



Guidance for services on the provision of continuing care, throughcare, and aftercare

Publication date: 13 December 2022

Publication code: REG-1013-046

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We believe young people have a right to longstanding, nurturing relationships where they feel loved by people in the services that care for them. These rights underpin both the practice and legal duties of continuing care, which should be the default option for young people living in a relevant service. This guidance is designed to support service providers in their provision of continuing care, throughcare, and aftercare, to ensure young people are able to stay put, and to move on well when they are ready to do so.

The Promise is clear that ‘Young people must be encouraged to ‘stay put’ in their setting of care for as long as they need to’ (p.92); ‘Parenting does not stop at 18.’ (p93). We are firmly committed to helping services to keep the Promise by being as flexible as possible with innovative care services that support young people to remain in their care setting and benefit from the security of stable living arrangements, meaningful relationships, and care. You can read more about the importance of this in **Emerging Adulthood: Exploring the implications for care experienced young people and those who care for them.**

Local authorities and services should work together to ensure that young people get the support they need, for as long as they need it, in order to enable them to develop the necessary skills for independence, and a happy, healthy life in adulthood. The principles of continuing care should be embedded in every service for children and young people, with its approach demonstrated from the moment a young person arrives. Continuing care is not a decision for a future chronological or developmental stage but a culture and commitment which is realised. Young people must feel, and know, that:

- The service they live in is their home and can continue to be their home into adulthood;
- Managers and staff will fiercely advocate that the precious, trusting relationships they have built will remain with them.

Background

Part 11 of the Children and Young People (Scotland) Act 2014 sets out clearly the duty of the local authority to provide the young people whose final ‘looked after’ placement was in foster, kinship or residential care including school care accommodation with the **same** accommodation or other assistance as was being provided before the young person ceased to be looked after, save from some exceptions. The Act also places responsibility on the Care Inspectorate and other bodies to be corporate parents.

Schedule 12 to the Public Services Reform (Scotland) Act 2010 sets out the different categories of services that must be registered with the Care Inspectorate. These include services for children and young people who are looked after and accommodated in the following service types:

- Care home services;
- School care accommodation services;
- Secure accommodation services;
- Fostering services;
- Adoption services.

There are other service types that may also support young people over the age of 16 years, each of which must be registered, for example:

- Housing support services;
- Support services;
- Adult placement services.

There are certain types of care service that cannot by law continue to care for young people when the young person reaches a specific age, or if the young person no longer meets the criteria for being accommodated in that service type. These include:

- Secure accommodation, where no one can be accommodated on reaching their 18th birthday or if they no longer meet the criteria for secure care.
- Foster care, where the young person ceases to be a looked after child. The Public Services Reform (Scotland) Act 2010 provides that a child, in the context of fostering, is a person who is under the age of 18.

Our approach

We have been supporting the [Staying Put agenda](#) since 2013 and our role as corporate parents under the [Children and Young people \(Scotland\) Act 2014](#) includes supporting young people moving from care to adulthood and independence. We have identified ways in which we can fulfil our corporate parenting responsibilities:

- We have worked collaboratively with [the Centre for Excellence for Children's Care and Protection \(CELCIS\)](#) and [Clan Childlaw](#) to produce a [Continuing Care and the Welfare Assessment: Practice Note](#); delivered a [Continuing Care and the Welfare Assessment Webinar Recording](#); and developed [national information materials](#) for young people, including online information with videos, innovative 'augmented reality' digital media, and a set of postcards to encourage and help support conversations between young people and the people they trust about how they want to continue to be supported.
- To support continuing care, and trauma informed practice, we no longer apply age ranges as a standard condition of registration for residential child care services (care homes for children and young people, school care accommodation services, and secure accommodation services). We recognise that chronological age and developmental age are often not the same, particularly for young people who have experienced trauma. It is the responsibility of the provider to appropriately manage admissions. We are aware that some services still have a historical condition of registration which specifies an age range. If they wish to do so, services can apply for a variation to have a historical age range condition removed.
- To support continuing care, in the context of the current legislation, fostering agencies can apply to register an adult placement service when a child they have placed reaches the age of 16. This enables young people to remain with their existing carers up to the age of 21 years, as continuing care, if they choose to do so and it is in their best interests. We will not charge a registration fee for this, however continuation fees still apply (you can read more about our fees [here](#)).

