

Aberlour Response to Scottish Government's Care Leaver Payment: Consultation on policy proposals

January 2024

About Aberlour

Aberlour is Scotland's largest, solely Scottish children's charity. Delivering more than fifty services across Scotland, we work with disadvantaged, marginalised and discriminated against children, young people and families, providing services and support in communities around the country. We help to overcome significant challenges families face, such as the impact of drugs and alcohol, growing up in and leaving care, poor mental health, living with a disability, or the impact of poverty and disadvantage. We aim to provide help and support at the earliest opportunity to prevent problems becoming intractable or spiralling out of control. We are committed to #KeepThePromise and to the incorporation of the UNCRC.

"Scotland should behave and act like a good parent that supports young people as they enter adulthood. Scotland must be a parent that encourages young people toward a life of independence, self-reliance and stability." (The Promise)

Introduction

At Aberlour we work with care experienced children and young people and their families. Through our residential children's houses and fostering service we provide safe, nurturing and loving homes for children who cannot live with their families. We also support families and their children who are looked after at home. Many of these children and their families also have experience of extreme financial hardship and growing up in poverty. The increased likelihood of children from poorer backgrounds having experience of the care system is well established¹. The Promise is clear that tackling poverty is fundamental to achieving the ambition that children grow up loved, safe and respected and are able to fulfil their potential: ***"There must be a significant, ongoing and persistent commitment to ending poverty and mitigating its impacts for Scotland's children, families and communities."***²

We know that care experienced young people are disproportionately more likely to experience financial insecurity than their peers, and are also at increased risk of experiencing homelessness,

¹ <https://www.nuffieldfoundation.org/wp-content/uploads/2022/03/Full-report-relationship-between-poverty-child-abuse-and-neglect.pdf>

² <https://thepromise.scot/resources/2020/keepthepromise-poverty.pdf>

unemployment and poor mental health³. As they move out of care and into adulthood, many care experienced young people risk being pushed into poverty without adequate financial support. Research published by the Trussell Trust last year highlighted that 1 in 5 people accessing foodbanks in Scotland are care experienced⁴, meaning care experienced people are twenty times more likely to experience food insecurity.

We believe that the financial precarity many care experienced people find themselves in is not inevitable. Ultimately, it is the responsibility of corporate parents to be the ‘bank of mum and dad’ for care experienced children and young people and to guarantee their financial security when they leave care. This must also include ensuring care experienced young people have ongoing practical and emotional support, with the knowledge and certainty that they can continue to benefit from and lean on those existing nurturing and loving relationships with those who have provided their care and support as they have grown up.

Our response to this consultation has been informed by our own work supporting care experienced children and young people and their families. It has also drawn on the views and insights of the Care Leaver Income Advisory Group, which was established in 2021 in partnership between Aberlour and the Scottish Throughcare and Aftercare Forum (Staf) and in collaboration with care experienced young people. Since then this group has highlighted the need for greater financial support for care experienced young people as they leave care, and has lobbied for the Scottish Government to introduce a dedicated care leaver guaranteed income scheme to improve the financial security and emotional wellbeing of young people leaving care⁵.

It is our view that the Scottish Government, working alongside local authorities, should put in place the necessary financial support to create and sustain financial security for young people as they leave care. The Care Leaver Payment must be the first step towards a greater level of financial support, such as the proposed care leaver guaranteed income, to create financial security for care experienced young people that will also help improve their wider wellbeing and support them into a life of independence.

We have chosen not to respond to this consultation paper in full, we have responded to those questions within the paper where we are able to provide comment based on our knowledge and experience, and which are relevant to work we do and the children, young people and families whom we support.

Qu1 How well do you think the name of the payment represents its purpose and intention?

