

East Riding of Yorkshire Council

Family and Friends Care Policy

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. A summary of findings from these consultations, showing how their views have informed this policy, is at Appendix B. The manager with overall responsibility for this policy is David Glenville.

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

1. 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.

2. 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.

3. 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.

The local authority has discretion to give financial assistance (which can be on the basis of regular payments) to relatives caring for Children in Need but there is no entitlement and family income may be taken into account since the local authority must have regard to the means of the child and parents under Section 17 (8) of the 1989 Act.

The Team Manager of the relevant Family Support Team is responsible for making decisions in relation to such financial support.

3.2 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.

3.3 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 for a further 8 weeks 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.

A weekly boarding out allowance is payable, the figure is dependent on the age of the child. There is also a weekly supplement for teenagers over 13 years of age.

A setting up grant is also available where connected persons are given financial support with providing bedroom furniture, bed linen and safety equipment for the children they are fostering.

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.

Prospective family and friends/connected person carers are considered in terms of their capacity to look after children in a safe and responsible way that meets their developmental needs and appropriate checks and references are taken up in line with fostering regulations.

In order for the placement to be in the child's best interests, the carer will need to have the capacity to meet his or her needs for the duration of the proposed placement, whether this is short or long term, the likely length of the placement, the age of the child and if appropriate the capacity of wider family to contribute to the child's long term care, should be taken into account.

A number of matters will require specific consideration in the assessment of family and friends/connected person as foster carers including family relationships and safeguarding the child, timing of and attitude towards the assessment, accommodation, location of prospective carers, parenting capacity and any offending history.

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.

3.4 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.

The Department may provide a Residence Order Allowance in the following circumstances:

- Where the carers made the application for a Residence Order in relation to a looked after child as part of a plan agreed at the child's statutory review, which has been approved following presentation to the Permanency Panel; or
- Where a Residence Order was made in Care Proceedings and the local authority has supported the making of the order; or
- The application for a residence order is the only realistic alternative to the child being looked after by the Council, and the application is supported by the Council; and
- Financial support is essential to support the care arrangement and is not available from any other source, including the child's parents or from benefits.

Payment of the allowance will be reviewed annually and following any significant change in the circumstances of the child or carer.

The Head of Children's Services is responsible for making decisions in relation to financial support.

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 support services consists of counselling, advice and information, and a range of activities and services provision prescribed in the Special Guardianship Regulations 2005.

These include:

- Financial support
- Support groups
- Contact mediation
- Therapeutic services to meet the needs of a relevant child.

In the case of a special guardian who was previously the child's foster carer, financial support may include not only an allowance but also an element in lieu of a fostering fee (e.g. the banding payment) for up to two years or longer if the authority considers this to be appropriate. In its calculation of any ongoing special guardianship financial support, the local authority should have regard to the fostering allowance that would have been paid if the child were fostered.

The assessment of need for special guardianship support services will be carried out jointly by the allocated worker from the fostering team dealing with the special guardianship application and the child's social worker. The fostering social worker will take overall responsibility for coordinating the assessment and for preparing a special guardianship support plan, if required.

The assessment, and the special guardianship support plan where relevant, is forwarded to the Head of Children's Social Care who makes decisions regarding:

- Whether any special guardianship support services should be provided
- If services are to be provided, details of the services to be provided
- Whether a request should be made to any other agency (e.g. health or education authority, other local authority or authorised service provider) to provide services..

4.6 Adoption Order

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.

Financial support is only payable where:

- It is necessary to ensure that the adoptive parent or special guardian can look after the child.
- The child needs special care, which requires greater expenditure of resources by reason of illness, disability, emotional or behavioural difficulties or the continuing consequences of past abuse and neglect.
- Special arrangements to facilitate the child's adoption are needed because of:
 - The age or ethnic origin of the child
 - The desirability of placing the child together with a brother or sister or child with whom s/he previously shared a home
 - It is to meet recurring travelling costs arising from the child visiting a related person.
 - The Local Authority consider it appropriate to contribute to such expenditure as:
 - Legal costs, including court fees in relation to an adoption/special guardianship application in respect of the child
 - Costs incurred during the introduction of the child to his/her adoptive parent(s)
 - The cost of accommodating and maintaining the child, including the provision of furniture and domestic equipment, alterations and adaptations to the home, provision of means of transport and provision of clothing, toys and other items necessary for looking after the child.

The financial support paid to adoptive parents or special guardians may include an element of remuneration if the child was a local authority foster child being fostered by the adoptive parent(s) or special guardian(s) prior to being placed for adoption with them, and they received an element of remuneration in the fostering allowance they received for the child. However the element of remuneration is normally only payable for a period up to two years after the date the adoption or special guardianship order was made. In exceptional cases the Local Authority can continue paying remuneration if they consider the child's needs or other circumstances warrant this. Following an assessment, the head of Children's Service is responsible for making decisions in relation to this.

4. 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.

5. 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.

6. 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.

7. 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.

8. 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.

Appendix B: Summary of Consultation Findings

The East Riding Fostering Service has undertaken consultation with family and friends carers, children and young people and parents through:

- The assessment process relating to foster carers and parents
- Training for both carers and children of fostering families
- Supervision and support of foster careers
- Annual review process including consultation forms
- LAC review process including consultation form
- Participation and TAG groups (for looked after children and children of families who foster respectively)

These discussions have resulted in changes to the services and support provided, for example specific preapproval training for family and friends carers, changes to the fee structure in particular banding payments and loyalty bonus for family and friends carers which has promoted equality and parity with mainstream carers, increased support through monthly supervision visits undertaken by fostering social workers and the use of Foster Carer Support.