

## **Additional information on Care-Experienced Bursary eligibility**

### **Background**

1. Over time, various types of Care-Experience have been described in different ways. Care arrangements and the language used to describe them have changed over the decades. While the term 'Care-Experienced' is now widely used, it might not be instantly recognisable to adults who experienced care over the decades (some adults recognise the term 'looked after' and others before the mid-1990's often refer simply to having been 'in care').
2. Similarly, adults would refer to care settings as children's home, a close support unit, an assessment centre, List D or Borstal. Some older adults might refer to being 'boarded out' rather than fostered. Care could have been provided by a Local Authority (Council), a religious organisation or third sector/charity.
3. When asking care leavers to specify and to evidence their in-care status, a sensitive and understanding approach is essential. It is important to recognise that feelings of stigma, changing care legislation, Local Authority boundary changes, as well as complications about records management regulations and practice (if they were kept at all and for how long) may present barriers.

### **Summary of student eligibility for FE Care-Experienced Bursary**

4. The FE Care-Experienced Bursary is available to Care-Experienced students who were subject to formal care interventions and were 'looked after' or are 'care leavers'. Following consultation with the sector, the bursary has also been extended in AY 2022-23 to students who were looked after in informal care arrangements with Social Work or Local Authority involvement.
5. See below for more detail on the definitions and legislation behind these terms.

## Definitions of Care-Experience

### *Overview of definitions*

6. The terms Care-Experienced, 'care leaver' and 'looked after' have been used over time to describe various types of Care-Experience in different ways. These different categories are defined as follows:
  - Care-Experienced student: A student who has been looked after by a Local Authority at any time during their life. This includes adoptive children who were previously looked after.
  - Care leaver: A young person who was looked after on or after their 16th birthday and who is aged under 26.
  - Looked after child: A child or young person currently looked after in a formal arrangement with a Local Authority, typically, but not always, involving compulsory supervision arrangements following a Children's Hearing. Children can be looked after while remaining in the family home with social work support, or in a kinship, foster or residential care placement.
  - Informal care: this can be arranged with or without the involvement of the Local Authority.
7. The seven sections below provide a definition of the main categories of care which are likely to entitle students to a Care-Experienced Bursary.

### ***Definition 1: Permanence order***

8. Permanence orders (legal orders settled by the Court) were introduced by the Adoption and Children (Scotland) Act 2007. They can only be applied for by the Local Authority and are designed to safeguard a child who will not be returning home. A permanence order will remove the child from the Children's Hearing system and can last until the child reaches the age of 18. It can allow foster carers (and others caring for children) to have some or all of the parental rights and responsibilities needed to make day-to-day decisions affecting the child.

### ***Definition 2: Foster care***

9. Fostering is a temporary arrangement - on either a short or long term basis at any point in their childhood - and many children in foster care will return to

their birth family. Some fostered children are eventually adopted, either by their foster carer or by another family.

10. Local authorities can only currently place children with foster carers who have been approved by an agency registered with the Care Inspectorate. Such agencies include local authorities, voluntary organisations and independent sector providers. However, this will not apply in the case of historic foster arrangements.

***Definition 3: Residential care, residential schools and secure units***

11. Care placements could have been provided by a Local Authority, Council, religious organisation or charity. Other names for residential care could be List D school, a Borstal, a close support unit or a children's home.
12. Residential care homes and schools offer young people (usually of secondary school age) a safe place to live away from their families. Residents live alongside a number of/several other young people in the home, cared for by staff who do not live on site. Most young people who live in a residential establishment will have been assessed as needing to be cared for away from home by the Local Authority. Young people are placed in residential care on the recommendation of a Children's Hearing Panel, or on an emergency (short-term) basis to guarantee their safety.
13. Secure accommodation is a form of residential care that restricts the freedom of children under the age of 18. It is for the small number of children who may be a significant risk to themselves, or others in the community. Their needs and risks can only be managed in secure care's controlled settings. Secure care aims to provide intensive support and safe boundaries to help these highly vulnerable children re-engage and move forward positively in their communities.

