Transitions from Care to Independence

Supporting Young People Leaving State Care to Fulfil Their Potential

Jennifer Driscoll

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This important book focuses on the critical role of educational achievement for the well-being and success of vulnerable youth in adulthood. It is concerned with three interconnected issues: the support which is or should be afforded to youth ageing out of state care to enable them to fulfil their academic potential; the interdependence of social aspects of 'care' and educational attainment for children growing up in state care; and the conditions which are prerequisite for transition to fully autonomous adulthood, together with the implications of these for the state's responsibilities to care leavers.

These issues are addressed through a review of international literature based on the educational outcomes and life chances of youth graduating from state care, analysis of the findings of a three-year qualitative study following the educational transitions of young people and the use of theoretical frameworks to explore the complexities of children's experiences of the state care system. In doing so the book balances predominantly needs-based discourses with a children's rights perspective, focusing on competence rather than vulnerability and promoting the development of the skills needed for autonomous adulthood.

Transitions from Care to Independence should be considered essential reading for researchers, practitioners and policy-makers in the fields of education, childhood studies and adoption and fostering services. Additionally, the issues addressed are of wider relevance to youth transitions to adulthood. Youth ageing out of care provide a particularly insightful case study into the broader cohort of young people entering the workforce in an era of a globalised economy and austerity.

Jennifer Driscoll practised as a Family Law barrister for over a decade, specialising in child protection, before moving to King's in 2005, where she is Senior Lecturer in Child Studies. Her academic interests cover the protection and rights of vulnerable children, in particular child protection systems, the education of children and young people in and leaving state care, ethical issues arising from research with vulnerable children and young people and the implementation of the United Nations Convention on the Rights of the Child. Jenny is a member of the Board of Trustees of the British Association for the Study and Prevention of Child Abuse and Neglect (BASPCAN).

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Table of abbreviations

AAI	Adult Attachment Interview
AS/A2	Advanced Subsidiary/Advanced school level qualification usually taken by 16–18 year-olds (England and Wales)
ADHD	Attention Deficit Hyperactivity Disorder
ASFA	Adoption and Safe Families Act 1997 (US)
CAPTA	Child Abuse Prevention and Treatment Act 1974 (US)
CLET study	Care Leavers' Educational Transitions Study
DCSF	Department for Children, Schools and Families (England)
DfE	Department for Education (England)
ECHR	European Convention for the Protection of Human Rights and Fundamental Freedoms
FE	Further Education (UK) usually undertaken by young people aged 16–18
FFY	Federal fiscal year (US)
GAD	General Anxiety Disorder
GED	General Education Diploma (US)
GCSE	General Certificate of Secondary Education (England, Northern Ireland & Wales)
HE	Higher Education (UK) University/degree-level education
IOM	Institute of Medicine (US)
ICT	Information and Communication Technology
IRO	Independent Reviewing Officer (England & Wales)
NAIRO	National Association of Independent Reviewing Officers (England & Wales)
NCCMH	National Collaborating Centre for Mental Health (UK)
NEET	Not in education, employment or training
NIACE	National Institute of Adult Continuing Education (England and Wales)
NRC	National Research Council (US)
NS	National Statistics (UK)
OECD	Organisation for Economic Co-operation and Development
Ofsted	Office for Standards in Education, Children's Services and Skills (England)

PRU	Pupil Referral Unit
PTSD	Post-Traumatic Stress Disorder
RAD	Reactive Attachment Disorder
SDQ	Strengths and Difficulties Questionnaire
SEBD	Social, emotional and behavioural difficulties
SEU	Social Exclusion Unit (England)
SGO	Special Guardianship Order (England & Wales)
UASC	Unaccompanied Asylum-Seeking Children
UNCRC	United Nations Convention on the Rights for the Child
UNCoRC	United Nations Committee on the Rights of the Child
UNGA	United Nations General Assembly
USICH	United States Interagency Counil on Homelessness
VET	Vocational Education and Training
YiPPEE	Young People in Public Care: Pathways to Education in Europe project

