

**Submission to Tusla  
on the Review of the National Leaving and Aftercare Policy 2011  
November 2016**

**Recommendations by the Ombudsman for Children's Office**

**A rights-based approach to the National Leaving and Aftercare Policy**

- The National Policy should reflect the principles of the best interests of the child and of the voice of the child and embed them in the aftercare framework of service delivery, in line with Section 9 of the Child and Family Agency Act 2013.
- Key elements of the UN Guidelines on the Alternative Care of Children which provide guidance and outline States' obligations in relation to aftercare should be reflected in the National Policy.
- Tusla should consult with young people about to leave care and adult care leavers with a view to identifying their key concerns and addressing them in the National Policy. Such consultation should be undertaken in accordance with good practice having regard to the principle of the voice of the child under Article 12 of the UNCRC

**Delivery of Aftercare Services and Supports**

- The National Policy should reflect the statutory obligation created by the Child Care (Amendment) Act 2015 to provide every young care leaver with an aftercare plan and an allocated aftercare worker to ensure the implementation of the plan.
- Similarly to other jurisdictions, consideration should be given to incorporating procedures outlined in the revised National Policy into Regulations and statutory Guidance.

**Eligibility for Services**

- The National Policy should expand the eligibility criteria to include young people who have been in care for less than 12 months, particularly if they are especially vulnerable or at risk.
- Flexibility to provide supports to young people beyond the age of 20, where such a need is assessed as appropriate, should apply.

**Upper Age Limit**

- The National Leaving and Aftercare Policy should align itself with the National Policy Framework for Children and Young People 2014-2020 in relation to the upper age limit (24) to qualify for aftercare support.
- The National Policy should ensure that, where a review of an aftercare plan identifies a need for continued supports, such should be provided up to the age of 24 years, having particular

regard to young people at risk and regardless of whether the young person is in full time education.

- Flexibility should be provided for in the National Policy to ensure that young people who have disengaged have the option to access aftercare assessments and support up to the age of 24, having particular regard to young people at risk.

#### **Young People under Section 5 of the Child Care Act**

- The National Policy should make provision for children who have been accommodated under Section 5, particularly those where it has been used for extended periods.
- All homeless children who turn 18 while homeless should be entitled to aftercare support and benefit.

#### **Asylum seeking Young people Leaving Care**

- The National Policy should provide that the 'Equity of Care' principle applies equally to separated children in aftercare planning and supports, irrespective of the child's status.
- The OCO supports the recommendation made by the Working Group on the Protection Process in 2015 that all separated children over the age of 16 should have an aftercare plan.

#### **Assessment of Need**

- An assessment of need must take place as early as possible in the process of preparation for leaving care in order to ensure an adequate planning for aftercare services and supports.
- Training on how to carry out assessments of need should be provided to social workers and aftercare workers in all areas.
- Information and guidance on the assessment process should be provided to those involved.
- Young people should actively participate in the planning of their transition.
- Assistance and supports should be extended to care leavers up to the age of 24 where an assessment of need so determines (in line with the upper age limit set out in the National Policy Framework for Children and Young People 2014-2020).

#### **Young People at Risk**

- The National Policy should recognise that enhanced planning and assessment of need is required in relation to young people 'at risk' leaving care and it should incorporate guidance on how to proceed in terms of prioritising especially vulnerable young care leavers.
- A series of risk factors should be taken into consideration when identifying young people who need to be prioritised in terms of accessing aftercare supports.

- After care workers assigned to especially vulnerable care leavers should have lower case loads.
- The “team-around-the-child-approach” used by the Meitheal National Practice Model and the Meitheal Toolkit (2015), should be considered in the context of aftercare particularly in relation to especially vulnerable young care leavers.
- The findings of the National Review Panel (NRP) on serious incidents including deaths of children in care, should inform the list of risk factors with regard to the circumstances of the young people who were, at the time of death, in receipt of aftercare services and under 21 years of age, or in care immediately prior to turning 18.

#### **Preparation for Leaving Care and the Aftercare Plan**

- The preparation and planning processes should incorporate contingency plans as a back-up for supporting young people, in the event of initial leaving care arrangements breaking down.
- In circumstances where young care leavers return home to their families after they leave care, this transition should be supported by family support services under the Meitheal Framework.
- The National Policy should introduce flexible support schemes for situations where young care leavers need a longer transition period from aftercare.
- The National Policy should emphasise the need to equip young people with practical long life skills to manage aftercare, in line with the actions recommended by the Commission in the Ryan Report in 2009.

#### **Timing for the Preparation of the Aftercare Plan**

- The National Policy should require that an aftercare plan is completed before the young person reaches the age of 17 with a view to allow adequate time to address the individual needs of each young person, in line with the recommendations made by the Oireachtas Joint Committee on Health and Children.

#### **Accommodation**

- The National Policy should incorporate a commitment to designate those leaving care as a priority group for allocation of housing.
- Consideration should be given to making provision for care leavers to remain in their foster or residential care placement after 18 years of age, where possible and appropriate, having regard to the best interests of the care leaver and regardless of whether the young person is in education.