***Definition 4: Kinship care***

14. Kinship care is when a child is looked after by their extended family or close friends or another adult with whom the child has a pre-existing relationship, if they cannot remain with their birth parents. It is different to foster care and adoption. Under the Looked After Children (Scotland) Regulations 2009, Part V, paragraph 10(2)(a) and (b) kinship carers are defined as "a person who is

related to the child (through blood, marriage or civil partnership) or a person with whom the child has a pre-existing relationship".

15. If a child or young person lives (or has lived) with a kinship carer because they were placed there by arrangement with their Local Authority; because of social work involvement; or on the advice of Social Work services, this child or young person should be considered to be Care-Experienced and entitled to corporate parenting support.
16. Kinship care is often most complicated, because it can involve children being formally looked after; but some children live in kinship care without the involvement of social work services. Students in kinship care without any Social Work involvement would not be eligible for Care-Experienced Bursary but may be considered by the college as self-supporting or estranged students.
17. Kinship care which begins as a private arrangement can also become formalised, for example if the child is 'looked after' in kinship care initially, before the carers take on full parental rights and responsibilities through the courts.

***Definition 5: Compulsory Supervision Order with no condition of residence (Looked after at home) (previously known as a Supervision Requirement)***

18. As set in the Social Work (Scotland) Act 1968 Part III, paragraph 44(1)(a) where a child or young person is subject, through the Children's Hearing system, to a Compulsory Supervision Order (CSO) with no condition of residence, that child or young person continues to live at their normal residence (often the family home). This is known as being looked after at home and the child will have a social worker while remaining at home.
19. Where this happens, the hearing panel will have decided that the child's welfare and best interests are best assured by living with their parents. Local authorities/social workers and any other relevant partners must then work closely together as well as with the child and family to achieve to objectives for which the home CSO/ supervision order was made.

***Definition 6: Compulsory Supervision Order with a condition of residence (Looked after away from home) (previously known as a Supervision Requirement)***

20. Where a child (or young person) has either:

- Commonly been referred to as being in care, for example living in foster care, children's home or residential school as set out in the Social Work (Scotland) Act 1968, Part III, paragraph 44(1)(b).
- Been through the Children's Hearings system and is subject to a CSO with a condition of residence as set out in Part 9, paragraph 83 of the Children's Hearing (Scotland) Act 2011.
- Is subject to an order made or authorisation or warrant granted by virtue of Part II, Chapters 2, 3 and/or 4 of the Children (Scotland) Act 1995.
- Is being provided with accommodation under Part 2, Chapter 1, paragraph 25 of the Children (Scotland) Act 1995 (a voluntary agreement). OR
- Is placed by a Local Authority which has made a permanence order under Part 2, paragraph 80 of the Adoption and Children (Scotland) Act 2007. In these cases the child is cared for away from their normal place of residence, by foster or kinship carers, prospective adopters, in residential care homes, residential schools or secure units.

***Definition 7: Informal Care Arrangements***

21. To qualify for a Care-Experienced Bursary, students should be in an informal care arrangement which can be confirmed by their Local Authority or Social Work department. This can include non-compulsory care arrangements which were made on a voluntary basis (i.e. the Local Authority had a duty to make arrangements, but the acceptance of the Local Authority's offer by the student was voluntary). Examples might include the following types of arrangement:

- Where someone lives in an informal kinship care arrangement with extended family and has been subject to a court order under "Section 11" of the Children's (Scotland) Act 1995.
- Young people who have been the subject of action by a Local Authority under "Section 22" of the Children's (Scotland) Act 1995 (whose involvement with Social Work services is on a voluntary basis).

- Young people referred to a Local Authority under “Section 68(5)” of the Children’s Hearings (Scotland) Act 2011 as this is a Voluntary Supervision Order.
22. However, the above is not an exhaustive list and colleges can use their discretion and/or take the advice of Local Authorities and Social Work contacts in this matter.

### **Legislative context**

23. The main legislation which relates to Care-Experienced students is listed below:

#### ***Social Work (Scotland) Act 1968***

- S. 44(1)(a) - supervision order (no condition of residence) commonly known as a ‘home supervision’ order.
- S. 44(1)(b) - supervision order (with a condition of residence) – commonly referred to as being in care, for example living in foster care, children’s home or residential school.