1 Introduction

Introduction

Despite significant attention from policy-makers, outcomes for young people graduating from state care in Western countries have proven stubbornly resistant to improvement. As a consequence, such young adults are at significantly higher risk of poor life outcomes than their peers, including poverty, unemployment, homelessness, depression and anxiety, involvement in the criminal justice system and/or prostitution and those associated with young parenthood. This is the case in Europe and Scandinavia, as well as English-speaking Western jurisdictions, despite the variety of welfare and educational systems in different nations. In the drive to improve the life chances of youth ageing out of state care, two areas have been of particular focus: their educational attainment and the support available to youth as they transition out of care and into independent adulthood. Yet – perhaps because the majority have not entered further or higher education in the past – there has been little attention until recently to the education of youth in state care beyond the age of compulsory schooling, although rising proportions of young people entering tertiary education internationally reflect the importance of educational qualifications in advanced economies.

This book is concerned with three interconnected issues: first, the support which is or should be afforded to youth ageing out of care to enable them to fulfil their academic potential; second, the interdependence of social aspects of 'care' for children looked after by the state and their educational attainment; and third, the conditions which are pre-requisite for transition to fully autonomous adulthood and the implications of these for the state's responsibilities to care leavers. These issues are addressed through a review of the international literature base on the educational outcomes and life chances of youth graduating from state care; analysis of the findings of a three-year qualitative study following the educational transitions of English youth aged 15–18 (the Care Leavers' Educational Transitions (CLET) Study); and the use of four theoretical frameworks (attachment theory, Coleman's focal model of adolescence, resilience and foundational rights) to explore the complexities of children's experiences and needs before entering care,

in care, and on leaving care. The use of a children's rights perspective is especially significant in an area in which a needs-based view has traditionally predominated and is employed here as a means by which to reconceptualise the role of the state as parent to children brought up in state care.

The issues addressed by the book are of wider relevance to youth transitions to adulthood. In the current globalised economy and as the Western world emerges from prolonged recession, developed nations attract an influx of immigrants willing and able to undertake jobs in which there is a skills deficit and/or unskilled and poorly remunerated jobs. The causes of youth unemployment and social exclusion in this context are complex and beyond the scope of this book, but while migrants may contribute significantly to the economy of host nations, youth who have grown up there but are unable to access skilled employment opportunities may be at increased risk of marginalisation and social exclusion in the globalised economy. Youth ageing out of care provide a particularly insightful case study into this broader cohort because they lack the support of families to cushion their transition to autonomous adulthood and rely entirely on the state to ensure that they reach their academic potential and are able to engage fully in society. I hope, therefore, that this book will contribute to the broader debate on how states can support their youth populations to maximise their potential to contribute to the economy and to society, a particular concern in both the United States of America (US) and the United Kingdom (UK), where there are wide inequalities in educational attainment.

The life chances of care leavers: an international perspective

My interest in the life circumstances of children brought up in the care of the state stems from my practice as a barrister in London, where I specialised in child protection. Two issues became prominent concerns in relation to the children who were the subject of the proceedings, almost none of whom I met, but whose lives were depicted through the evidence presented to the court. The first was the meagre support often offered to children and their families by children's social care authorities in the months and years prior to the decision to take proceedings to remove the children from the care of their parents. The high levels of harm suffered by children who were the subject of such proceedings and their consequent vulnerability underpins the second concern and this book, namely the long-term outcomes for young people who remain in care for the remainder of their childhood.

Removing children from the care of their parents is a draconian step. The appropriate balance between the protection of children and the rights of both children and parents to family life is an exceptionally difficult one to achieve (Fortin, 2009), but under English and international law, there is a strong emphasis on the rights of children and their parents to a family life together, and an assumption that in general, it is in a child's best interests to be brought up by his or her parents. Article 9 of the United Nations Convention on the Rights for the Child (UNCRC) (United Nations

General Assembly (UNGA), 1989) requires States Parties to ensure that children are not separated from their parents unless it is 'necessary for the best interests of the child' and cites 'abuse or neglect of the child by the parents' as an example of circumstances in which removal may be necessary. Although the UNCRC has been directly incorporated into national law in relatively few states and lacks effective mechanisms for implementation of its provisions, all countries except for the US have ratified the Convention.

