues that young people bring to the EPIC Aftercare & Advocacy Support Service have included the following:
- no aftercare plan
 - difficulties accessing aftercare services and financial support
 - accommodation problems which resulted in homelessness for some young
 - parental and legal rights.
8. There are several basic requirements of young people leaving care:
- accommodation
 - financial security – regular payments
 - access to education
 - access to specialist services (mental health etc).

General Comments

9. Housing Crisis / Homelessness:
10. There is currently a crisis in the private rental sector which is causing significant problems for young care leavers. As a result, many young people are being forced to move to insecure or substandard accommodation, or indeed access homeless services. In November 2009, there were 6,700 units of accommodation available for rent in Dublin, but by November 2013 this had decreased by 1,500 despite an overdemand.³ As a result, landlords generally seek cash renters rather than those on rent allowance. Furthermore, rents in Dublin have risen by 18 per cent since 2011 and the rent allowance payable by the Department of Social Protection has fallen by 28 per cent since 2011.⁴ There has been a 90 per cent drop in social housing output between 2007 and 2011, and a 100 per cent increase in the social housing waiting list, from 43,700 in 2005 to 89,900 in 2013.⁵ This serious shortage in housing has had a significant

² EPIC; Daly F.; *My Voice has to be heard – research on outcomes for young people leaving care in North Dublin*; June 2012; available at: <http://www.epiconline.ie/outcomes-for-young-people-leaving-care.html> (24.03.14).

³ McVerry, P.; 2014, Authorities Close Door on Crisis of Homelessness. *Irish Times*, [online] 18 March. Available at: <http://www.irishtimes.com/news/social-affairs/authorities-close-door-on-crisis-of-homelessness-1.1728666?page=2> (24.03.14).

⁴ Ibid.

⁵ Ibid.

impact on young care leavers. At the same time, there has been a reduction in supported accommodation. EPIC sees daily the impact of this on young people accessing the organisations services. Homeless hostels are not always suitable for vulnerable young people, who should not be exposed to the drug abuse and violence that is often present within such hostels. One young person known to EPIC said “*I would rather sleep rough on the streets, and I would feel safer, than sleeping in a homeless hostel.*” Specific additional housing must therefore be made available for young care leavers, as well as a Dublin weighting system to meet the high cost of rent in the capital.⁶

11. The assessment process is necessary to inform the preparation for leaving care Plan and ultimately arriving at the development of the Aftercare Plan. The Aftercare Plan cannot be divorced from the context of this ongoing assessment, preparation planning and review process.

12. Assessment:

Assessment needs to be made an explicit part in the provision of an appropriate aftercare plan. The assessment process is necessary to inform the preparation for leaving care Plan and ultimately arriving at the development of the Aftercare Plan. The Aftercare Plan cannot be divorced from the context of this ongoing assessment, preparation planning and review process. Central to this is appropriate care planning that should take place in line with the Childcare Regulations 1995 and 1996. This must occur in consultation with the young person and key individuals from the age of 16 years and should be finalised and reviewed no later than 6 months prior to the young person’s 18th birthday. The aftercare plan should then be regularly reviewed, as required, by the young person’s allocated aftercare worker.

13. Language:

The Heads of Bill must use consistent language throughout the document, and use consistent language to that in the Leaving and Aftercare Services National Policy and Procedure Document. This will help ensure accurate interpretation. For example, the word ‘child’ and ‘young person’ is used interchangeably in Head 2, Head 4 refers to ‘assessment’ whereas the Leaving and Aftercare Services National Policy and Procedure Document refers to ‘needs assessment’.

14. There is no mention in the General Scheme and Heads of Aftercare Bill 2014 of the *Leaving and Aftercare Services National Policy and Procedure Document*, and there are discrepancies between the Policy and the Heads. There should be congruence between the *National Policy* and the Bill.

⁶ A similar weighting system is used in London.

The Heads of Aftercare Bill

15. This General Scheme and Heads of Aftercare Bill 2014 will provide for a statutory duty on the Child and Family Agency (CFA) to “prepare an aftercare plan”. First and foremost aftercare must be defined; there is no standard definition of aftercare. However, aftercare is commonly understood to be the process of assessment, preparation, and support for leaving care and moving to independent living for young people who have been in care.

