

FAMILY AND FRIENDS CARE POLICY

1. Introduction

Children may be brought up by members of their extended families, friends or other people who are connected with them for a variety of reasons and in a variety of different arrangements.

This policy sets out the local authority's approach towards promoting and supporting the needs of such children and covers the assessments which will be carried out to determine the services required and how such services will then be provided.

In drawing up this policy, we have consulted children and young people, family and friends carers and parents.

The manager with overall responsibility for this policy is the Service Manager for Looked After Children, currently Maurice Emberson

This policy will be regularly reviewed, and made freely and widely available.

2. Values and Principles

Consideration of children's welfare and best interests will always be at the centre of the work we do.

It is an underlying principle that children should be enabled to live within their families unless this is not consistent with their welfare. We will therefore work to maintain children within their own families, and facilitate services to support any such arrangements, wherever this is consistent with the child's safety and well-being. This principle applies to all children in need, including those who are looked after by the local authority. Where a child cannot live within his or her immediate family and the local authority is considering the need to look after the child, we will make strenuous efforts to identify potential carers within the child's network of family or friends who are able and willing to care for the child.

We will provide support for any such arrangements based on the assessed needs of the child, not simply on his or her legal status, and will seek to ensure that family and friends carers are provided with support to ensure that children do not become looked after by the local authority, or do not have to remain looked after longer than is needed.

3. Legal Framework

All local authorities have a general duty to safeguard and promote the welfare of Children in Need* living within their area and to promote the upbringing of such children by their families. The way in which they fulfil this duty is by providing a range and level of services appropriate to those children's assessed needs (Section 17, Children Act 1989). This can include financial, practical or other support.

It is important to note that local authorities do not have a general duty to assess all arrangements where children are living with their wider family or friends network rather than their parents but it does have a duty where it appears that services may be necessary to safeguard or promote the welfare of a Child in Need.

*A Child in Need is defined in Section 17(10) of the Children Act 1989 as a child who is disabled or who is unlikely to achieve or maintain a reasonable standard of health or development without the provision of services by the local authority.

To clarify the children who may come within the definition of Children in Need, the local authority has drawn up a 'Thresholds to Children's Social Care Services' document, which is available through the Council's website.

Children in Need may live with members of their family or friends in a variety of different legal arrangements, some formal and some informal. Different court orders are available to formalise these arrangements.

Looked after children will always come within the definition of Children in Need, whether they are accommodated under Section 20 of the Children Act 1989 (with parental consent) or in care subject to a Court Order whereby the local authority shares parental responsibility for the child. The local authority has a responsibility wherever possible to make arrangements for a looked after child to live with a member of the family (Section 22 of the Children Act 1989).

For a detailed summary of the meaning and implications of different legal situations, the rights of carers and parents, and the nature of decisions which family and friends carers will be able to make in relation to the child, please see Appendix A 'Caring for Somebody Else's Child – Options'. Section 4 below sets out the local authority powers and duties in relation to the various options.

In relation to financial support, local authorities may provide carers of children in need with such support on a regular or one-off basis, under Section 17 of the Children Act 1989. This may include discretionary funding based upon a financial means test. However, the status of the placement will determine the nature and amount of the financial support and who can authorise its payment. The legal status of the child may have a bearing on the levels of financial support which may be available to carers, however. There are different legislative provisions which apply to financial support for children living with family or friends in looked after/adoption/special guardianship/residence order arrangements. The following sections of this policy set out the financial support that we may provide to family and friends who are caring for children in these different contexts.

4. Different situations whereby children may be living with family and friends carers

4.1 Informal family and friends care arrangements

Where a child cannot be cared for within his or her immediate family, the family may make their own arrangements to care for the child within the family and friends network.

The local authority does not have a duty to assess any such informal family and friends care arrangements, unless it appears to the authority that services may be necessary to safeguard or promote the welfare of a Child in Need. In such cases, the local authority has a responsibility under Section 17 of the Children Act 1989 to assess the child's needs and provide services to meet any assessed needs of the child. Following assessment, a Child in Need Plan will be drawn up and a package of support will be identified. This can comprise a variety of different types of services and support, including financial support.

