

## Q&A from website

### A is for Advocacy

Do I have to use the Local Authority advocacy service when I make a complaint? What if I want to have my teacher or youth worker to advocate for me? I feel I can really trust them.

**A** The law says that others can complain on your behalf, if the local authority thinks that they have enough of an interest in your welfare (Section 26 of the Children Act 1989). This could include a teacher or a youth worker, but in any case you can always ask for them to be your chosen advocate if that is what you want. The local authority doesn't always have to go along with your own choice, but they do have to listen to and consider your request. There are some rules that Local Authorities have to follow about this. You can find more information in the Government Guidance '[Get it Sorted](#)' (see section 2.13) and '[Getting the Best from Complaints](#)' (see section 3.4).

### B is for Bin Bags

Last week I moved placements and had to put my things in carrier bags and bin bags because I didn't have a suitcase – is that right? It did not feel it!

**A** It is not right that you should have to take your belongings around in bin liners. This is something that '[A National Voice](#)' (or ANV) has been campaigning against. Although there is nothing that the law says about this, ANV has managed to convince a number of local authorities to sign up to its '[No Bin Bags](#)' Charter.

### C is for Care Plans

What is a care plan?

**A** 'Care Plan' is how the local authority says that it is going to care for you and meet your needs (things like health, school, contact with family and friends, activities and where you should live). It should be reviewed at least every six months by an Independent Reviewing Officer. You should be given your own say about what is in it. It is your care plan.

### C is for Case records

I want to see my care records but is this allowed?

**A** Yes. The law says you have a right to see information about you (written and electronic) Your Local Authority should have information for you about the rules as to how long it will take to get your files ready and discuss if you need any support while looking at your files.

For further information see our ten point guide to [Access to Personal information](#). You can get more information on the rules about this from the [Information Commissioners Office](#).

## **C is for Children's Rights Director for England**

Who is the Children's Rights Director and what does he do?

**A** The Children's Rights Director for England is Roger Morgan, this is his website. With his team, Roger listens to the views of children who live away from home and he reports what they have to say to Government so that they can be considered when decisions are made about how children should be looked after in the future. View the [interview with Roger](#) to find out more.

## **C is for Closure of Children's Homes**

I've just been told they are closing my children's home next month and I have to move. Can they do that?

**A** Yes, they can, but the law says that they must first of all ask you and other children and young people living at the home what you think, and consider your views carefully, in order to make their decision a lawful one.

For further information see our [Young People's Guide to Closing a Children's Home](#).

## **C is for Complaints**

My children's home has a complaints procedure, but can I still complain to my local authority if I want to?

**A** Yes, the law is clear that children and young people who are looked after, or who have left care, have a legal right to make a complaint about their care to the local authority (Section 26 of the Children Act 1989). It does not matter if your children's home already has its own complaints procedure. You are entitled to use either that or the local authority one. It is your choice. For more information about your rights to make a complaint see our information sheet about [Comments, Complaints and Suggestions](#).

## **C is for Corporate Parents**

What do people mean when they talk about corporate parents?

**A** If you are looked after or in care of the local authority then there are lots of people involved in your life. The term "corporate parents" really refers to the fact that the whole of the local authority are responsible for your care and need to act together to make sure that they do all the things that other parents would do for their children.

## **C is for Criminal Record**

How long does a criminal record stay with you for if you were a child when the crime was committed?

**A** The Rehabilitation of Offenders Act 1974 allows any offences to be ignored (or 'spent') after a while.

How long really depends on the sentence you received at the time. For example

You did get custody (that is usually sent away to a young offenders institution, secure training centre or secure children's home),

(i) for more than six months = five years; and,

(ii) for any sentence of less than six months = three and a half years.

You didn't get custody (perhaps a fine or a suspended sentence) = two and a half years.

However, even if your criminal record is now 'spent', there may still be certain types of offences that you will be asked to admit (like if applying for work with children or vulnerable adults). This does not mean that you aren't allowed to do those sorts of jobs, but it does mean that an employer must assess all of the risks very carefully first.

## **D is for Dentist**

When am I entitled to free dentist treatment?