#### ***Children (Scotland) Act 1995***

24. Under the provision of the Children (Scotland) Act 1995 “Looked After Children” are defined as those in the care of their Local Authority and will come into one of the following categories:
- Looked after at home: Where the child (or young person) has been through the Children’s Hearing system and is subject to a Supervision Requirement (regular contact with social services) with no condition of residence. The child then continues to live in their regular place of residence (in most cases, the family home).
  - Looked after away from home: Where the child or young person has either: been through the Children’s Hearings system and is subject to a Supervision Requirement with a condition of residence; is subject to an order made or authorisation or warrant; is being provided with accommodation under a voluntary agreement; or is placed by a Local Authority which has made a permanence order. In these cases the child is cared for away from their normal place of residence, by foster, or kinship carers, prospective adopters, in residential care homes, residential schools, or secure units.

- Kinship order: In addition to the above, students who are subject to a Kinship Order may also be categorised as Care-Experienced by the college.

25. See also:

- S. 11 - Parental Rights.
- S. 25 - provision of accommodation known as 'voluntary alternative care'.
- S. 70 - 'supervision requirement'.

#### ***Adoption and Children (Scotland) Act 2007***

- S. 80 - Permanence Order.

#### ***Children's Hearing (Scotland) Act 2011***

- S. 83 - Compulsory Supervision Order.

#### ***Children and Young People (Scotland) Act 2014***

26. This Act introduces provisions that ensure better permanence planning for Looked After Children by: amending the Children (Scotland) Act 1995 to ensure that those leaving care aged 16 will become eligible for aftercare immediately; extending the entitlement to aftercare support available to care leavers from those up to the age of 21 to those aged up to 26; all young people in care born after April 1999 to have the entitlement to stay in foster, kinship or residential care placement until the age of 21 (Children and Young People (Scotland) Act 2014, Parts 10 and 11).

27. See also:

- Part 10 (Aftercare).
- Part 11 (Continuing Care).

#### **Evidencing Care-Experience**

28. Colleges have indicated to SFC that most of their Care-Experienced students evidence their status with a confirmation letter from their Local Authority or local Social Work department, and that this process works smoothly in the majority of cases. Where students are unable to obtain a confirmation letter from the Local Authority or Social Work, they can use the standardised form as

an alternative form of evidence. The standardised form can be found as an Annex to this document.

29. The list of definitions and legislation set out below may not be exhaustive and colleges should use their discretion when considering evidence of Care-Experienced status. Colleges should be aware of the distinct issues for some care leavers and should assess on a case-by-case basis to take into account individual circumstances. There are a range of agencies and professionals who may be able to provide the college with evidence of students' Care-Experience status.
30. Colleges should also note the advice in the Fund Management and Audit section of the Bursary guidance, which acknowledges that students who are Care-Experienced may have difficulty in accessing documentation where they have become estranged from their families and support networks. If a Care-Experienced student cannot access the required documentation, the college may approve an award to the student at its discretion.

### **Students from the rest of the UK**

31. Care-Experienced Bursary is available to students who were in care arrangements in the other UK nations. However, it should be noted that in Scotland the legal definition of a "looked after child" includes children subject to a compulsory supervision order who may still be living at home, but there is no category of "looked after child" in other parts of the UK which would extend to children who remain at home.

### **Students who are not eligible for Care-Experienced Bursary**

32. Care-Experienced Bursary is not available to students in the following categories:
  - Students who were in care arrangements outside of the UK.
  - Students in informal kinship care that was a completely private arrangement with no Local Authority or Social Work involvement at all.
  - Students who were living with family or friends because their parents work abroad.
  - Students attending residential or boarding schools.



