

Continuing Care and Welfare Assessment Guidance

Version 1 March 2026	Created by Lynne McKerley, Locality Manager, Pauline Connelly Team Manager for Residential & Throughcare/Aftercare Services	Review Date: March 2028
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Introduction

This guidance is aligned with Part 11 of the Children and Young People (Scotland) Act 2014) and explains how Falkirk Council meets its duties under Part 11. The content reflects the Scottish Government Guidance and Staying Put Scotland. (See appendices 1 & 2)

The National Continuing Care Guidance emphasises the crucial importance of continuity of relationships and the expectation that ‘staying put’ in positive continuing care arrangements becomes the default position for Scotland’s looked after children and young people where it is assessed to be in their best interest.

Continuing Care refers to a local authority’s duty, where possible, to provide young people, with the same accommodation and other assistance as was being provided by the local authority, immediately before the young person ceased to be looked after.

Continuing Care enables a young person to remain in the same placement they were in when they were looked after. It should not be used as an alternative to remaining looked after under the Children (Scotland) Act 1995 if it is in the best interest of the young person.

The Care Inspectorate has produced guidance on admission to care services and Continuing Care to support young people remaining in their placement beyond the age of 16 years.

The aim of the guidance is to ensure there is no ‘cliff edge’ out of care at 18 years old and that young people are supported to transition to independent living in a timescale suitable to their individual needs.

Continuing Care is available to all eligible young people who were looked after in foster care,

in formal kinship care and in residential care.

There are certain caveats alongside key processes and considerations, and the aim of this paper is to help to bring greater clarity and understanding, and to support implementation of Continuing Care in practice.

There are three circumstances where a local authority does not have a duty to provide Continuing Care to an eligible young person:

- a) If the young person was accommodated in secure care immediately before ceasing to be looked after;
- b) If the young person was in a care placement where the carer/provider has indicated that they are unable or unwilling to continue to provide the placement; or
- c) If the local authority considers that providing the care would significantly adversely affect the welfare of the person.

Any young person in continuing care should have a welfare assessment undertaken which will then require to be reviewed annually. This is to ensure that the placement continues to meet their needs and is in their best interest.

Part One Continuing Care

Section 1 - Eligibility for Continuing Care

Looked After Young Person

The definition of a looked after child is set out in s17 (6) of the Children (Scotland) Act 1995, as amended by the Adoption and Children (Scotland) Act 2007 and Children's Hearings (Scotland) Act 2011). A looked after child is:

- Provided with accommodation by a local authority under s25 of the 1995 Act: or
- subject to a Compulsory Supervision Order or an Interim Compulsory Supervision Order made by a Children's Hearing
- Living in Scotland and subject to an order in respect of whom a Scottish local authority has accepted responsibilities, because of a transfer of an order (regulations under s33 of the 1995 Act/section or 190 of the 2011 Act)
- Subject to a Permanence Order under Section 80 of the Adoption and Children (Scotland) Act 2007 (3)

Continuing Care is a local authority's duty under section 26 (a) of The Children (Scotland) Act 1995 to provide young people looked after away from home who are at least 16 years of age, with the same accommodation or other assistance as was being provided by the local authority immediately before the young person ceased to be looked after.

The aim is to provide young people with a consistent level of support until they are ready to leave their placements.

Continuing Care may continue until a young person reaches the age of 21. Continuing Care is available to all young people looked after away from home on their 16th birthday.

A young person who is looked after at home is not eligible for Continuing Care.

Section 2 – Exceptions to providing Continuing Care

Continuing Care is not available in the following circumstances:

1. If a young person is accommodated in secure care immediately before ceasing to be looked after and accommodated
2. If the young person was in a care placement where the carer/provider has indicated that they are unable or unwilling to continue to provide the placement;
or
3. If the local authority considers that providing the care would **significantly adversely affect the welfare of the young person**
4. If the young person is placed in kinship care and not subject to a supervision requirement on their 16th birthday
5. The young person does not have looked after status on their 16th birthday

The consideration for 3 is that provision of care must significantly and adversely affect the welfare of the young person requesting Continuing Care, **not** whether this young person affects anyone else's welfare. A comprehensive welfare assessment specifying significant risk to the young person is required to support this decision.