**A** You do not have to pay for NHS dental treatment if you are:-

- under 18
- under 19 and in full-time education
- pregnant or you've had a baby in the 12 months before treatment starts
- staying in an NHS hospital and the hospital dentist carries out your treatment

You can also get free NHS dental treatment sometimes when you're on benefits, including Income Support, income-based Jobseeker's Allowance. You'll be asked to show your dentist written proof that you're entitled to help with dental treatment costs. This will be different depending on your circumstances.

## **E is for Exclusions**

I have been excluded from school. What are the rules about being excluded from school?

**A** pupil can be excluded on a fixed-term basis, which should be for as short a time as possible, and no more than a maximum of 45 days in any school year.\*

(\*This was correct in March 2012 but the law in this area is subject to change)

Only the head-teacher or teacher in charge of a Pupil Referral Unit (PRU) (or, in their absence, the acting head teacher or teacher in charge) can exclude a pupil.

More information about exclusions see [The Children's Legal Centre website](#).

## **F is for Fares**

**A** How old do I have to be to pay full fares?

Usually its 16 years old before you have to pay full fares on buses and trains.

## **G is for Gap year**

**A** I'm 18. What happens if I go off for a couple of years voluntary work abroad (gap years) and then come back at 21 years old. Will my local authority still pay for me to go to University?

The law says that as a 'qualifying' care leaver you are entitled to continue receiving support from your local authority up to the age of 25. If you come back at 21 years old, and go to university, then your local authority must say how they propose to support you and put this in your pathway plan. This must, in any case, include your university bursary of £2,000 and any financial support you need for accommodation during vacation times.

## **H is for Holidays**

I live in a children's home and I'm 14. I want to get a passport to go on a school trip to France, do my parents need to sign anything?

**A** If you don't already have a passport, either a parent or the local authority can apply for one in your name. If it's the local authority then the Head of Children's Services will need to sign it. They will need to provide the Identity and Passport Service with proof of your address whilst in care. However, they can only apply for a passport for you if you are on a Care Order (Section 31 of the Children Act 1989).

There is some government guidance about this on the [home office website](#). The local authority is only able to give permission for you to go out of the country for up to one month without the consent of your parents (and any other person with parental responsibility). A parent (or person with parental responsibility) will always need to sign any application for a passport if you are "accommodated" (Section 20 of the Children Act 1989).

I want to go on holiday to Spain with my carers but we're having problems getting

permission to let me go out of the country - what can I do?

**A** It depends upon who is not giving permission for you to go.

If it is your parents who won't give permission then the local authority may be able to override this if you are on a Care Order (that is an order made by a court that says you are in care, made under Section 31 of the Children Act 1989).

If you are not on a Care Order, but are "accommodated" (this is sometimes known as "Section 20"), then you may need to talk to a solicitor about asking a court to give you permission to go out of the country. They might be able to do this by applying for what is called as "specific issues" order, under Section 8 of the Children Act 1989. This is something that your local authority also might be able to help with.

Of course, you are going to need a passport and your social worker should make sure that you have got this in plenty of time before you are due to go on holiday.

I is for Immigration

I came into this country 4 years ago with my mum when I was 13 years old. My mum was deported and I've been in care ever since. I don't have any other family here. I'm really worried because I'm nearly 18 and don't know if I can stay in this country.

**A** You can get more information on this from the [Home Office website](#).

## **I is for Independent Reviewing Officers**

What is an Independent Reviewing Officer?

**A** All children in care should have an Independent Reviewing Officer. They are there to make sure that the Council are doing all they can for you and are listening to your opinions and wishes. There is more information about [Independent Reviewing Officers](#) in our Library.

## **I is for Independent Visitor**

What is an independent visitor?

**A** An Independent Visitor is a person that the local authority can appoint to visit and be a friend to a child if they think that they do not see much of their family and that having an Independent Visitor would be best for them. Independent Visitors often take children out and do interesting activities with them. If you are offered an Independent Visitor why not ask about some of the things that you might be able to do with them. Also, it might give you someone else to talk with who is nothing to do with the care system.