The state can only justify taking over the parental role in relation to children if it is also able to provide 'better' parenting and improved outcomes in adulthood than would have been the case if the child had remained in the care of his or her parents. As a result of their pre-care experiences, these children require high standards of parenting if they are to recover from the experiences of their earlier years and reach their potential in adulthood. Under article 20 of the UNCRC (1989), a 'child temporarily or permanently deprived of his or her family environment, or in whose best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the state'. It is, however, difficult if not impossible to assess the extent to which state care can or does improve the lives of the children entrusted to it. As Cutuli et al. (2016) note, inadequacies in the data available limit our understanding of long-term outcomes for this group of children. Currently there are limited available data on the outcomes for care leavers in much of the world, including Africa, China, India, South America (Pinkerton, 2011) and most post-communist countries (Stein, 2014). However, the available evidence in developed countries provides considerable cause for concern, with reviews suggesting care fails to improve children's prospects and in some cases may make them worse (Goemans et al., 2015; Maclean et al., 2016). In English-speaking nations, Lonne et al. (2009) have described care leavers' adult outcomes as 'deplorable' (173), a view supported in England by Stein (2006b) and Jackson (2007) and in the US by numerous studies (see Bender et al., 2015, for a summary).

Poor outcomes in adulthood are inextricably linked to the difficulties experienced by care leavers in obtaining adequate and lasting employment (see Courtney et al., 2007; Jackson and Cameron, 2010), which in turn are consequent upon the generally poor educational attainment of this cohort. Although English research has elucidated factors associated with the high achievement of children in care (Jackson et al., 2005; Chase et al., 2006), a systematic review of 28 studies from Australia, Canada, the UK and the US (O'Higgins et al., 2015) concluded that as a cohort, children in care perform less well educationally than their peers in relation to attainment, attendance and exclusion. This correlation is partly explained by children's experiences before entering into care, and the attainment gap is reduced once individual characteristics of the child (including ethnicity, gender and Special Educational Needs) are accounted for (O'Higgins et al., 2015). The review concluded that although there was little evidence to suggest that care

impacts negatively on children's educational outcomes, neither does it appear to enhance them.

More generally, there is a dearth of research on young people's experiences of transitioning out of care (McCoy et al., 2008, in the US). Wade and Munro (2008) conclude that understanding of the challenges facing young people leaving care remains greater than that of effective transitions to support their transition to independence. Currently only six per cent of English care leavers enter higher education by the age of 19 (DfE/NS, 2013), roughly the same proportion as in Denmark and Sweden (Jackson and Cameron, 2011). Perhaps as a consequence, the educational participation and attainment of care leavers and especially their experience of educational transitions are under-researched in the European context (Höjer et al., 2008; Jackson and Cameron, 2010; Bluff et al., 2012), a factor which motivated the study that is the focus of this book. This area of enquiry is important not only in its own right but also by reason of the wider lessons that can be learnt from the experiences of this population and applied to other groups of young people.

The wider policy implications of outcomes for children from state care

Children in the care of the state comprise a relatively small cohort at one end of a continuum of children for whom there are concerns about their welfare or safety. In reality, children do not fall neatly into categories of need and risk, but for legal and administrative purposes they must be classified according to the extent to which state intervention into their families' lives is deemed to be justified. To use the US as an example, in the federal fiscal year (FFY) 2013, around 3.5 million referrals were made to child protection agencies, concerning about 6.4 million children (U.S. Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau, 2015). 2.1 million of those referrals led to further action, with 3.2 million children the subject of investigation or alternative response and nearly 1.3 million receiving post-response services from a child protection agency: roughly one-third of the latter were removed from home. 679,000 children were identified as victims of maltreatment (9.1 per thousand children in the population), including an estimated 1,520 children who had died (just over two per thousand children).

These figures are a reflection of the enormous increase in referrals to children's social care services experienced by developed nations in the last 30 to 40 years (Lonne et al., 2009), attributable to a large extent to greater professional awareness and the development of child protection policies and systems (Gardner and Brandon, 2008). Nonetheless, maltreatment remains under-reported in high-income countries (Gilbert et al., 2009a). The upshot of these factors combined is that many children living in circumstances which may compromise their welfare or development (such as in the care

of adults who misuse drugs or alcohol or have mental health difficulties or in households where there is intimate partner violence) remain unknown to social care services. Concurrently, children's social care services, investment in which has not kept pace with the responsiveness of professionals in universal services, have come under increased resourcing pressures, resulting in deficiencies in organisational capacity and high thresholds for state intervention (see e.g. Ofsted, 2008; IOM and NRC, 2014).

