

# Kinship Care Policy

This guidance sets out a framework for the provision of support to family and friends carers. The guidance relates specifically to the implementation of the duties in the Children Act 1989 in respect of children and young people who are unable to live with their birth parents, and are being brought up by members of their extended families, friends or other people who are connected with them.

October 2018



# 1. Introduction

- 1.1 The statutory guidance for Local Authorities relating to family and friends care published in 2011 makes it a requirement for each local authority with responsibility for children's services to publish in collaboration with local partners, a policy setting out its approach towards promoting and supporting the needs of children/ young people living with family and friend carers, whether or not they are looked after children/young people
- 1.2 There is a duty placed upon the Fostering Service to recognise the needs of family and friends and connected person carers within the Fostering Standards of 2011. As such the Fostering Service will ensure that social workers who are supervising the family, have the necessary skills and training to do so, will ensure that training is suited to the needs of family friends and will develop support groups suitable to the needs of family and friend carers.
- 1.3 Sefton Council recognise that whilst most children/young people are brought up by one or both of their parents, a number of children/young people are cared for full time by a relative, friend or other connected person to the child/young person.
- 1.4 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. What we know about the role of kinship (family and friends) carers are that kinship carers play a significant role in enabling children and young people to remain with people they know and trust if they cannot for whatever reason, live with their birth parents.
- 1.5 Family and friends carers are usually motivated by family loyalty and commitments to the child/young person, with whom, in most cases, they already have a close and loving attachment and who otherwise would be placed with strangers. This differs from unrelated foster carers, who are typically motivated by a commitment to help vulnerable children/young people. This may also cause tensions within families, since it may not be a consensual decision made by all household members. The assessment process can provide an opportunity for families to fully think and discuss any implications of their decision which may be helpful in them overcoming or managing any tensions within their family.
- 1.6 Family and friend carers have said that they are uncertain as to what help and support is available and how to access services. Sefton's policy will help family, friend carers and anyone in contact with them to understand the type of arrangements they are undertaking, the duties and responsibilities involved in these care arrangements, the types of services available and where to go for further information.
- 1.7 Family and friends often start to care for other people's children in a crisis or emergency situation. These children and young people are sometimes looked after by the local authority, but most are not. The majority of the relatives who provide care are grandparents, aunts and uncles and older siblings. The advantage of these arrangements is that children and young people are able to stay in touch with their parents and other family members where appropriate, and live with people they know. They will often be able to stay at the same school and may feel less stigma and loneliness than living with strangers they do not know. Research indicates that the outcomes for children and young people living with

family and friends can be better than for children and young people in unrelated foster carer placements (Hunt et al 2012 and Selwyn et al 2013).

- 1.8 This policy sets out Sefton's approach towards promoting and supporting the needs of such children/young people and covers the assessments which will be carried out to determine the services required and how such services will then be provided.
- 1.9 This policy will be regularly reviewed, and made freely and widely available.

## 2. The principles of the Policy

- 2.1 It is the general duty of the council to safeguard and promote the welfare of every child/young person living in its area who is in need and, where possible, promote the upbringing of the child/young person by their own family, unless this is not consistent with their welfare. This is achieved by the council working with parents, family members and anyone else that is important to the child/young person to make them safe and to promote their development within their family. This follows the principles of the Children Act 1989 and subsequent legislation and guidance. Sefton Council recognises the contribution family members and friends make in providing care for children/young people
- 2.2 The majority of children/young people living with family and friends do so without the intervention of the council. There are also occasions and some circumstances where assistance may be requested to support family and friends' arrangement for children/young people, without which the child would be dependent on statutory fostering or residential care. This policy clarifies how that support, if any is assessed as needed and will be arranged.

### This policy is based on principles which are,

- That in any family and friends arrangement the Child's best interests are paramount and must take precedence over interests of others involved
- Consultation with children/young people about their welfare and best interests will always be at the centre of the work we do.
- Intervention from the council should be at the minimum needed to safeguard the welfare of those children/young people for whom it has a duty of care.
- We will provide support based on the assessed needs of the child, not simply on their legal status, and we will seek to ensure that family and friends carers are provided with support to ensure that children/young people do not become looked after, or do not have to remain looked after longer than is necessary.
- In order to promote and support the needs of children/young people an assessment of the carers will be carried out to determine the services required and how such service will then be provided.