## **J is for Judicial Reviews**

I've heard that I could 'seek a judicial review' to challenge a decision my Local Authority has made about me. What is a judicial review?

**A** This means that you ask a solicitor to act for you and make an application for judicial review. The court looks into whether the Local Authority has made a 'reasonable' or 'unreasonable' decision. If a court agrees that the decision had been made wrongly (unreasonably) it could stop any decision, such as a placement move taking place, until such time as a decision had been properly made.

If you want any advice about how to contact a solicitor please [contact us](#). For more information about placement moves, challenging decisions and seeking a judicial review, watch our [Rights Video](#).

## **K is for Kinship Care**

What is kinship care?

**A** This is where, although you are in care or looked after, you live with a relative (such as a sibling, aunt, uncle or grandparents).

## **L is for Leaving care**

Gap Year

I'm 18. What happens if I go off for a couple of years voluntary work abroad (gap years) and then come back at 21 years old. Will my local authority still pay for me to go to University?

**A** The law says that as a 'qualifying' care leaver you are entitled to continue receiving support from your local authority up to the age of 25. If you come back at 21 years old, and go to university, then your local authority must say how they propose to support you and put this in your pathway plan. This must, in any case, include your university bursary of £2,000 and any financial support you need for accommodation during vacation times.

Grants

Why is there inequality in the leaving care grant across local authorities?

**A** It really all comes down to the way the law works. This allows local authorities to do things according to how they see local needs. However, this can lead to a bit of a 'lottery' with very different leaving care grants depending upon where you live rather than what you need.

The Children's Minister has acknowledged the variations and is urging all local authorities to award a minimum of £2000 and have this amount reviewed annually by

the their Children in Care Council. See his [letter to Directors of Children's Services](#).

## Higher Education

Where can I find out what support is available to me if I want to continue into higher education?

The Who Cares? Trust have produced a handbook that contains a lot of information about what support you can expect.

For more information see [The Who Cares? Trust](#)

## Leaving Care Entitlements

I'm a care leaver. My social worker won't give me any money and says I have to claim benefits. Is this true?

**A** It depends on what your age is. Different rules apply to young people in care and care leavers before and after their 18th birthdays. 16 and 17 year olds who are in care or are care leavers, (except lone parents and disabled young people), are unable to claim benefits and will have their maintenance and accommodation paid for by children's services as their 'corporate parent'. Lone parents can get income support (IS) from the age of 16. Sick or disabled young people can claim incapacity benefit (IB) and/or income support from their 16th birthday. If their claim was made after October 28th 2008 however, they would be claiming the new Employment and Support Allowance (ESA) instead of IB and IS. Housing benefit is not payable to either group until they reach 18. Disability Living Allowance (DLA) is payable to people who are looked-after, although the care part of this might be suspended if you are still in residential care. Once you reach 18 these rules no longer apply and you can claim IS, ESA, job seekers allowance (JSA) and housing benefit (HB). Sometimes you may still remain in your placement at this age (for example your foster placement may be changed to be called supported lodgings) and young people in this situation are normally expected to claim the relevant benefits for maintenance and accommodation costs. Sorting out what you money you are entitled to can be very complicated and you should have support to help you with all this. For example you may want your personal advisor or advocate to help you with all of this.

For more information see [National Care Advisor Service](#) and [Leaving Care Entitlements](#) in our Library.

## Support

Why is support cut off four years earlier if you're not in full time education?

**A** It is to do with the way the law on leaving care works (Children and Young Persons Act 2008). This encourages local authorities to give more support to young people

staying on in education, especially higher education, than to other care leavers.

## Support

I'm a care leaver and I feel like no-one's interested in me anymore. I haven't seen anyone from social services for ages and I'm feeling really lonely.

**A** When you leave care you should have someone called a 'personal advisor'. Some Local Authorities may call them something different, like a leaving care worker, a 16+ worker or it could just be your social worker. It is their job to keep in touch with you, check that you are alright and help you in getting what you need. All of the support that has been agreed before you leave care should be written in your pathway plan and it is your personal adviser's job to make sure it is followed, reviewed and kept up to date. See our young person's information leaflet to find out what your entitlements are as a care leaver – Top 10 Care Leaving Care entitlements.