- Young people who are or have been in respite care.
  - Young people who have been on a child protection register only.
  - Young people who are involved with other social work services such as:
    - School based intervention services.
    - Young person's support teams.
    - Crisis intervention teams.
  - Students who have been cared for under the following legislation:
    - Adult Support & Protection (Scotland) Act 2007.
    - Adults with Incapacity (Scotland) Act 2000 (Guardianship).
33. As part of our commitment on FE/HE alignment of student support, SFC will continue to work with SAAS and key external stakeholders on the definition of Care Experience as it applies to Care-Experienced Bursary. We may expand eligibility for Care-Experienced Bursary further in the coming years in this context. In the interim, colleges may take the decision that students in informal care arrangements which cannot be verified by a Local Authority or Social Work department are self-supporting and allocate the self-supporting maintenance rate of funding on this basis.

#### **Further information**

34. Some further information on Care-Experience can be found on the [Centre for Excellence for Children's Care and Protection](#) website.

## Care Experience Form

This form can be used as an alternative form of evidence for determining eligibility for the Care Experienced FE Bursary Maintenance Award for students. Please complete Sections A, B and C of the form yourself and ask a professional person to complete Section D. A professional person can be someone from the Local Authority by whom you were looked after; Support/Social Worker, Doctor, Nurse, Lawyer, Solicitor, College/University Student Adviser, Teacher, Nursery Teacher, Notary Public, Counsellor, Police Officer, Minister of Religion or Family Mediation Worker. If you are unable to provide confirmation from a professional person, please tell us why in Section B. Once completed please return to the college's Student Support Department.

### Section A - Student details

Student name

*Click here to enter text.*

Date of birth (DD/MM/YYYY)

*Click here to enter text.*

Student ID

*Click here to enter text.*

### Section B - Care Experience details

Please tick what Care Provision applies to you:

- Adopted after a period of being looked after by a Local Authority
- Foster Care
- Kinship care (arranged by Local Authority)
- Residential care

▪ Looked after at home

▪ Other – please give details below:

*Click here to enter text.*

What age were you when your first period of care started?

*Click here to enter text.*

What age were you when your last period of care ended? If not stopped,  
please enter “ongoing”

*Click here to enter text.*

Have you provided confirmation of your care experience from a professional person in Section D?

Yes  No

If no, please briefly explain why:

*Click here to enter text.*

## Section C - Student declaration

We will use the information you have provided in this form for the purpose of processing this claim. Information on how we collect, hold and process your information can be found on our Student Support Funds Privacy Statement. We have a duty to appropriately manage public funds and we will use the information provided on this form for the prevention, detection, investigation and reporting of fraud. We will share this information with other bodies for these purposes.

By signing and submitting this form you are confirming that:

- All the information I have provided on this form is complete and accurate, to the best of my knowledge and belief.
- I will provide the college with any additional information or documentation it may request to enable the college to process my funding application.
- I understand that if I provide the college with false, incorrect or incomplete information or my conduct is otherwise unsatisfactory, the college may withdraw my funding, I may be prosecuted and I will be required to repay any sums of funding received which I am not entitled to.
- I will repay any amount which I have received, or had paid on my behalf, which is more than the award that was due to me.
- I understand the information I have provided will be used for the prevention and detection of crime and I understand the college will share this information with other bodies for these purposes.

**I declare, to the best of my knowledge and belief, that the information I have provided on this form is complete and accurate.**

**Signature**

*Click here to enter text.*

**Date**

*Click here to enter a date.*

## Section D - Declaration of professional person

This section must be completed by a professional person who can verify the nature of your care arrangements (Support/Social Worker, Doctor, Nurse, Lawyer, Solicitor, College/University Student Adviser, Teacher, Nursery Teacher, Notary Public, Counsellor, Police Officer, Minister of Religion or Family Mediation Worker).

By completing and signing this form, I am confirming that I know the student named above and that the information in Section B is correct.

Full name

*Click here to enter text.*

Occupation/Job title

*Click here to enter text.*

Relationship to student/  
capacity student known to you

*Click here to enter text.*

Name and address of employer

*Click here to enter text.*

Work telephone number/  
employer telephone number

*Click here to enter text.*

Work email address/  
employer email address

*Click here to enter text.*

**To the best of my knowledge and belief, the information provided by the student in Sections A and B and the information I have provided in Section D is complete and accurate, and I understand the college may contact me if they require further information.**

**Signature of professional person**

*Click here to enter text.*

**Date**

*Click here to enter a date.*