Aberlour believes that regardless of whether the name of payment represents the purpose and intention of this payment, what is most important is that the language used is comfortable for the intended beneficiaries. Much attention has been given to the power of language in the wake of The Promise. What we know, and what children and young people across Scotland have told us and

³ <https://www.carereview.scot/wp-content/uploads/2020/02/The-Promise.pdf>

⁴ <https://www.trusselltrust.org/wp-content/uploads/sites/2/2023/06/2023-Hunger-in-Scotland-report-AW-web.pdf>

⁵ <https://www.staf.scot/Handlers/Download.ashx?IDMF=b37d8571-54c6-4f5b-8b73-ffa89646c20d>

others, is that language matters⁶ and can make a person feel either empowered or invisible⁷. We would advocate for intended beneficiaries to be actively involved in the naming of this payment.

Qu2. Do you think the payment can fulfil the purpose set out above?

Aberlour welcomes this payment and recognises the potential benefits care experienced young people may gain. We believe this will include reducing some of the financial barriers which young people face whilst moving on from care, such as being able to afford to access or continue in further or higher education. Also, in terms of their mental health this will help by relieving some of the strain of the financial pressures care experienced young people tell us they experience.

The financial worries of young people leaving care were highlighted by the Independent Care Review. It stated, ***“A lack of financial support was highlighted by several as being a huge stressor after leaving care, particularly experiences of having poor budgeting skills and high levels of debt. The link to the risk of poor mental health, addiction and exploitation was recognised.”***⁸ Therefore, we believe any financial offer must go further than this one-off payment to fulfil Scotland’s promise to care experienced people to support their long-term financial security and wellbeing.

We outline our view on this in more detail in response to Qu.22.

Qu3. What are your views on the revised approach proposed by the Scottish Government?

Aberlour welcomes the revised approach in so much as we recognise that this more substantial one-off payment has the capacity, in some instances, to open up new opportunities to care experienced young people that might otherwise not have been accessible. However, the significant shortfalls of this stand-alone payment must also be recognised. See Qu.22.

Qu5. Would it be beneficial for applicants to have a choice in how their payment is made?

We believe the delivery method should be as flexible as possible to respond to the wide variety of circumstances of care experienced young people as they transition from care into adulthood and independent living. So saying, in order to support people with care experience to develop the necessary life skills to make the decisions that are best and right for them at all stages of life, the broader package of support which already exists for those with experience of care (as described in the introduction to this consultation) must be robust and accessible throughout the care journey. With specific regard to support with financial management, this should not be seen as optional or conditional upon the payment itself, but as a fundamental life skill to be learned throughout an individual’s life and care journey, including via continuing care and aftercare support.

Qu6. At what point would it be most helpful for care leavers to receive the payment?

⁶ <https://thepromise.scot/stories-of-change/changing-culture-language-care>

⁷ www.cosla.gov.uk/_data/assets/pdf_file/0025/41695/iPromise-Language-Matters-Inverclyde.pdf

⁸ https://www.carereview.scot/wp-content/uploads/2020/07/ICR_Evidence_Framework_v2-1.pdf

In addition to points highlighted previously in response to Qu.5 regarding flexibility in delivery of this payment, we believe care experienced young people should have the option to receive this payment at the point of their choosing. To make this possible, we would support inclusion of a deferral option allowing young people leaving care to access this payment at a later stage, up until their 26th birthday.

However, we recognise that deferral could put the onus back on the individual to claim their payment at a later date. Whilst this might be the case, it would be at the discretion of the individual who could be informed that, at whatever point they would like to receive their payment, they need only contact the relevant local authority throughcare and aftercare team, who would then take responsibility for confirming the payment, and thereby removing the need for an application process.

We outline our position on this payment being subject to an application process further in response to Qu.14.

Qu8. Do you think this payment could have any negative impact on young people leaving care?

We are aware of concerns among colleagues and partners that if the budget for this payment was held by individual local authorities it may be in their interest to close a young person's case prematurely or to end their care placement ahead of their 16th birthday in order to reduce costs. We would recommend this budget be held by Social Security Scotland to prevent this.