Section 17 financial support to Family & Friends carers

When social work teams have been involved in setting up a placement of a child with carers who are family and friends carers, consideration has to be given to financial support that may be required to sustain the placement. Section 17 of the Children Act 1989 gives local authorities a general duty to promote the upbringing of children in need by their families and if required provide resources or support to the family to enable this to happen. The social worker will have to undertake certain checks as part of an assessment about any such plan to support such an arrangement financially. If the placement has been made at short notice consideration will be given to a discretionary payment to support the carers with meeting the needs of the child. Factors that are taken into account when determining the level of Section 17 financial payments are:

- The extent to which the parents are financially supporting the placement.
- Whether the carers have to provide clothes and other key items for the child.
- Whether there are particular expenses that carers are seeking a contribution towards.
- Any special and essential needs of the child.

Under certain circumstances Section 17 payments can be made to family and friends carers that are providing a longer term placement. The social worker will need to complete a fuller assessment about the needs of the child and the capacity of the carers to meet those needs. The carers will also be asked to complete a financial assessment as any regular allowance is means tested and at the same level as a Residence Order allowance. If a child is not in care and subject to regular looked after child reviews the child will be seen as a child in need and subject to a child in need plan which is also kept under regular review. The social worker for the child will discuss the plan to secure legal permanence for the child with the carer acquiring parental responsibility via a Residence Order or Special Guardianship Order and the carers would be assessed for ongoing financial support with the appropriate Residence Order or Special Guardianship Allowance.

4.2 Private fostering arrangements

A privately fostered child is a child under 16 (or 18 if disabled) who is cared for by an adult who is not a parent or close relative, where the child is to be cared for in that home for 28 days or more. Close relative is defined as 'a grandparent, brother, sister, uncle or aunt (whether of the full blood or half blood or by marriage or civil partnership) or step-parent.' It does not include a child who is Looked After by a local authority. In a private fostering arrangement, the parent still holds parental responsibility and agrees the arrangement with the private foster carer.

The local authority may become involved with a child in a private fostering arrangement where the child comes within the definition of a Child in Need. In such cases, the local authority has a responsibility to provide services to meet the assessed needs of the child under Section 17 of the Children Act 1989. Following assessment, a Child in Need Plan will be drawn up and a package of support will be identified. As in 4.1 above, this can comprise a variety of different types of services and support, including financial support.

4.3 Family and friends foster carers – “Connected Persons”

Where a child is looked after by the local authority, we have a responsibility wherever possible to make arrangements for the child to live with a member of the family who is approved as a foster carer (Section 22 of the Children Act 1989). The child can be placed with the family members prior to such approval, subject to an assessment of the placement, for up to 16 weeks. This temporary approval can only be extended in exceptional circumstances. In this context the carer is referred to as a Connected Person and the process of obtaining approval for the placement is set out in the Placement with Connected Persons Procedure. Where temporary approval is given to such a placement under the procedure, the carers will receive financial support on a regular basis.

Foster care allowances

When a child is looked after by the local authority either on a voluntary basis or as a result of court proceedings and placed with family and friends carers these carers will receive a fostering allowance. Such fostering allowances will be paid to carers if a child is looked after and placed in an immediate placement with family and friends carers under Regulation 24 of the Care Planning, Placement and Case Review (England) Regulations 2010 or placed as part of a care plan following a full assessment and approval of the family and friends carers as foster carers.

In addition the child will have a placement plan which sets out the specific arrangements surrounding the child and the carers including the expectations of the foster carers and the support they can expect to receive to enable to fulfil their responsibilities for the child.

The assessment and approval process for family and friends who apply to be foster carers for a specific Looked After child will be the same as for any other foster carer except that the timescales for the assessment are different where a child is already in the placement as indicated above. In all other respects the process is the same as for any other potential foster carers and is set out in the Assessment and Approval of Foster Carer Procedure. An information pack will be available to potential foster carers about the process and they will be given the name and contact details of the social worker from the Fostering Service allocated to carry out the assessment.

