

Definitions

What does 'looked after' mean?

When a local authority (or Health and Social Care Trust in Northern Ireland) assumes some formal responsibility for a child or young person's welfare and wellbeing, either through a voluntary agreement with parents or a legal order, the child or young person is known as 'looked after'.

However, as 'looked after' is a legal term it is important to be aware of the differences in definition which exist between the UK nations. In **England and Wales** the term 'looked after' applies to children and young people provided with accommodation (foster care or residential care) under the provisions of the Children's Act 1989. In **Northern Ireland** the term is applied to children and young people provided with accommodation for more than 24 hours under the Children (Northern Ireland) Order 1995. In **Scotland** the term is applied to children and young people who are either (a) subject to a supervision order made by a Children's Hearing, (b) subject to a Permanence Order made by a Court, or (c) provided with accommodation under the Children (Scotland) Act 1995. In Scotland children and young people can be 'looked after' at home, remaining in the care of birth parents or relatives.

Who is a 'care leaver'?

Which individuals qualify as 'care leavers' is clearly defined in law, but as the UK is three separate legal jurisdictions the definitions (and eligibility to support) differ.

In **England, Wales and Northern Ireland** a care leaver is a person who was 'looked after' on their 16th birthday, and who was 'looked after' for at least 13 weeks since they turned 14 years old. The 'care leaver' population is then sub-divided into those aged 16 or 17, and those aged 18 to 21. For 16 and 17 year olds, the local authority / Health and Social Care Trust is responsible for the cost of accommodation, food, utility bills, other living expenses and travel costs for education and training. Care leavers aged between 18 and 21 can claim UK welfare benefits (e.g. housing benefit) but local authorities / Health and Social Care Trusts have obligations to provide advice and guidance, and, in some cases, financial support towards education and training.

In **Scotland**, a care leaver is (a) a person who ceased to be 'looked after' on (or at any time after) their 16th birthday, or (b) if born before 1 April 1999, a person who ceased to be 'looked after' on (or at any time after) the date on which they were entitled to leave school. Like the other nations of the UK, Scottish care leavers are then sub-divided into two groups. For those aged 16, 17 and 18 the local authority is under a duty to provide whatever advice, guidance and assistance they need. For care leavers aged 19 to 25 (inclusive) they have a right to request support, and the local authority is obliged to provide it if they assess the young person as in need. This can include financial support towards education and training. In Scotland the main duties associated with 'care leavers' apply equally to all persons who qualify, regardless of how long they were looked after, or their placement type (i.e. at home, kinship, foster care, etc.).

Many institutions that have worked with the Buttle UK Quality Mark will use wider definitions of who they consider to be a care leaver for financial support, for example, some will provide support for anyone who is 'care experienced'.