## University Bursaries

Why are some local authorities still not giving out university bursaries to care leavers?

**A** Some local authorities are not aware of a young person's entitlement to a higher education bursary of £2,000; whilst others wrongly think that it is up to them to decide who should, or should not, get it. If you are starting university as a care leaver, under 25, then the law says that you have a right to receive this bursary (Children Act 1989 (Higher Education Bursary)(England) Regulations 2009).

If you are considering higher education you may be interested in the Higher Education Handbook for care leavers that has been produced by The Who Cares? Trust.

For further information see [The Who Cares? Trust](#).

## **M is for Marriage**

How old do I have to be to get married? (England & Wales)

**A** You can get married at 18 years old, but a young person can get married at 16 if:

- They have the consent of both parents (if they are married or if an unmarried father has parental responsibility)
- If a Residence Order exists, with consent of the holder of that Order instead of the parent/s.
- If a Care Order exists, then with the consent of the relevant local authority as well as that of the parent/s [s.3 Marriage Act 1948 as amended]
- If a young person of 16 or 17 marries without such consent the marriage is valid but s/he will have committed a criminal offence



## **M is for Medical Treatment**

How old do I have to be to consent to medical treatment?

**A** Consent means to agree to something. You can consent (agree to) medical treatment at any age if the doctor or nurse thinks that you understand what the treatment involves.

If you are 18 or older you can refuse treatment, even if your parents or guardian want you to receive treatment.

If you are younger than 18 your decision to refuse treatment can be overridden by your parents, your guardian or by the decision by the court.

## **N is for Name Change**

Can I change my name?

**A** If you understand the implications, you can change your name by signing a 'statutory declaration'.

If you are subject to a 'Residence Order' or a 'Care Order' then your name cannot be changed without either the consent of everyone who has parental responsibility or a court. [ss.13 & 33 (7) Children Act 1989]

## **O is for Overnight stays**

My social worker says I'm not allowed to stay overnight with my friend because their parents haven't had a CRB check is this right?

**A** No, your friend's family do not need to have a CRB check before you can stay overnight with your friend. As long as staff or your carer are happy that you will be safe, they can give permission for you to stay. There is some [Government guidance](#) about this in the 'Rights' section of our library.

My friend wants to stay overnight at my children's home (of foster home). Can they?

**A** The Government has written some policy on this, saying that it wants to see decisions like this taken by staff/carers. The question of whether your friends can stay over where you live has caused some staff/carers to worry about whether allowing this would take them over their numbers, as permitted by Ofsted. There is, however, no need for them to worry about this because letting your friends stay over does not take a children's home or foster care placement over their numbers. They should therefore consider this request in much the same sort of way as they would need to think about you staying overnight at your friends. Have a look at what the [Government policy about overnight stays](#) says.

My social worker says I can't have a sleep over with my brother who's in care but in a different placement to me because it will take my brother's foster carer over her approved numbers. Is this right?

**A** No, just because you sleep over at the foster carer's house it does not mean you are placed there. You are just a visitor and so it does not take the foster carer over the numbers she is registered for. In fact the Local Authority has a legal duty to promote contact with your family and friends unless there's a really good reason not to. This should all be written down in your care plan.

## **P is for Parental Responsibility**

In my review people kept talking about parental responsibility. I didn't like to ask what it was – can you tell me?

**A** Yes, 'parental responsibility' is how the law describes people who are responsible for bringing you up. Usually, this is the parents, but it can also be the local authority if they have a Care Order (under Section 31 of the Children Act 1989) or someone else if they have a "residence order" (under Section 8 of the Children Act 1989).

## **P is for Passports**

I live in a children's home and I'm 14. I want to get a passport to go on a school trip to France, do my parents need to sign anything?

**A** If you don't already have a passport, either a parent or the local authority can apply for one in your name. If it's the local authority then the Head of Children's Services will need to sign it. They will need to provide the Identity and Passport Service with proof of your address whilst in care. However, they can only apply for a passport for you if you are on a Care Order (Section 31 of the Children Act 1989).