Once approved as foster carers, they will be allocated a supervising social worker from the fostering service to provide them with support and supervision; and they will receive fostering allowances for as long as they care for the child as a foster carer.

While the child remains a looked after child, as a foster carer, they will be expected to cooperate with all the processes that are in place to ensure that the child receives appropriate care and support, for example, contributing to reviews of the child's Care Plan, cooperating with the child's social worker and promoting the child's education and health needs.

4.4 Residence Order

A Residence Order is a Court Order which gives parental responsibility to the person in whose favour it is made, usually lasting until the child is 18. Parental responsibility is shared with the parents.

Relatives may apply for a Residence Order after caring for the child for one year.

Residence Orders may be made in private family proceedings in which the local authority is not a party nor involved in any way in the arrangements. However, a Residence Order in favour of a relative or foster carer (who was a 'Connected Person') with whom a child is placed may be an appropriate outcome as part of a permanence plan for a Child in Need or a 'Looked After' child.

The local authority may pay Residence Order Allowances to relatives or friends, unless they are a spouse or civil partner of a parent, with whom a child is living under a Residence Order. This is set out in paragraph 15 of Schedule 1 of the Children Act 1989 however this is discretionary.

Residence Order Allowances

Schedule 1 of the Children Act 1989 enables the local authority to make a contribution to the cost of the maintenance of a child where that child lives or is to live with that person as a result of a Residence Order. The power to pay a Residence Order allowance is discretionary and not intended to remove responsibility from the birth parents to make adequate financial provision for their child. The Residence Order carers by virtue of obtaining parental responsibility for the child in their care also have a responsibility to financially support that child.

Payments will normally only be made in the following circumstances:

- to enable a child who is being looked after by the local authority to be securely placed with a family and friends carer thus enabling the child to achieve a stable placement outside of the care system.
- the payment of an allowance is necessary to avoid the need for the child to be looked after and to secure a family placement that best meets the child's needs.

Recommendations in relation to the payments of Residence Order allowances are based on a comprehensive assessment of the carer's capacity to meet the child's needs and a financial assessment of the carer's circumstances.

It is a requirement that supporting documentation evidencing the income received and regular outgoings is provided. The assessment is means tested and based on the standard care element of the fostering allowance. The carer will be notified of their assessed rate and organise for regular weekly payments to be made. The level of allowance is re-assessed annually and carers are required to complete a new financial statement. Carers are also required to inform us of any significant change in their circumstances or if the child leaves their care.

4.5 Special Guardianship Order

Special Guardianship offers a further option for children needing permanent care outside their birth family. It can offer greater security without absolute severance from the birth family as in adoption.

Relatives may apply for a Special Guardianship Order after caring for the child for one year. As Special Guardians, they will have parental responsibility for the child which, while it is still shared with the parents, can be exercised with greater autonomy on day-to-day matters than where there is a Residence Order.

Special Guardianship Orders may be made in private family proceedings and the local authority may not be a party to any such arrangements. However, a Special Guardianship Order in favour of a relative or foster carer (who was a 'Connected Person') with whom a child is living may be an appropriate outcome as part of a permanence plan for a Child in Need or a 'Looked After' child.

Where the child was Looked After immediately prior to the making of the Special Guardianship Order, the local authority has a responsibility to assess the support needs of the child, parents and Special Guardians, including the need for financial support.

Special Guardianship Allowances

Special Guardianship Orders were introduced in December 2005 and confer additional legal security to the carers of a child but do not legally sever the links with the child's birth parents as with adoption. Parents remain financially liable for a child who is subject to a Special Guardianship Order although as with Residence Orders the carers also gain responsibility to financially support the child by virtue of gaining parental responsibility. If the child was looked after by the local authority before the making of the SGO an assessment must be carried out in relation to support services including the detail of any agreed financial support. A draft support plan will be fully discussed with the carer before the order is made. If the child was not looked after the local authority may carry out such an assessment if requested.