If Continuing Care is not available, then accommodation and practical and financial support should be offered to the young person to reflect what would have been offered had their care placement been available. (More detail is available in s72 and s73 of Scottish Government Guidance)

Section 3 - Principle

The aim of Continuing Care is to prevent the 'cliff edge' out of care at 16 and to offer young people a more gradual transition from care, supporting independent skills, reducing the risk of multiple disruptions in their lives and maintaining supportive relationships.

Continuing Care aims to:

- Address the inequalities between looked after children and their non-looked after peers by providing a stable home and ensuring they are not discharged from care until they are prepared and ready to move on positively
- Improve assessment, preparation for independence and planning for young people leaving care
- Provide looked after young people with better personal support after leaving care

It is important the continuing care does not shift the 'cliff edge' to 18 or 21. Social work staff need to ensure robust pathway and transition planning is undertaken with young people aged 16 plus to ensure they reach a positive destination.

Section 4 – Legal and Practice Considerations

An eligible young person who opts into a Continuing Care arrangement is requesting to remain with the same carers and to receive the support, detailed in their plan, which meets their assessed needs.

The Continuing Care (Scotland) Order 2015 specifies that a young person can opt into a Continuing Care arrangement from the date they cease to be looked after. This could be at the point of termination of their Compulsory Supervision Order under Section 83 of the Children's Hearings (Scotland) Act or at the point of their 18th Birthday when Looked After status via Section 25 of the Children (Scotland) Act ceases to apply.

Opt-in to a Continuing Care arrangement should be agreed with the full participation of the young person and the plan should confirm the opt-in to Continuing Care under Section 26(a) of the Children (Scotland) Act 1995.

Practitioners should support a young person in their placement up to the age of 18 years and not seek to remove any compulsory supervision order where this is necessary to manage any conditions related to their care.

Continuing Care should be one of the options considered and pathway planning should start before the young person's 16th birthday regardless of legal status. It should be noted that if the young person ceases to be looked after prior to their 16th birthday, they are not eligible for Continuing Care or Aftercare.

Section 5 – Raising Awareness

It is the lead professional's responsibility, in partnership with the Team Around the Young Person, to ensure that all eligible young people are aware of their right to choose Continuing Care as one of the options open to them in their care journey.

All eligible young people should know about their right to stay where they are to receive the support they need as they transition toward independence.

Advocacy is available for young people via Who Cares? Scotland and they can be signposted to online resources (as detailed in Appendices 4 & 5)

Information is also available for foster carers (appendix 6)

Section 6 – Planning

When a young person reaches their 16th birthday their social worker will complete a Pathway Planning – Initial Assessment which will identify the young person's needs as they move towards adulthood.

This assessment will be completed in partnership with the young person and other important people in the young person's life. This assessment must ensure that this would not significant adversely affect their welfare.

Children and young people should be encouraged to learn skills that will help them mature naturally while living with their carers.

Falkirk Council have several programmes and tools which help with this, including the Independent Living Plan (ILP) for foster carers, the Continuing Care and Life Skills Programme for residential carers and the Care Leavers Housing and Support Needs Matrix which identifies the areas the young person needs support in to help them prepare for their own tenancy.

Communication and planning with the carers, and their role in supporting independence needs to be clear and stated in care plans.

The outcome of the initial assessment will be to identify what the young person's plans are following their 16th birthday and where they see themselves living. If the young person chooses to continue in their current placement, then a welfare assessment is required. The completion of a welfare assessment is a legal duty, and this must be completed and updated annually.

The assessment must also consider the support needs of the young person as they move into adulthood and how these will be best met.

When Continuing Care is agreed then this should be confirmed at their Looked After Away from Home Review and recorded in The Future Plan. A change of circumstances form should be complete by the allocated worker at this time.

Prior to the review the allocated social worker will have:

- Confirmed whether the carer is willing and able to have the young person remain living with them
- Confirmed whether the young person wishes to stay beyond the looked after period
- Confirmed that the continuation of the placement will not be detrimental to the young person

At the care experienced review, it will be identified whether an additional/specialist assessment is required to assist the process of transition to adulthood. This will, although not exclusively, usually relate to young people with additional support needs such as complex medical health needs, a learning disability, mental health or emotional wellbeing needs and those young people who present with challenging behaviour and who, as they become young adults, may struggle to manage with a more independent lifestyle.