There is some government guidance about this on the [home office website](#). The local authority is only able to give permission for you to go out of the country for up to one month without the consent of your parents (and any other person with parental responsibility). A parent (or person with parental responsibility) will always need to sign any application for a passport if you are "accommodated" (Section 20 of the Children Act 1989).

## **P is for Pathway Plan**

What is a pathway plan?

**A** 'Pathway Plan' is a bit like a care plan, but for young people leaving care. It says what the local authority will do to support you in leaving care and in moving towards independent living.

For more information about leaving care see our [Young People's Guide to Leaving Care Entitlements](#).

## **P is for Permissions**

I hate having to ask for my social worker's permission to do things like 'go on a school trip'. Why can't my foster carer make decisions like that?

**A** Guidance from the Government says that it wants to see more day to day decisions taken by carers. It gives permission for 'overnight stays' as one example, but this could include many other decisions like going on a school trip. Where sometimes things get a little difficult is when the law says that only your parents are responsible for you, even though you might be living with foster carers. It is important that social workers make sure that they get all of the permissions that they will need from your parents when you first come into care. This means that they will be able to then delegate these to your foster carers, freeing them up to make decisions as and when they need to be made.

For more information watch our video 'Message from Minister' from our [home page](#).

I want to go on holiday to Spain with my carers but we're having problems getting permission to let me go out of the country - what can I do?

**A** It depends upon who is not giving permission for you to go.

If it is your parents who won't give permission then the local authority may be able to override this if you are on a Care Order (that is an order made by a court that says you are in care, made under Section 31 of the Children Act 1989).

If you are not on a Care Order, but are "accommodated" (this is sometimes known as "Section 20"), then you may need to talk to a solicitor about asking a court to give you permission to go out of the country. They might be able to do this by applying for what is called as "specific issues" order, under Section 8 of the Children Act 1989. This is something that your local authority also might be able to help with.

Of course, you are going to need a passport and your social worker should make sure that you have got this in plenty of time before you are due to go on holiday.

## **P is for Personal Advisor**

What is a personal advisor?

**A** A Personal Advisor is someone who the local authority must appoint to help you when leaving care. If you qualify as a care leaver then you are entitled to a Personal Adviser up to the age of 25. It is their job to advise you and help you get what you need as a care leaver.

## **P is for Pets**

How old do I have to be to buy a pet?

**A** You have to be 12 or over to purchase a pet [s.3 Pet Animals Act 18951].

However, you don't have the right to own a pet, a children's home or foster home can consider whether they can have one or not, taking into account the needs of the other children living at the home and how the pet will be looking after.

## **P is for Placements**

My social worker says I have to move placement. Is there anything I can do about this?

**A** Yes. There are some things you can do to challenge this decision.

[Information about placement moves and how to challenge them.](#)

## **P is for Pocket money**

I've had my pocket money taken away for swearing at the staff in my children's home. Can they do this?

**A** No. [The rules for children's homes](#) (called National Minimum Standards) say that the staff should build good relationships with you to help you to behave well through encouragement and taking reasonable 'disciplinary measures'. Sanctions that are used in the home must be written down and explained, including the reasons why pocket money may be withheld, so you can know what to expect. The sanctions also have to be appropriate to your age and understanding and must be fair. For example one rule could be that if you damage anything on purpose then you will be expected to pay for some of this damage out of your pocket money. Whatever sanction is used this must be written down. This is so that the manager and inspectors can check the home is being fair and keeping to the rules.

## **P is for Pregnancy**

I'm in care and pregnant. What are my rights?

**A** The local authority should undertake a pre-birth assessment of the baby and the baby will be assigned their own social worker. It is the social worker's job to work out what will be best for the baby once it is born. In order to make this decision, they will assess the support that you are receiving from your family, the father and his family.

## **P is for Private Fostering**

What's the difference between fostered and privately fostered?

**A** Basically, you are fostered if you are placed with foster carers by the local authority. Private fostering is different in that this is where your parents themselves arrange for you to live with carers.