A financial assessment is carried out in the same way as for Residence Order allowances

Adoption is the process by which all parental rights and responsibilities for a child are permanently transferred to an adoptive parent by a court. As a result the child legally becomes part of the adoptive family.

An Adoption Order in favour of a relative or foster carer (who was a 'Connected Person') with whom a child is living may be an appropriate outcome as part of a permanence plan for a Child in Need or a 'Looked After' child.

Local authorities must make arrangements, as part of their adoption service, for the provision of a range of adoption support services. They then have to undertake assessments of the need for adoption support services at the request of the adopted child, adoptive parents and their families, as well as birth relatives. The support required is then set out in an Adoption Support Plan and this may include financial support.

5. Provision of financial support – general principles

There are three categories of payment, which may be considered. One or more of these may be applicable, depending on the particular circumstances of the case:

1. Subsistence crisis (one-off) payments

These should be used to overcome a crisis, following the best assessment that can be achieved in the circumstances.

2. Setting-up

These are for such items as clothing, furniture, or bedding. The social worker must be satisfied that the carers' financial position justifies the payment through a financial assessment. Assistance may be given subject to conditions, including repayment in certain situations. However, in most situations, it will be inappropriate for the Department to seek to recover money provided under these circumstances.

3. Weekly living contribution

It is possible for the local authority to make regular payments where family members or friends care for a child whether or not the child is not Looked After. Where regular payments are to be made, relative carers should be assisted to maximise their Income/Benefit as regular payments may adversely affect an individual's claim to income support.

In all cases where regular financial support is agreed, a written agreement will be drawn up detailing the level and duration of the financial support that is to be provided, and the mechanism for review.

The following criteria will be applied to all such payments:

- The purpose of the payments must be to safeguard and promote the welfare of the child
- As part of the assessment, a view should be taken as to whether the carers need financial support based on their reasonable requirements in taking on the care of the child
- There are no other legitimate sources of finance

- Payments will be paid to the carer, not the parents
- The payment would not place any person in a fraudulent position.

6. Accommodation

The authority works with landlords to ensure that, whenever possible, family and friends carers living in social housing are given appropriate priority to move to more suitable accommodation if this will prevent the need for a child to become looked after.

7. Supporting contact with parents

The authority is under a duty to promote contact for all Children in Need, although this differs depending on whether or not the child is Looked After.

Where the child is not Looked After, we are required to promote contact between the child and his/her family 'where it is necessary to do so in order to safeguard and promote his or her welfare'. As part of the support arrangements, it may be identified that specific assistance is required to ensure that any such contact can be managed safely. If necessary, information will be made available to family and friends carers about local contact centres and family mediation services, and how to make use of their services.

Where a child is Looked After, we are required to endeavour to promote contact between the child and his or her family 'unless it is not practicable or consistent with the child's welfare'. The overall objective of the contact arrangements will be included in the child's Care Plan and the specific arrangements will be set out in the child's Placement Plan – see Contact with Parents and Siblings Procedure.

8. Family Group Conferences

Family Group Conferences are meetings held between professionals and family members, which aim to achieve the best outcomes for children. They promote the involvement of the wider family to achieve a resolution of difficulties for Children in Need, and may help to identify short-term and/or permanent solutions for children within the family network.

We will offer a Family Group Conference or other form of family meeting at an early stage. If a child becomes Looked After, perhaps following an emergency, without a Family Group Conference having been held, then (where appropriate) we will arrange one as soon as possible.

The process is set out in the Family Group Conference Procedure.

9. Complaints procedure

Where a family or friends carer is not satisfied with the level of support provided to enable them to care for the child, then they have access to the local authority's complaints process. Our aim would be to resolve any such dissatisfaction without the need for a formal investigation but where an informal resolution is not possible, then a formal investigation will be arranged.

The timescales and process are set out in the Complaints Procedure.

Policy Approved by

Date