Continuing Care planning for young people with a disability and/or diagnosis which may require ongoing social work support into adulthood which will begin prior to the young person reaching their 16th birthday. Transitions arrangements to Adult Social Work Services will start at this point to determine whether transition and ongoing support will be led by Adult Social Work Services or the Leaving Care Team. Work is ongoing to develop a flow chart to assist practitioners in this area.

The care experienced review will document that the placement will continue and is in the young person's best interest. The young person will receive a signed and dated minute to confirm their placement is now a continuing care placement.

Potential Outcomes and Actions following the completion of a Pathway – Initial Assessment

When the outcome of the Pathway – Initial Assessment is that a young person has decided that they wish to stay in their current care setting, potentially up to their 21st Birthday under Continuing Care then a full Pathway Assessment will be completed.

This assessment should not be carried out until nearer the young person's 17th birthday to progress the conversion of their placement to that of a Continuing Care placement. Please note: the date of this full Pathway and Welfare Assessment may need to be earlier if the young person is requesting Continuing Care begins between their 16th and 18th birthday.

When the outcome of the Pathway Assessment is that a young person sees themselves only staying within their placement until their 18th birthday and is not requesting Continuing Care then a full Pathway Assessment will need to be completed following a young person's 16th birthday. A Leaving Care team worker will take the lead in coordinating this assessment.

When the outcome of a Pathway Assessment is that a young person sees themselves leaving their placement at the age of 16, then a Leaving care team worker will be allocated to a young person and a full Pathway Assessment is to be completed to support the young person with their future plans.

The lead professional, young person and the carer will meet to draft a Continuing Care Placement Agreement.

The next scheduled looked after review will confirm the transfer to Continuing Care and having consideration of the full pathway assessment will schedule reviews annually thereafter.

CELCIS published an easy-to-follow flowchart aimed at practitioners and young people. It's a useful guide through the various processes that are followed as a young person begins to think about supported transition from care towards more independent living and young adulthood (see appendix 3)

Section 7 – Case Responsibility

Whilst a young person remains on a Compulsory Supervision Order, the Children & Families social worker will be the lead professional.

Young people subject to Permanence Orders or those Looked After under Section 25 will have their Children and Families social worker as lead Professional until they move into Continuing Care. The date of change will be confirmed by the Looked After Review.

Within 6 weeks of the Looked After Review where Continuing Care was confirmed, the lead professional role will transfer to a worker in the Leaving Care Team (the young person will already be known to the Leaving Care Team and will have an allocated worker) and a case transfer meeting will take place with the young person.

If the young person is subject to a Criminal Justice Order or an Adult Support and Protection Plan is in place, the social worker will continue to be the lead professional with support from the Leaving Care Team.

Young people who meet the eligibility criteria for SW Adult Services will remain within the Children and Families Service up to 18 years of age, and transition into Adult Social Work Services directly where adult eligibility criteria is met. If the assessment to determine eligibility and the suitable pathway is ongoing beyond the young person's 18th birthday, the lead professional role will not transfer from the Children and Families Service until the pathway is confirmed.

Section 8 – Reviewing Continuing Care

To ensure consistency, a young person's Continuing Care placement will be reviewed annually for the duration of their placement, with Team Around the Young Person meetings as required in between.

Continuing Care Reviews should only take place when the young person is present.

Continuing Care Reviews will be:

- Held at least annually but more frequently if the plan and placement is complex
- Co-ordinated by the Leaving Care Team
- Chaired by a Child Care Review Coordinator
- Informed by pathways assessment and future plan
- Attended by all people considered relevant by the young person

The pathways assessment and plan will be completed by the allocated worker and should describe the following:

- Whether and how the Continuing Care Agreement is meeting the needs of the young person in relation to the 8 wellbeing indicators
- If a placement is at risk, a detailed contingency plan and what actions can be taken to safeguard the placement
- The young person's views and involvement in the pathways assessment and review
- How independent skills are being developed and agreed outcomes are being met

Young people in Continuing Care should be at the centre of their Review. The lead professional must work with the young person to ensure the review meets their needs and wishes.