We also recognise that often there is judgement regarding a young person's capacity to exercise financial responsibility. Helping and supporting care experienced young people with financial management skills and reducing the risk of financial exploitation should be a dedicated part of the support for young people preparing to leave care, as well as any additional financial help and advice that they require. We believe there are opportunities to learn from the Welsh Basic Income for Care Leavers scheme⁹ as to how this can be done well and done consistently. However, we are clear that it is for the young person to decide what they choose to do with this entitlement, and that local authorities cannot impose any conditionality on whether a young person receives this payment or what they choose to do with it.

Qu9. What are your views on the proposed eligibility criteria for applicants of the payment?

Whilst we agree broadly with the criteria as described, Aberlour supports unconditional entitlement to this payment for all those considered eligible. Therefore, eligibility for this payment must also extend to unaccompanied asylum seeking children and young people (UASC) who meet that same eligibility criteria and who have leave to remain in the UK. However, we know certain groups of care experienced young people may be excluded from aftercare support, including UASC who do not have leave to remain at the point of leaving care¹⁰. Whilst we advocate that all UASC should be able to access the same entitlements as other care experienced young people, we recognise the specific

⁹ <https://www.gov.wales/basic-income-pilot-care-leavers-overview-scheme>

¹⁰ <https://migrationscotland.org.uk/migrants-rights-and-entitlements/unaccompanied-children-young-people-leaving-care/>

barriers to support – including financial support – that exist for this group due to UK immigration and asylum law. Therefore, we urge that, at the very least, for those UASC whose immigration claim has yet to be determined at the point at which they leave care, they should become entitled to the payment at the point at which their immigration status has been settled and their leave to remain has been confirmed, regardless of their age at that point.

We also oppose use of an application process that puts the onus and expectation on the young person that means they must seek out their entitlement. Responsibility should instead sit with local authorities, supported by other organisations that support young people leaving care, to identify who is entitled and ensure this payment is delivered to the eligible person at the agreed time. See Qu.14.

Qu10. Is there anything else you think the Scottish Government should take into consideration related to eligibility criteria for the Care Leaver Payment?

See Qu.12.

Qu11. What are your views on the proposed age requirements for applicants of the payment?

We agree with the proposed age range. It is also our view that all care experienced young people who are within the age range (i.e. have not yet turned 26) at the time the Care Leaver Payment scheme is implemented should remain eligible for the payment, regardless of how long it has been since they left care. All reasonable efforts must be made by Scottish Government and local authorities to make all eligible individuals aware of their entitlement, so they can receive it.

Qu12. What are your views on an applicant's income impacting their eligibility for the payment?

Aberlour firmly agrees that an individual's income should have no bearing on their eligibility for this payment and welcome the Scottish Governments proposals to this effect. Evidence has shown that that care experienced young people are one and a half times more likely to have financial difficulties and, on average, earn three quarters of the salaries of their peers¹¹. We also know through conversations with care experienced young people that the current system of support is complex and confusing with too many hoops that young people must jump through before receiving their entitlements.

"It's shocking that as a young person who has went through the state care system that's meant to help, love and support you I'm not getting the support what I need, or I'm entitled to? There's too many hoops, too many hoops." (Care Experience Young Person)

"We just found that it was easier to just close our claim with the Job Centre than keep it open, because we didn't know if we were getting a payment or not. Just obviously with the stress and the hassle of having a new born, trying to adjust to that and then not knowing if we were going to get money or if I was going to get money for my wee girl." (Care Experience Young Person)

¹¹ <https://www.carereview.scot/wp-content/uploads/2020/02/Follow-the-money.pdf>

Care experienced young people are missing out on money they are entitled to because it can often be too difficult and too bureaucratic to find out about and claim what support is available. Through creation of this payment the Scottish Government should seek to reduce the complexity of the systems those leaving care are expected to navigate to access entitlements, not add to it with additional barriers or complex eligibility criteria. Eligibility criteria should be kept to the bare minimum, including only: age; that they are or have been looked after by a local authority in Scotland; and are at the point of moving, or have moved, on from care. This should be a cash payment, with no conditions attached and not be subject to any means test.