Many children who are not in state care live 'on the edges' of the child protection system in circumstances in which the professionals to whom they are known are concerned for their welfare but have limited options at their disposal by which to assist them. It is also important to note the transitory nature of many children's encounters with the care system. English figures, for example, show that less than half of the children in care at any time in the year ending 31st March 2016 had been in care continuously for at least 12 months (DfE/NS, 2016a).

So what are the implications of these blurred boundaries of risk and intervention for child protection and education policy? Young people with poor outcomes in adulthood who do not come from a care background may nonetheless have experienced remarkably similar childhood adversities to care leavers, including poverty, maltreatment and family conflict. In a study of homeless youth, Bender et al. (2015) found 'surprisingly few differences' (228) between the living contexts and needs of those from a foster care background and those without, attributed to the common risk factors in both groups. The authors identified the important differences between the groups as being of degree: the foster youth had suffered greater abuse and neglect than their peers on the streets, and they had been homeless for longer. In the UK the term 'safeguarding' has been adopted to reflect the concept of a continuum of need and risk and the importance of focusing not merely on protecting children whose cases meet the legal 'threshold' for removal from care, but also on the promotion of child welfare and early intervention to safeguard children from further harm. In relation to educational attainment and outcomes in early adulthood, the inference to be drawn from the notion of a continuum of harm is that interventions or ways of working that are successful in improving the life chances of those children who have suffered the most harmful childhood experiences have much wider potential to benefit the vast numbers of children who are living in chaotic or risky home circumstances.

The English policy context

The English policy context is a useful one for the purposes of international comparison and analysis because research in this area is of longer standing than in most other developed nations, thanks to the seminal work of Sonia Jackson in the late 1980s, and there has been sustained policy attention to children in state care as a distinct group. Following the introduction of provisions for the

review of 'looked after' children's welfare in the Children Act 1989, political attention to the fate of this group of children increased (Jackson, 2013a), and they came to the fore in policy under New Labour[1] (Smith, 2009) as part of wider attempts to tackle social exclusion (Social Exclusion Unit, 2003). Since the turn of the century, there has been considerable legislative and policy activity aimed at improving the life chances of children who have experienced state care, including through the Children (Leaving Care) Act 2000, Children Act 2004, Children and Young Persons Act 2008, the Children and Families Act 2014 and the Children and Social Work Act 2017. At the start of the CLET study, the role of a 'designated teacher for looked-after children' had recently been made statutory through section 20 of the Children and Young Persons Act 2008, while the post of 'virtual school head for looked-after children', now a statutory requirement pursuant to section 98 of the Children and Families Act 2014, had been the subject of a recent pilot.

The past few years have produced some evidence that the political initiatives of the last 15 to 20 years have begun to take effect, including a slight narrowing of the attainment gap between children in care and their peers at age 16, when children take GCSE (General Certificate of Secondary Education) examinations. Yet policies designed to improve the educational attainment of children in care have been slow to make any measureable impact (Jackson, 2010), and the gap between the educational achievement of this cohort and their peers remains large: in 2015, 14 per cent of children in care achieved the government benchmark of five GCSEs at A*-C including mathematics and English, compared with 53 per cent of the general population (DfE/NS, 2016b). However, recent research in England (Sebba et al., 2015) concludes that children who experience relatively longer stays in care perform better than those 'in need' (a group of children identified as being in need of social care services pursuant to statutory definitions but who remain in the care of their birth families: they can roughly be considered equivalent to the 'in-home' care cohorts in international studies).

This book starts from the premise that the educational experiences and attainment of children in state care can be understood only in the wider context of their lives and care (Jackson, 2013a). The circumstances leading to their entry into care combined with their unique status as the children of the state (referred to as the 'corporate parent' in England) affect all aspects of their lives at home and in school. English policy and practice have moved broadly from a position of low professional expectations of children's achievement in school in deference to their care needs (Jackson, 2010) to one which has tended to regard education as a panacea for all social ills and consequently as a primary policy focus for a range of groups of disadvantaged children. Through the CLET study, I have attempted to reconcile these opposing policy stances by examining them for the advancement of children's educational achievement in the context of theoretical frameworks which explain the unique challenges faced by children in care and by foregrounding the perspectives of young people ageing out of care.