The Continuing Care Review will amend the Continuing Care and Welfare assessment to ensure that the young person is encouraged, enabled and empowered to develop their readiness and willingness to move onto independent living.

Section 9 - Continuing Care allowances

Young people over the age of 18 will be in a receipt of an income from work, training/ education or benefits. How much they contribute towards their care will depend on their individual circumstances and will be included within the Continuing Care Placement Agreement.

There are financial procedures in place for young people aged 16 plus which staff should familiarise themselves with.

There are ongoing allowances for foster carers and kinship carers when a young person moves into continuing care.

Although a foster carer's registration will change from foster-carer to supported carer their fee will not change. A foster carer will continue to receive the same caring fee but there may be changes to the young person's allowance if they are in receipt of their own finances whether continuing care allowance, college bursary or employment.

Section 10 – Managing the ending of a Continuing Care placement

The placement will end if:

1. the young person chooses to leave the placement
2. the accommodation ceases to be available
3. the LA consider that providing the care would significantly adversely affect the welfare of the person.
4. The young person reaches the age of 21 and remains within their continuing care placement in line with S26 (a) (7) of the Children (Scotland) Act 1995.

This should be agreed formally via a continuing care review.

The transition out of a continuing care placement will be carried out in as planned a way as possible. Planning for the young person's future will be an ongoing conversation but, following the young person's 20th birthday, significant focus should be on what needs to happen to ensure a smooth transition from the Continuing Care placement.

Where a young person leaves Continuing Care, a change of placement/ statute form will be submitted.

Section 11 - Aftercare

Once a young person has left their Continuing Care placement, they are entitled to Aftercare support until their 26th birthday. This support is based on assessed need and will be provided by the Continuing Care and Aftercare team.

Section 12 – Information sharing and consent

At the point a young person moves into Continuing Care they will be asked to sign an information sharing consent form to reflect, for example, consent to share information with family members if they are part of the young person's support or safety plan (page 2 of placement agreement).

Young people in Continuing Care continue to have the same rights regarding their information being shared appropriately and proportionately. Local authorities and the allocated Social Worker will be kept informed of the young person's placement. Whether information should be shared with others will require the consent of the young person.

If information is regarding a risk of significant harm to the young person, this must be shared.

Section 13 – Disclosure Checks

A young person over 16 years in Continuing Care may need to have a Disclosure check depending on their specific circumstances. For example, where there are unrelated children in the same household. The Disclosure check is unlikely to reveal unknown information. In any case of uncertainty please seek advice from the Care Inspectorate.

Section 14 – Registration

SSSC and the Care Inspectorate have agreed that there will be no registration changes to either residential services registered by the Care Inspectorate, or individual residential workers registered with SSSC. Care homes for children and young people and school care accommodation services will continue to be registered with the Care Inspectorate as residential childcare services. There will be no changes to the SSSC register for childcare and residential school care.

Falkirk Council Foster Carers transferring to supported carers status need to be dual registered. The Fostering team are registered as an adult support service and have in place a process for foster carers becoming dual registered.

Section 15 – Complaints

A young person may make a complaint to the local authority about the service they receive or how any dispute has been handled. Complaints should be made through Falkirk Council's complaints procedures (Appendix 7)

Young people with disabilities may require additional support to pursue a complaint.

Children's Rights Service and Advocacy can support young people to express their view and or complain. Contact details for supporting organisations are detailed at end of document.

Section 16 – Death of a young person in Continuing Care

Local authorities are required to report the death of a young person in a Continuing Care placement to the Scottish Ministers and Care Inspectorate under Section 26A (10) of the Children's Hearing (Scotland) Act 1995 and section 67 of the Children and Young People (Scotland) Act 2014.

Should a young person in continuing care die then the locality manager must be notified immediately.

Part 2 Falkirk Council Welfare Assessment Guidance

The process for carrying out welfare assessments for all young people eligible for continuing care is detailed below.

The lead professional is responsible for completion of the Welfare Assessment.