16. Interpretation

Head 1:

The preparation of a plan is one aspect; and implementation is another. EPIC welcomes the positive aspect of developing aftercare plans for young people in care, however it must be acknowledged that the creation of an aftercare plan is only one of many steps towards a young person receiving aftercare. Head 1 provides an explanation of ‘Aftercare Plan’, as a plan prepared by the Child and Family Agency (CFA), but fails to mention implementation or accountability in relation to any plan. However, in March 2014 in the Tusla Newsletter, the Minister for Children stated:

17. *“It is crucial that an aftercare plan is prepared to identify the supports that young people need leaving care as they transition to adulthood. I believe that the Heads of Bill approved by Government will strengthen existing practice and improve the outcomes for young people, especially those who are more vulnerable. A consistent implementation of aftercare planning should assist in improving the effectiveness of existing services for these young people leaving care.”⁷*
18. Any Aftercare Plan that is developed is meaningless unless there is an ability to implement the plan. Many young people known to EPIC have an aftercare plan that has not been implemented and therefore is of no assistance to the young person. The Explanatory Note in Head 1 states that young people are ‘eligible to have an aftercare plan prepared and reviewed’. However, there is no mention of implementation, or the period in which a plan must be implemented, or indeed how often it should be reviewed. This is a shortfall, and EPIC would like to see the implementation process addressed in the Heads of the Aftercare Bill, in line with the Minister’s comments.
19. EPIC welcomes the broad reach and inclusivity of ‘eligible child’, as outlined in Head 1. However, EPIC would like to draw attention to the disparity between this definition of ‘eligible child’ and that in the *HSE Leaving and Aftercare Services National policy and Procedure Document (2011)*.

⁷ Similar comments were also made by the Minister in November 2013 DCYA press release, *Cabinet approves policy proposal to strengthen legislative provisions for aftercare*; 06.11.13; <http://dcya.gov.ie/viewdoc.asp?Docid=3010&CatID=11&mn=&StartDate=1+January+2013>; accessed 19.03.14.

20. Under Head 1(b) the upper age limit for a young person presenting to the Agency is 'under the age of 21' and yet the remit of the Department of Children and Youth Affairs is 25. Similarly, the forthcoming *National Children and Young People's Policy Framework 2014-2018* will include actions and supports for young people up to the age of 25. It would therefore be an oversight and a missed opportunity to limit the age range of aftercare supports to under 21 years. Aftercare supports should therefore be extended to 25 years in line with the remit of the Minister and the National Children and Young People's Policy Framework. Furthermore, as a country that is seeking to be a leader in terms of best policy and practice for children and young people we should be ensuring that any new legislation is in line with best international practice. The State, as corporate parent, should therefore provide aftercare support up to 25 years. Not only would such a development be similar to the support provided by many parents in the general population, but it would follow in the footsteps of recent positive developments in Scotland. Scotland has recently passed the Children and Young People Bill which provides extended entitlement to aftercare up to their 26th birthday.⁸ This Bill is an opportunity to make a significant impact on the outcomes for children and young people in care.
21. In its current format it is not clear whether children who are in the care system under section 5 of the 1991 Child Care Act are included in this Bill. This is particularly crucial for those young people who are 17 years but who would not meet the 12 month criteria but are a group of young people at high risk of continued homelessness.
22. The Bill must include a positive obligation on the State to regularly re-engage with vulnerable young people who initially choose not to engage at 18 and do not subsequently present to the Agency at a later date. Instead the Heads of Bill places a duty on these young care leavers to present themselves to the Agency. Given how vulnerable, disenfranchised and disempowered this group of young people tends to be, EPIC believes there should be a positive obligation on the Agency to attempt to re-engage with them after they leave care.
23. Young people who have been in the care system but who end their childhood in detention centres should have that time included as time in care, and should therefore be entitled to an aftercare plan.
24. The Bill must allow for exceptional circumstances, so that any other young person who does not fit the specified eligibility criteria but who has been in care and is known to the Agency, is entitled to an aftercare plan.

25. Preparation of Aftercare Plan

Head 2:

⁸ Children and Young People Bill; <http://www.scottish.parliament.uk/parliamentarybusiness/Bills/62233.aspx> ; accessed 19.03.14.

Head 2 provides that the CFA is obliged to prepare an aftercare plan for each eligible young person. It is of concern that there is no reference in this section to needs assessments, and that the only mention of assessment appears in Head 4(3)(b.) under regulations. A needs assessment is instrumental in the preparation of an aftercare plan. One cannot prepare an appropriate aftercare plan without first carrying out an adequate assessment. EPIC believes that it is so vital to the preparation of an Aftercare Plan that it cannot be left to regulations and must be in legislation. EPIC

26. Head 2(1)(a.)(i) states that an aftercare plan must be prepared for each eligible child 'before' they leave care and in Head 2(2) it states that the aftercare plan must be 'completed no later than 6 months before the child attains the age of 18'. This must be clarified and stated in exactly the same way in order to avoid misinterpretation. The assessment process and the leaving care plan must occur from age 16 in order to allow the appropriate time to address any developmental needs of the young person. This would ensure that the positive work that needs to be done with the young person is completed well in advance of the aftercare planning process, and well before the aftercare plan is finalised 6 months prior to their 18th birthday. EPIC is currently aware of instances where aftercare plans are far from complete within the specified time frame, and other instances where an aftercare plan is drawn up but is not implemented.
27. EPIC is concerned that there is only a focus on the preparation of an aftercare plan, and not on the implementation of such plans.