The care leavers' educational transitions study

The majority of the existing research on the education of children in care focuses on children of compulsory school age, although researchers in England have followed some of the small proportion of care leavers entering higher education through their degree courses (Jackson et al., 2003, 2005; Ajayi and Quigley, 2006). Less attention has been paid to whether, and if so how, care leavers reaching the statutory school-leaving age with disappointing qualifications can be supported to make up any educational deficit. Although the statutory school-leaving age remained 16 at the time of the study (2011–13), legislation which requires young people to continue to participate in education or training until the age of 18 was being introduced (Education and Skills Act 2008, Part 1 and Education Act 2011, section 74). Consideration of the effect of recent policy initiatives to encourage greater participation by care leavers in further and higher education was therefore particularly timely.

The overarching aim of the study was to explore how young people in care experience educational transitions in upper secondary school and how these transitions might best be supported. This is a critical time in young people's lives because they are required to make decisions which are likely to influence their future career trajectories and life chances to a significant degree. Although there is now a significant body of English research on the education of children in care, the dearth of research evidence in relation to the role of designated teachers (senior members of school staff responsible for the education of this group of children) reflects a wider lack of research in relation to the import of *schools* in the lives of this group (Berridge et al., 2008). This is a significant gap, given that teachers are the adults most commonly cited as being supportive of their education by children in care (Harker et al., 2004).

The main objectives of the study were:

1   To explore the key barriers to academic progress for older school children ageing out of care and how they experience and navigate these barriers;
2   To consider the interdependence of young people's experiences in and before entering care and their educational outcomes in order better to understand the most effective means by which young people may be supported through and in education;
3   To assess the effectiveness of educational initiatives intended to promote the engagement and progress of care leavers in education; and
4   To identify how young people transitioning out of care might best be supported to fulfil their educational potential.

Children ageing out of care in England are likely also to experience transitions in other areas of their lives during this period, compounded for many

by late entrance into care. Accordingly, I chose to undertake a longitudinal study to capture young people's experiences of these multiple transitions and the effect of decisions that they made on their life in very early adulthood. A longitudinal design is relatively rare in research with children in care and care leavers, probably because the transient nature of many children's encounters with the care system and the instability of their lives in care render such projects challenging and resource-intensive: this is a notoriously 'hard-to-reach' group. 21 young people aged 15–16 were recruited in the first year of the study with the aim of interviewing them each year over a three-year period. As a result of attrition during the study, 45 interviews with young people were undertaken in total. In addition, interviews were conducted with 12 of the designated teachers or safeguarding officers in the young people's schools and colleges and five professionals from local government 'virtual schools' which hold responsibility for the education of all children in care in their local authority area, making a total of 65 interviews in the study overall. A more detailed account of the methodology and methodological issues is set out in Appendix 1, including tables showing the characteristics of participants and the pattern of interviews with young people.

The central tenet underpinning the theoretical perspectives and methodological choices selected for the study is a commitment to children's rights, which led me to focus my attention on the experiences and views of care leavers themselves. While children in the UK have been accorded protection rights on the basis of their developmental immaturity and vulnerability since at least the 19th century, the notion that children should enjoy a comparable range of rights to those of adults, including some degree of autonomy, is still a relatively new one and remains contested, although it has gained significant momentum from the implementation of the UNCRC (UNGA, 1989; Fortin, 2009). The UNCRC includes as one of its core principles a child's right to participate in decisions affecting him or her, which is set out in article 12. Article 12 performs an important role in facilitating the child's acquisition of the necessary competencies to prepare him or her for autonomous adulthood, through recognition of the significance of children's social experiences in developing their decision-making capacities.

This principle may be regarded as of particular significance to care leavers. Research involving young people engages their participation rights under the UNCRC, an especially meaningful exercise in relation to marginalised groups (Wigfall and Cameron, 2006). Winter concluded in 2006 that 'the detailed accounts of looked-after children themselves' are missing from the literature (Winter, 2006: 55), complaining that the approach adopted in most research

> does not easily accommodate a view of looked-after children as active, skilled and competent agents in social processes and therefore does not fully engage with their participation rights.
>
> (58)