Despite welcoming this payment, we don't believe it will go far enough to ease the ongoing financial insecurity care leavers tell us they too often experience. See Qu.22.

Qu13. What are your views on this payment impacting an individual's entitlement to other support?

Aberlour agrees with Scottish Governments proposal that this one-off payment should neither count as income nor interact with, impact upon, or act as a barrier to, any other forms of entitlement, support or benefit an eligible person may receive. We are also clear that this payment must not negatively impact on any support for care experienced young people delivered by a local authority. This includes any discretionary financial or other support provided under section 29 of the Children (Scotland) Act 1995 that a care experienced young person may be assessed as eligible for, or any support accessed through the Scottish Welfare Fund.

We recommend that accompanying guidance should be provided by Scottish Government to local authorities and others, in order to support delivery of the Care Leaver Payment, and must be clear that this payment cannot be included as income for any purpose or for the assessment of a person's circumstances and must not be used to make a determination that they are ineligible for any other form of support or assistance. This information and guidance should be made widely available and accessible to all key workers in the lives of care experienced children, young people and their families so that they can offer necessary help, support and advice to young people about their rights and entitlements to both this and other sources of support.

14. What should the experience of applying for and receiving the proposed Care Leaver Payment look and feel like for applicants?

We do not agree that there should be an application process for this payment. The state is responsible for all looked after children, they should know when they are leaving care and when, therefore, they should be entitled to this payment. This should negate the need for a care experienced young person to apply to prove that they are eligible.

As we have previously stated, we believe guidance should be issued to local authorities and others who support young people leaving care, making clear eligibility criteria and the responsibilities that sit with local authorities to ensure all eligible young people are able to receive the payment. This should include local authorities having responsibility for communicating first with a young person in

their care and then with Social Security Scotland (who we recommend as the budget holder) on behalf of that young person for this payment to be triggered.

We know that application processes act as a barrier to delivery of and access to entitlements and support for care experienced young people. Triggering this payment on behalf of a young person leaving care should be one item on the checklist of things that must be put in place as part of their planned transition from care into adulthood and independent living. An option to defer this payment should also be available to the young person, as per our response to Qu.6.

Qu15. Do you think young people should have support to apply for the payment?

Further to our comments in response to Qu.14, support and guidance should be issued to all local authorities, and other organisations that support care experienced children and young people, to ensure that, as a matter of routine transition planning, they are discussing this payment and options for timing of its receipt with young people. Subsequently, where no deferral has been requested by that young person, responsibility for submitting a request to Social Security Scotland for this payment to be directly released to the young person should be made by the local authority on behalf of the young person. We recommend that accessible information and guidance should also be produced to support knowledge and practice in relation to all rights and entitlements for care experienced children and young people to support the work of all those supporting care experienced children, young people and their families.

Qu16. What support might a young person need when applying for the payment?

Although we recommend that there should be no application process or requirement on the young person to initiate the process for receiving the payment, this does not mean that they won't require support before they do receive the payment. Further to points made under Qu.5, it will be essential for young people to fully understand and be involved in decision making surrounding this payment.

Young people should be engaged in open, supportive dialogue to understand, prepare for, and decide when they would like to receive this payment. As we have highlighted previously, help, support and advice should be available for young people in advance of receiving the payment, whilst being clear that their decision on how and when they receive it is entirely up to the young person and has no conditions attached to it. Reassurance should also be provided that receiving this payment will have no effect on any other entitlements.

17. How should this support be provided?

Local authorities should be primarily responsible for providing the necessary information and support for young people regarding this payment as part of the transition planning process when they are preparing for leaving care. However, accessible information for young people in a range of formats should also be developed too for information and advice to be accessible to all.