### **Homelessness**

- The National Policy must clearly state that in no circumstances should a young person move from care into homelessness. This commitment should be embedded as a minimum core standard in the new National Policy.
- A review of the Protocol on Young People Leaving State Care should ensure that indicators to identify young people at risk of homelessness are developed and it should put in place additional supports to prevent homelessness.
- The National Policy should build on the commitments made by the Department of Housing, Planning, Community and Local Government (DHPCLG) under the Action Plan on Housing and Homelessness (July 2016) to ensure that young people leaving State care and at risk of homelessness are identified and catered for through appropriate housing and other supports required to meet their needs;

### **Accessing Services and Supports**

#### **Young people who disengage**

- The National Policy should ensure that young people reluctant to engage are given meaningful opportunities to do so and are provided with adequate supports.
- No rigid time limits should be imposed on the young person to engage with support services, especially when these are deemed to meet the young person's needs.
- Systems should be put in place to ensure that young people who have disengaged have the option to access to aftercare assessments and support up to the age of 24, having particular regard to young people at risk.

#### **Lack of consistency of Services**

- The National Policy should ensure that aftercare workers caseloads are at 'best practice' levels.
- Caseloads should be set in the range of 15 to 20 cases per aftercare worker with the variation in caseloads being reflective of young people's needs rather than of the number of young people in need of support.
- The National Policy should ensure that the provision of aftercare services is consistent and equitable throughout the country.

#### **Lack of clarity/information about payments and supports**

- The National Policy should ensure that there is clarity around who manages and pays for aftercare supports, with clear guidelines outlining the criteria and rationale for financial payments.

- Guidelines should address situations where a specific case is originally being managed by a Social Work Team in a certain county/region and is subsequently transferred to a different county/region.
- Information on how to access grants, requirements and deadlines should be readily available and easily accessible to all those involved including aftercare workers, social workers, young care leavers, foster families, etc.
- Young care leavers should receive clear information on their rights and entitlements as part of their aftercare planning process.

#### **Young care leavers who have their own children in care**

- The specific needs of young care leavers who have their own children in care should be assessed, particularly in relation to increasing parental capacity and providing suitable accommodation and supports.
- Any decisions in relation to the young care leavers' children should take into account their views as parents, regard the best interests of their children as the paramount consideration and give due weight to their children's views in accordance with their age and maturity.

#### **Young care leavers with disabilities**

- The National Policy should provide for active support for young care leavers with a disability with longer transitions to ensure links are made with appropriate support services and the young person is sufficiently prepared for and involved in the transfer to adult services or independent living.
- The National Policy should ensure that specialist leaving care schemes, targeting and focussing on meeting the needs of these young care leavers for accommodation, social support, finance, continuing education or training, information and specialist advice (e.g. benefits system, employment, counselling, health care issues etc.), are provided.
- The National Policy should ensure that early aftercare planning and adequate follow-on placements are provided for these young people.
- The National Policy should recognise that these young people have the right to know their life story and should have access to their information prior to leaving care.

#### **Addressing the Mental Health Needs of Young Care Leavers**

- Young people leaving care with mental health needs should be directed to counselling and other necessary services and should be prioritised in terms of accessing mental health supports.<sup>1</sup>

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<sup>1</sup> See Children's Mental Health Coalition, *Someone to care: The mental health needs of children and young people with experience of the care and youth justice systems*, (July 2013).

- Due consideration should be given to CAMHS offering aftercare support to young care leavers up to the age of 24.
- A broad definition of mental health should be adapted in relation to children in care: not just the absence of illness, but a state of well-being and the ability to cope with life's challenges. This should be reflected in the range of supports needed to address the complex mental health needs of children and young people in state care and in the youth justice system when planning for aftercare.
- The National Policy needs to address the lack of access to dual diagnosis mental health services where a young person has both addiction and mental health issues.
- The National Policy should encourage enhanced inter-agency co-operation to ensure that a range of supports will be available to young people leaving care with mental health needs and this should be planned for and reflected in aftercare plans.

#### **Young people in aftercare with addiction problems:**

- Access to appropriate services for young care leavers and those in receipt of aftercare that have addiction problems needs to be provided as a matter of priority.

#### **Inter-agency cooperation**

- The National policy should encourage the development of interdepartmental protocols in order to help define, formalise and assure the 'wrap-around' support care leavers need. For example, there is a need for greater coordination between Tusla and the HSE Disability Services, CAMHS, DES, local authorities in relation to accommodation, etc.
- The National Policy must prioritise the development of Aftercare Steering Committees at local level equipped with area-based multi-disciplinary teams linked to Children and Young People Services Committees to ensure a local inter-agency response to young people leaving care.
- The Aftercare Steering Committees should track progress of young people leaving care and provide a forum for re-referrals in the event of placement breakdown.

#### **Monitoring and Evaluation**

##### **National Standards for Aftercare with Inspections**

- The National Policy should incorporate a set of national standards for aftercare, which should draw from international best practice.
- Independent periodic inspections should be established in order to ensure the quality of the services and to improve accountability.

#### **Exit interviews**

- The new National Policy should commit to undertake exit interviews with young care leavers, in line with the recommendations made by the Ryan Report.

#### **Better data**

- Disaggregated data covering the different aspects of young care leavers lives should be collected and disseminated systematically.
- Due consideration should be given to undertaking an independent audit to evaluate the quality of aftercare service provision.

#### **Independent Appeals Process**

- In light of the statutory right to aftercare under the Child Care (Amendment) Act 2015, care leavers should have access to an independent appeals process in cases where they feel they were not provided with the supports they needed.
- Information about the complaints statutory function of the OCO should be made available to young people upon their admission to care.