



Care-experienced young people and benefits: giving good advice

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Child Poverty Action Group works on behalf of the one in four children in Scotland growing up in poverty. It doesn't have to be like this. We use our understanding of what causes poverty and the impact it has on children's lives to campaign for policies that will prevent and solve poverty – for good.

We provide training, advice and information to make sure hard-up families get the financial support they need.

This factsheet will help you provide good advice to young care-experienced people who may be struggling to make sense of the complexities of the benefit system and how it interacts with other support which may be available – for example, support from the local authority or student funding.

16 and 17 year 'care leavers'

Many 16 and 17-year olds who have been 'looked after away from home' by the local authority cannot get universal credit (or income support, income-based jobseeker's allowance or housing benefit). Instead, the local authority which last looked after them is responsible for providing financial and housing support. Local authorities often call this help 'after-care', 'after-care services' or 'leaving care services'. These special rules also affect 16 and 17 year olds who are in 'continuing care'.

Continuing care

'Continuing Care' is an approach introduced by the Children and Young People (Scotland) Act 2014. It describes a duty on local authorities to provide young people who are looked after and accommodated at or beyond their 16th birthday, and whose final placement is 'away from home', with the same accommodation and other assistance they received before they stopped being looked after. The aim of continuing care is to provide young people with the option of a more gradual and better supported transition out of care. The duty to provide continuing care is at section 26A of the Children (Scotland) Act 1995.

Not all young people who are looked after away from home at or beyond their 16th birthday are eligible for continuing care – for example, if you are in secure accommodation you are not eligible. For more information on continuing care see gov.scot/publications/guidance-part-11-continuing-care-children-young-people-scotland-act

Which benefits are affected?

Universal credit, income support, income-based jobseeker's allowance (JSA), and housing benefit are the only benefits affected by these special rules. Other benefits like *personal independence payment* and *employment and support allowance* are not affected.

Income support, income-based JSA and housing benefit are being replaced by universal credit (UC) and so UC is the benefit that you will mainly be thinking about in relation to care leavers – because of this we focus mainly on UC in this factsheet

Universal credit and care leavers aged 16 and 17

Most care leavers aged 16 and 17 are not able to claim UC. For UC, a young person counts as a care leaver if:

- they were looked after by the local authority at their 16th birthday or after that date;
- they were looked after away from home by the local authority for at least three months since the age of 14. The three months don't have to be a continuous period;
- they are no longer looked after by the local authority.

A young person aged 16 or 17 who is in a continuing care arrangement and who was looked after and accommodated by the local authority for at least three months since the age of 14 is also excluded, as is a young person aged 16 or 17 who is still looked after by the local authority.

Instead of the young person being able to claim UC, the local authority which last looked after them is responsible for providing financial support and accommodation. If you need more advice or information about the local authority's duties and responsibilities see below for details of organisations that can help.

The amount of local authority financial support to care leavers aged 16 and 17 should be at least the equivalent of the social security benefit from which the young person is excluded. The current (2020/21) rate of universal credit for a single person aged under 25 is £79.09 a week.

Exceptions

As with most benefit rules, there are some exceptions. Even if the young person comes within the definition of a care leaver set out above, including if in continuing care or still looked after, they are **not** excluded from UC if they:

- are responsible for a child; *or*
- are a member of a couple and their partner is responsible for a child; *or*
- have limited capability for work or are waiting for an assessment to establish whether they have limited capability for work.

Note: even if one of these exceptions applies, the young person still can't get help with rent in their UC.

Examples

Rob is aged 17. When he was 14 he started being looked after away from home. He lived with foster carers. This continued until a few months after his 16th birthday, when he stopped being 'looked after' and moved into supported accommodation run by a voluntary organisation. Rob is a care leaver who cannot get universal credit.

Mel is aged 17. She was looked after away from home since the age of 12 until two months after her 16th birthday. She is in 'continuing care' and lives with the foster carers who have looked after her for several years. She is a lone parent with a baby. Although Mel is in a very similar situation to Rob, because she has a dependent child she is not excluded from getting universal credit (although she will still not get UC for rent while she is under 18).

Advance claim for universal credit as you approach 18

Once a care-experienced young person reaches 18 there are no special rules excluding them from UC, although whether they are entitled will depend on a number of issues such as income level. As a care-experienced young person approaches their 18th birthday, the UC rules allow them to make an advance claim for UC. Their claim should be accepted if they are within one month of their 18th birthday, although they will not be paid until they have turned 18 and will still need to wait to get a payment as UC is paid monthly in arrears.

Income support, income-based JSA and housing benefit

Income support, income-based JSA and housing benefit are being replaced by universal credit. Very similar rules to the UC rules described above exclude many 16/17 year old care leavers from these benefits. If you need to know more about the rules for these benefits see chapter 10 of CPAG in Scotland's [Children's handbook Scotland](#).

Care-experienced bursary

Care-experienced young people who are full-time students may be entitled to a 'care-experienced bursary'. This applies in both non-advanced courses (for example, National Qualification) and advanced courses (for example, a degree course). A student may be eligible for the bursary if they were ever looked after by a local authority in the UK, even for a short period. The bursary is £202.50 a week for students on non-advanced courses and £8,100 per academic year for students in advanced education. For more information on the care-experienced bursary, see studentinformation.gov.scot.

For many care-experienced young people, getting the care-experienced bursary means that they are not entitled to universal credit (UC) – even those who are aged 18 or over and are not excluded under the rules described above. This is because, after a disregard of £110 per month, the care-experienced bursary counts as income for UC and for many students, the income from the bursary will exceed their UC level. However, it is important to note that this is not always the case. For example, a care-experienced student with dependent children may still be entitled to some UC. Also, some care-experienced students may be able to claim UC during the summer vacation when they do not have student funding.

For more information about students and benefits see [CPAG in Scotland's student project information](#).

Advice and information on the local authority's responsibilities

This factsheet focuses on the benefit system. If you need more advice or information on the local authority's duties and responsibilities regarding care-experienced young people or continuing care, contact one of the following organisations:

Staf - Phone: 0141 465 7511 Email: info@staf.scot

Web: staf.scot

Celcis - Phone: 0141 444 8500 Email: celcis@strath.ac.uk

Web: celcis.org

Who Cares Scotland - Phone: 0141 226 4441 Email:

hello@whocaresscotland.org

Web: whocaresscotland.org

Further advice and information

Child Poverty Action Group in Scotland

Advice line for advisers and support workers on benefit issues **0141 552 0552**
Monday to Thursday 10am to 4pm, Friday 10am to 12 noon

Email: advice@cpagscotland.org.uk

Website: cpag.org.uk/scotland

For more detailed information about all of the issues covered please see CPAG's *Children's Handbook Scotland*, available free online at askcpag.org.uk/publications/scotland

CPAG in Scotland's advice line is only for frontline workers in Scotland. If you are having problems with your own benefit or tax credits claim and need advice you should contact your citizen's advice bureau or other local welfare rights service.



Staf works with frontline workers, managers, leaders and influencers to improve the life chances and to create the best possible outcomes for young people leaving care in Scotland.

Contact details:

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