## **Q (no questions)**

### **R is for Reviews**

What should be talked about in my reviews?

**A** See our [young people's guide](#) to all the things that should be talked about at your reviews.

You might find it helpful as well to look at other rules about reviews. They start on page 22 of the [young person's guide to care planning, placement and case reviews](#).

### **S is for Savings**

I've heard that as a young person in care I should have had a savings account set up for me. Is that right?

**A** Yes, that is right. To give it its full name, it is called an Individual Savings Account (or ISA) and the Children's Minister is planning to introduce this, with a start up amount of about £200 per child, as a new savings scheme for all looked after children.

### **S is for Sleepovers**

My friend wants to stay overnight at my children's home (of foster home). Can they?

**A** The Government has written some policy on this, saying that it wants to see decisions like this taken by staff/carers. The question of whether your friends can stay over where you live has caused some staff/carers to worry about whether allowing this would take them over their numbers, as permitted by Ofsted. There is, however, no need for them to worry about this because letting your friends stay over does not take a children's home or foster care placement over their numbers. They should therefore consider this request in much the same sort of way as they would need to think about you staying overnight at your friends. Have a look at what the [Government policy about overnight stays](#) says.

My social worker says I'm not allowed to stay overnight with my friend because their parents haven't had a CRB check is this right?

A No, your friends family do not need to have a CRB check before you can stay overnight with your friend. As long as staff or your carer are happy that you will be safe, they can give permission for you to stay. There is some [Government guidance](#) about this in the 'Rights' section of our library.

My social worker says I can't have a sleep over with my brother who's in care but in a different placement to me because it will take my brother's foster carer over her approved numbers. Is this right?

A No, just because you sleep over at the foster carer's house it does not mean you are placed there. You are just a visitor and so it does not take the foster carer over the numbers she is registered for. In fact the Local Authority has a legal duty to promote contact with your family and friends unless there's a really good reason not to. This should all be written down in your care plan.

## **T is for Tattoos**

A How old do I have to be to get a tattoo without parental consent?

18 years old is the legal age. [s.1 Tattooing of Minors Act 1969]

## **U is for University bursaries**

Why are some local authorities still not giving out university bursaries to care leavers?

A Some local authorities are not aware of a young person's entitlement to a higher education bursary of £2,000; whilst others wrongly think that it is up to them to decide who should, or should not, get it. If you are starting university as a care leaver, under 25, then the law says that you have a right to receive this bursary ([Children Act 1989 \(Higher Education Bursary\) \(England\) Regulations 2009](#)).

## **V is for Voluntary Accommodation**

My social worker said that I'm being 'voluntary accommodated'. What does that mean really?

A This means that you are in care with the agreement of your parents, and not by an order of the court.

## **W is for Work**

How old do I have to be to work?

**A** If you're under 13, you cannot legally be employed, although you can take part in paid sport or entertainment with permission from your local authority.

Once you reach the age of 13, you may be allowed to be employed to do 'light work'. This is work which is not likely to affect your health, safety or education. Things you can do may include shop work or taking on a paper round. Check with the local authority where your place of work would be to see what restrictions they have about the employment of 13 year olds.

When you're 14, you can be employed in a wide range of jobs, but there are still some that you can't do. For example you may not work in factories or on a building site. If you're unsure about whether you can work in certain jobs, check on these with the local authority.

For more information see the [Government website](#).

## **X (no questions)**

## **Y is for Young Mothers**

What support is there for young mum's – who get pregnant in care and then have to move out of the home?

**A** As with any other young person, you should not be moved out of a children's home if you become pregnant, unless this is the right thing for you. The best children's homes would be working with you to support you in bringing up and caring for your baby. However, sometimes a risk assessment might think that your children's home is not the best, or even safest, place for your child. In which case, the local authority should be looking for services, such as mother and baby units or residential family centres, which might be better equipped at supporting you as a young mother. The law says that the local authority has to support you and your baby, as a child in need (Section 17 of the Children Act 1989). You should talk to your social worker and independent reviewing officer about what support you can get.

## **Z (no questions)**