Options that providers can consider

Placing authorities, service providers, and other relevant professionals should work together in collaboration with young people to share information and make sound decisions about the suitability of potential placements.

We strongly suggest that service providers ask us for registration advice at an early stage of developing their service. They can do so by contacting regenquiries@careinspectorate.gov.scot, or by requesting pre-registration advice through our [digital portal](#). We are committed to supporting diversity and the development of services that will provide good outcomes for children and young people. However, we must do this within the parameters of relevant legislation.

There are examples of very good person-centred and diverse service provision that we have observed, developed over many years to support young people. These include,

Examples of supporting young people to stay put (these are continuing care):

- A care home provider facilitates a young person to access independent advocacy services to support the young person to access their right to continuing care. The provider may apply for a variation to remove a historical age range condition of registration, if necessary, to support the young person to 'stay put,' up to the age of 21, through their continuing care status. The statement of aims and objectives should reflect how the provider will achieve good outcomes for all those experiencing the service.
- A provider of a school care accommodation service requests to vary historical age range conditions of registration in line with a revised statement of aims and objectives. This enables young people to continue living in the same accommodation with the same supports, up to the age of 21, as part of continuing care, despite no longer attending the education facility within the service. Whilst the purpose of any admission into the residential home of a school care accommodation service should be in connection with the young person's attendance at a specific school, if young people already living at the service later move on from that education facility (for example, to a different school, college, work experience, or other daytime opportunities), it would be seen as good practice if they continued to live in the school care accommodation service providing it was deemed appropriate for them to do so. We would not expect young people to have to leave the service solely because they no longer attend the education provision with which their residence was originally connected.
- A provider of a linked adult placement service (linked to a fostering service, and originally registered in order to enable young people to remain in placement up to the age of 21 years and provide continuity of support to carers) applies to vary their registration to accommodate named young adults to remain in placement up to the age of 26 (where they wish to do so and it is in the interest of the young adult), taking account of continuing care legislation. Continuing care legislation does not extend to longer term or lifetime care beyond the age of 26 so when care is still required for the adult

the provider can apply to register another adult placement service or the carer could be supported to seek approval with another provider with an existing adult placement service without continuing care.

Examples of supporting young people in receipt of throughcare and/or aftercare to move on well (these are not continuing care):

- A provider requests a variation to their care home registration to support a young person transitioning to live in a more independent way whilst still receiving the support of the care home. This could be done by:
 1. requesting to add a condition of registration enabling the service to support young people who are moving on for a time limited period; or
 2. requesting to add a condition of registration to enable additional accommodation (out with the care home, as a dispersed service) to be used, providing this complies with our [Guidance for providers on the registration of dispersed services](#).

We would expect that staffing resources be arranged in a manner which do not negatively impact on young people living in the care home. As the throughcare and aftercare provision would be part of the care home service, we would look at this as part of our inspections. We would also be able to take complaints about the throughcare and aftercare provision, given that it would be provided as part of the care home service. If support was required on an ongoing basis after a reasonable transitioning period, providers may be required to apply for a support service registration. This should be discussed with the registration team by contacting regenquiries@careinspectorate.gov.scot, or by requesting pre-registration advice through our [digital portal](#).

- A provider that aims to offer a service for young people entering young adulthood may request that their care home registration enables support being provided to an older age range, by applying for a variation to remove a historical age range condition of registration. This allows young people to remain living in the service beyond age 21 for continuing care. In order to achieve this the service's statement of aims and objectives may need to be reviewed.
- A provider requests to vary conditions of registration and amends their statement of aims and objectives to allow a young person or a group of young people with complex needs to continue to live together beyond age 21 for continuing care.

Important points to remember

It is a legal requirement to register a care service with the Care Inspectorate and this should be considered when trialling any new venture. It can take six months or longer to register a new service, depending on the quality of information provided to us, so contacting us early is crucial. You can request free, pre-registration advice, through our digital portal [here](#).

There is a registration fee and an annual fee to pay for each registration of a different service type, details of which are published online [here](#).

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