Support for local authorities and other supporting partners to learn about this payment, develop skills for holding supportive conversations regarding the opportunities it could open up for young

people, and integrate it into part of their routine transition planning for any young person should be Scottish Government led. National guidance, information and awareness campaigns should be developed.

18. What support might a young person need once they have received the payment?

The experiences of aftercare support for care experienced young people we work with are inconsistent and too often fails to meet their needs. Regarding financial support specifically, our young people have emphasised a need for consistency in the support that is available, as well as making processes easier to navigate. Further work is required to ensure that care experienced young people are aware of their rights and to remove those barriers which too often prevent them from exercising their rights and accessing entitlements.

We advocate for ongoing financial support and advice to be provided to care experienced young people, but for this to be successful existing challenges with consistency of support need first be addressed. One young person told us about being directed to Jobseeker's Allowance with no additional support being provided or signposted. Other young people have talked about relying on advocacy services to provide support on how to manage their finances and avoid getting into financial difficulty. Scotland's young people should not have to, in their own words, 'beg' for even the most basic support.

Financial support alone will not be enough to meet care experienced young people's needs, and there is still required a more robust and clearer framework of support to effectively respond to the range of needs and circumstances of all and any care experienced young people. Financial support is just one, albeit a vital, element of that framework. Support must also include ensuring care experienced people have ongoing practical and emotional support, with the knowledge and certainty that they can lean on those existing nurturing and loving relationships with those who have provided their care and support as they have grown up.

Qu.19 How should this support be provided?

With regards to this payment, we have detailed the structure of support we believe could be provided through local social work continuing care and aftercare teams. Advocacy services and the wider third sector and other organisations that work with care experienced young people will also have an important role to play.

Care experienced young people have also shared ideas on what ongoing accessible help and support could look like through providing more accessible support within communities for care experienced young people. For example, a 'community larder' where people could check-in on one other and offer practical support on things like how to clean and maintain a home, or the options available for accessing education and employment. Budget setting and financial support could also be made available.

20. Are there any other communication channels you think we should consider which have not been set out above?

We welcome the Scottish Government's commitment to awareness raising and publicity in relation to the rollout of this payment. It is crucial that all children and young people know what their rights and entitlements are, particularly those whose rights are most at risk of not being respected, protected or fulfilled. Public awareness raising through the range of channels as described is critical to this, not only for the children and young people who will be entitled to this payment, but for their families and others in their lives. Special attention should be given to developing communications and resources for all relevant audiences and communication needs.

22. What other financial assistance might those with care experience benefit from in future?

As highlighted in our introduction in this response, over many years Aberlour, along with Staf and the Care Leaver Income Advisory Group, has called for a care leaver guaranteed income scheme to be piloted in Scotland. We believe such a scheme would improve the financial security and emotional wellbeing of young people leaving care. The Welsh Basic Income for Care Leavers scheme has already shown to have had a positive impact on the lives of young people leaving care who have benefited from the regular monthly cash payment¹². We believe Scotland must follow suit.

We know that our care system should support healthy development throughout care experienced people's lives. Every person should have the financial security they need to thrive in life, free from poverty. Financial support is only one, albeit critical, part of how we can ensure this for all care experienced young people as they move into adulthood. The Promise is also clear that Scotland must continue to support care leavers once they have moved on from care: ***"Scotland should behave and act like a good parent that supports young people as they enter adulthood. Scotland must be a parent that encourages young people toward a life of independence, self-reliance and stability..."***

Scotland's commitment to UNCRC incorporation also requires that the rights of all children and young people are respected, protected and fulfilled, including care experienced children and young people. Articles 26 and 27 insist that the necessary financial support should be provided by the state for children when families can't provide that themselves, and that all children and young people have a right to an adequate standard of living¹³. Whilst we welcome the Care Leaver Payment proposal, we restate that we do not believe it goes far enough to meet the needs of care experienced young people leaving care. In order to meet UNCRC duties and to Keep The Promise to care experienced young people, the financial support provided by the Scottish Government must go much further in order to guarantee the financial and emotional wellbeing of young people as they leave care. It is our view and the view of care experienced young people that this can only be delivered through a guaranteed income or similar scheme for young people leaving care.