28. Cooperation with HSE

Head 3:

This Head provides that the Agency will cooperate with the HSE in providing assistance in relation to health needs of the eligible young person. It also provides that the Minister may prescribe other 'bodies' with whom the Agency shall cooperate in assisting a young person. EPIC would like to see this defined but not limited in scope. Specific services should be listed, such as disability services, mental health services, the Department of Social Protection etc.

29. Head 3 provides that a new paragraph (f) will be inserted in section 45(2) that provides the Agency 'may' assist a person by co-operating with the HSE in planning for the health needs of children leaving care. EPIC believe that there should be a stronger obligation and that 'may' should in fact be 'shall'. EPIC believes that it would be worth considering a repeal of the existing section 45, rather than amending the section.
30. The same obligation should apply in relation to the CFA in that the Agency 'should' rather than 'may' assist a person.
31. Explanatory Note:

32. The Explanatory note under Head 3 states that ‘existing arrangements for cooperation with other bodies are expanded to include the HSE, by including a reference to cooperation with the HSE’. However, this should be strengthened further as the HSE has responsibility beyond mere cooperation.
33. The first paragraph states that the Child and Family Agency ‘may’ assist a person by co-operating with the HSE, but this ‘may’ should be strengthened to ‘should’, as the CFA should have an obligation to assist a person in relation to the health needs of a young person. It is positive that the existing arrangements for co-operation with other bodies are expanded but this should be strengthened even further than is currently set out within this Heads of Bill and every ‘may’ in this section must be changed to ‘should’.

34. Regulations

35. Head 4:

As mentioned under Section 1, EPIC firmly believes that the needs assessment of the eligible child is an intrinsic part of and of paramount importance to the successful development of any aftercare plan, and therefore should be enshrined in legislation and not only left to regulations.

36. Explanatory Note:

37. In the Explanatory Note it states in Subhead (3)(d) that reviews of the plan will occur until the child reaches his/her 18th birthday, but the plan should be reviewed regularly by an aftercare worker throughout the period that a young person is in receipt of aftercare services. A young person’s circumstances can change significantly during this period of life and the aftercare plan may need updating and revision to take into account any changes.

General Aftercare Recommendations

38. Alongside this legislation EPIC would like to see concurrent developments:

39. *The Leaving and Aftercare Services National Policy and Procedure Document must be resourced and implemented consistently. Implementation should include the development of standards to ensure quality across the country, and ongoing monitoring of the service to ensure equitable delivery of the service.*
40. *A monitoring system should be established to track the progress of a young person from the time of entry into care and through their time in aftercare. It is imperative to track young people after they leave the care system in terms of their placement stability, education, aspirations, and overall well-being. Outcome indicators should be developed so that those receiving aftercare can be benchmarked against their peers in the general population.*

41. *Information on the educational outcomes of young people in care/leaving care should be compiled. This data would help to identify gaps in supports that are needed to facilitate young people's participation in school as well as moving on to further education.*
42. *Care leavers, should be acknowledged and recognised as a specific group of young people in need of additional supports. This recognition would then entitle them to fastrack access to certain services and supports, such as mental health support, or accessing SUSI grants, etc. Local authorities should acknowledge the special vulnerability of care leavers and give them priority. For example, significant delays still exist for young people getting jobseekers allowance despite their care history.*
43. *The Family Welfare Conferencing approach could be used as a model for young care leavers with limited/no family/social networks, to identify family members (or extended family members/former foster-carers) who may be able to offer support to the young person when they are living independently.*
44. *Young people who have left care should not be encouraged to drop out of education in order to receive accommodation. EPIC are aware of incidents where young people have been advised to do this.*
45. *There should be an onus on the State to regularly re-engage with young care leavers who seek to be independent upon leaving care and who are reluctant to engage with the service. These are the most vulnerable young people.*

My Voice has to be Heard - research on outcomes for young people leaving care in North Dublin

In June 2012 EPIC published a substantive piece of research entitled *My Voice has to be Heard - research on outcomes for young people leaving care in North Dublin*.⁹ Out of this research arose a number of key messages for policy and practice based on the findings from the research:

1. Highlight the importance of comprehensive care planning, effective matching and adequate supports to maintain placements while young people are in care.
2. Acknowledge and encourage the development of social support for young care leavers.
3. Allow adequate time for aftercare planning and allocate Aftercare Workers in good time.
4. Address the gaps in the current provision of aftercare supports in North Dublin.

⁹ EPIC; Daly F.; *My Voice has to be heard – research on outcomes for young people leaving care in North Dublin*; June 2012; available at: <http://www.epiconline.ie/outcomes-for-young-people-leaving-care.html> (24.03.14).

5. Increase the provision of supported accommodation with graduated levels of support.
6. Raise awareness of the financial challenges facing care leavers and provide more help with budgeting.
7. Compile administrative data on care leavers to inform aftercare service provision.
8. Listen to young people about their experiences of leaving care.