Key considerations

- There is a legal duty on all local authorities to complete a Welfare Assessment for all prospective care leavers. A Welfare Assessment must be carried out; it is not optional.
- The welfare assessment does not need to be a stand-alone assessment and can be incorporated into any existing young person's care plan/Looked After plan/Pathways Assessment and Plan. However, it must be explicit that the welfare assessment has been complete.
- The assessment must be carried out within a reasonable time before the young person leaves care.
- The views of the young person must be considered and the views of family, anyone with parental responsibilities, carers and accommodation providers, school, college or university and health professionals can be sought and, when sought, must be considered.
- The local authority must record these views in a written record and make that record available to the young person again 'as soon as reasonably practicable'.

- There is a legal requirement to make a separate decision about welfare and to provide that decision in writing to the young person and to have it explained to them.

What the Welfare Assessment should cover:

- The young person's emotional state, day-to-day activities, personal safety, influences and identity.
- Family relationships, children, other caring responsibilities, life story, friends and relationships with other significant people including carers.
- General health (including any mental health needs), contact with health services, medical conditions and disabilities and emotional and mental wellbeing.
- Schooling, skills and experience, qualifications and certificates, training and work.
- Future plans for study, training or work.
- The young person's current accommodation arrangements, practical living skills, accommodation options for the future and any support required for everyday living.
- Sources of income, outgoings, savings and debts, requirement for financial support and budgeting skills.
- Knowledge of their rights and legal entitlements, any previous or current involvement in legal proceedings, including criminal proceedings as a victim, witness, or alleged perpetrator.

Falkirk's Process:

- Shortly before a young person reaches the age of 16 their social worker will explain what continuing care is and offer advocacy services to the young person. This will be via Children's Rights or Who Cares? Scotland.
- The Child's assessment will be updated by the allocated social worker to reflect areas covered within the Pathway assessment and there will be discussion about the young person moving on to continuing care in the coming years.
- If a young person is Looked After under section 25, they are entitled to remain subject to this until they reach the age of 18 years. However, 'Continuing Care offers significantly more security for the young person than a placement under section 25 of the 1995 Act.'
- All young people on a Permanence Order or Compulsory Supervision order should be classed as looked after until 18 years old. However, they can request continuing care from 16 years old and if this is in their best interest then this should be progressed.
- At the young persons Looked after away from home review at age 17 years the child's plan will identify areas covered within the Continuing Care welfare assessment and discuss plans for the young person moving into continuing care on their 18th birthday or when their order terminates (whichever comes first).
- When the young person opts into continuing care, the allocated throughcare and aftercare worker will meet the young person and care team to complete a Continuing Care Welfare assessment that will consider:

1. Where I live
 2. Family and Friends
 3. Health and wellbeing
 4. Education, training and employment.
 5. Financial
 6. Leisure and interests
 7. Legal matters and Rights
- The young person's review following them moving into Continuing Care will be their initial Continuing Care Review. Within this meeting, the Continuing Care welfare assessment will be reviewed and updated.
 - Thereafter continuing care reviews will occur annually. The team Around the Child, the young person and their parents/carers will review the actions and plan to progress towards adulthood.
 - The welfare assessment will be updated for the annual review.

Useful Contacts

Children's Rights Officer email address falkirkchildrens@quarriers.org.uk

Advocacy services email address hello@whocaresscotland.org

Care Inspectorate website <http://carenews.careinspectorate.com/complaints-procedure/>

Children and Young People's Commissioner Scotland website
<http://www.cypcs.org.uk/rights>

Appendices

1. <https://www.gov.scot/publications/guidance-part-11-continuing-care-children-young-people-scotland-act/>
2. <https://www.gov.scot/publications/staying-put-scotland-providing-care-leavers-connectness-belonging/>
3. [2016_CELCIS_flow_chart.pdf](#)
4. [Rights to Care; A Guide to Continuing Care and Aftercare - Who Cares? Scotland \(whocaresscotland.org\)](#)
5. [Your Right to Continuing Care :: Celcis](#)
6. [Continuing care | FCA Scotland](#)
7. [Complaints procedures / Contact us to make a complaint](#)
8. <https://www.gov.scot/publications/staying-put-scotland-providing-care-leavers-connectness-belonging/>