Yet right now in Scotland, young people leaving care are more likely to experience financial insecurity and be pushed into poverty. Care experienced people have told us the financial support they receive just is not enough.

¹² <https://www.gov.wales/we-are-delighted-progress-basic-income-pilot-scheme-and-hearing-about-positive-impact-those-taking>

¹³ https://www.unicef.org.uk/wp-content/uploads/2019/10/UNCRC_summary-1_1.pdf

“We don’t get enough support or enough money to cover our own household bills as well. Rent prices are extortionate as well. Universal Credit, the money you get off them doesn’t go very far.”

We also know that Universal Credit entitlements can change as young people’s circumstances change, which can mean working more doesn’t always mean more income. Too often, the bureaucracy care experienced young people encounter when applying for financial support acts as a barrier to accessing what they are entitled to and many feel they are left to fend for themselves once they have begun to live independently. This leaves care experienced young people sometimes unable to heat their homes, buy food or cook nutritious meals, and many who are also parents struggle to provide for their own children.

We believe that the financial precarity many find themselves in is unacceptable and is a failure of the state to live up to its duties to care experienced young people. It is the responsibility of corporate parents to be the ‘bank of mum and dad’ for care experienced young people and to guarantee their financial security. The one-off Care Leaver Payment does not go far enough to fulfil this responsibility and will not help achieve financial security for care experienced people in the longer term.

Therefore, we believe the Scottish Government must look at a much greater and more substantial long-term financial offer for care experienced young people when they leave care. By giving care experienced young people £1600 (before tax) per month, the Welsh pilot scheme shows the level of financial support that should be available to guarantee the financial security that care experienced young people need, and that can help create the stability and certainty in their lives that better supports their wellbeing. It is our view that a similar Scottish scheme to provide financial security for care experienced young people when they leave care and move into adulthood should be developed and piloted here.

We also recognise existing work within Scottish Government on a Minimum Income Guarantee (MIG). The Minimum Income Guarantee Expert Group highlighted in their interim report the role a MIG can play targeting and supporting care experienced young people¹⁴, and therefore we urge Scottish Government to consider how a guaranteed or basic income for care experienced young people can be delivered within the framework of a MIG and recommend that care experienced young people are included as part of any MIG pilot in the future.

However, regardless of within which scheme or through which mechanism it is delivered, care experienced young people cross Scotland have been clear that the financial, and other, support they receive must be far greater than it is now. Care experienced young people for too long have been failed by the state. It is time to provide all care experienced children and young people with the help and support they need, including adequate financial support, to grow up and thrive. In any scheme for financial support that aims to achieve that, the Care Leaver Income Advisory Group has highlighted key principles that must be included to ensure eligibility, accessibility, financial security and to support the wellbeing of care experienced young people. These include:

¹⁴ <https://www.gov.scot/publications/minimum-income-guarantee-expert-group-interim-report/pages/4/#:~:text=A%20Minimum%20Income%20Guarantee%20will,to%20be%20there%20when%20needed.>

- eligibility criteria (by age) should be as wide as possible;
- should allow (at least) an adequate standard of living;
- should be automatic and not require an application process;
- funding/entitlement should follow the young person if they move to another local authority;
- should be delivered locally, with the onus on local authorities, supported by other organisations, to identify who is entitled;
- should be in place by the time a young person leaves care and should come with all the information a young person needs on their other entitlements. This work should begin before they leave care.

For further information contact Martin Canavan, Head of Policy & Participation
Martin.Canavan@aberlour.org.uk