- 2.3 If a 'Looked After Child' under a Care Order or Interim Care Order who has already become the responsibility of the local authority is enabled to live with family, friends or any other connected person then the carer must become approved as a Sefton foster carer, unless they obtain an order themselves (for example, a Child Arrangement Order or Special Guardianship Order). A "connected person" means a relative, friend, or other person connected with a 'Looked After Child'.
- 2.4 When children cannot live with their birth parents they usually prefer to live with their extended family. There are inherent benefits for children in experiencing normal family life in their own families. It is important to note that local authorities do not have a general duty to assess all arrangements where children/young people are living within their family network, but do have a duty where it is evident that services may be necessary to safeguard or promote the welfare of a child/young person in need.
- 2.5 The council will expect its social workers to follow the guidelines below in relation to family and friend's arrangements.
- If a child cannot live at home their parents will be expected and enabled to retain their family responsibilities and remain closely involved, as far as is consistent with their children's welfare.
  - If a child cannot remain at home, all possible arrangements for the child to live with family and friends will be explored before other forms of living arrangements are considered.
  - If a child has to live apart from their family both they and their parents will be given sufficient information and assistance to help them identify alternative arrangements so they can contribute to making an informed choice about the most appropriate place for their children to live.
  - If an 'out of home' arrangement is necessary, the least coercive legal status needed to meet the needs of the child will be sought.
  - A child's age, gender, health, personality, race, culture and life experiences are all relevant to any consideration of needs and vulnerability and have to be taken into account when planning or providing help.
  - The council has a duty to support arrangements that they have made or are funding. The level of monitoring, support and funding provided to the range of family and friends care arrangements, will be based on an assessment of the child and carer's needs and clarity about the status of and accountability for the placement.
- 2.6 The council encourages the use of family meetings, where appropriate, to enable families to clearly take the lead in working out the best arrangements for the child, although the council retains responsibility for safeguarding issues.

## 3. Evidence Base

- 3.1 Research suggests that outcomes in relation to, health, education, and behavioural outcomes for children/young people looked after by family or friends are at least as good and sometimes better than looked after children/young people in local authority foster care despite the fact that children/young people placed in family/friends arrangements have equally challenging needs. Evidence suggests that family/friend placements tend to be more stable. In addition, it is easier for children/young people looked after by family/friends to maintain a sense of family and cultural identity and to maintain contact with the rest of their family and their social network.

## 4. Private Fostering

- 4.1 Private fostering arrangements refers to an arrangement between the person with parental responsibility and an adult who is not a parent or close relative, for the child/young person under the age of 16 (or 18 if disabled) to be cared for outside of the family home for 28 days or more. A close relative is defined as a grandparent, brother, sister, uncle or aunt (whether full blood, half blood, by marriage or civil partnership) or step parent. The person with parental responsibility or the private foster carer has a duty to inform the Local Authority of arrangements for the child/young person when the placement lasts for more than 28 days. Financial arrangements for the care are made between the person with parental responsibility for the child/young person and the carers.

The duty upon Sefton is to assess and monitor the welfare of the privately fostered children/young people are set out in the Children (Private Arrangements for Fostering) regulations and the National Minimum Standards for Private Fostering. If a child/young person in private fostering comes within the definition of a child in need the local authority has a responsibility to provide services to meet the assessed needs of the child/young person under Section 17 of the Children Act 1989.

Examples of private fostering arrangements include:

- 11 children with parents overseas;
- 12 children / young people living with host families for a variety of reasons, including attending language schools, undergoing medical treatment, attending schools away from home;
- 13 unaccompanied asylum seeking and refugee children;
- 14 local children living apart from their parents, i.e. adolescents estranged from their parents; and
- 15 children whose parents are imprisoned, being detained under the mental health act, or unable to care for their children due to medical reasons.



## 5. What is the assessment and approval process?

- 5.1 To enable a looked after child/young person to be placed quickly with their friend or family carer, while a full fostering assessment is undertaken, friend and family carers can be granted temporary approval of this role for up to 16 weeks; following an initial assessment of their suitability, under the Care Planning Regulations. The assessment will consider a range of issues including the suitability of the home environment, the capacity of the potential carers to meet the child's needs and other matters such as checks on any previous criminal offences, and Children's Services involvement of any adults in the household.
- 5.2 Family and friend members wishing to be considered for assessment as Carers must make a written application and consent to the seeking of information about themselves including a Disclosure and Barring check, undertaking of a full medical and the undertaking of checks from other agencies, where they have resided.
- 5.3 If a child is to remain looked after placements with a friend and family may only continue beyond any temporary approval if they have been assessed and approved as foster carers under the Fostering Services Regulations (England) 2011.
- 5.4 An assessment of the friends/relatives capacity to care for the child will be completed by the Fostering Team. This is a rigorous process that involves a number of visits to them in their home, and the completion of a written assessment report. This goes into detail about things like their background and childhood, previous and current relationships/marriages, support networks, experience as a parent(s), their relationship with the child's family and other relevant issues. It also includes an assessment of the home environment, safe care practice and motivation and capacity to care for the specific child. They will need to provide details of their income, medical history and names of people who are prepared to act as referees for them.
- 5.5 Once the assessment is complete, the fostering worker will make a recommendation to the Fostering Panel. Prospective foster carers will be invited to attend the Fostering Panel if they would like to. The Fostering Panel makes a recommendation to the agency Decision Maker who has the final decision about whether or not someone is approved as a foster carer.
- 5.6 The assessment process should help applicants gain a better understanding of the requirements of fostering and the challenges of the commitment they wish to make.
- 5.7 A foster carer agreement will be drawn up and signed by the family friends foster carers which sets out how the carers will work with the local authority and about the support and training that will be provided.

## 6. The Role of Sefton's Fostering Panel

- 6.1 On completion of the assessment a report will be presented to Sefton's Fostering Panel by the assessing social worker. Temporarily approved carers and applicants will be given a copy of the report prior to the meeting. The recommendation of the assessing social worker will always be discussed with applicants or carers before the Panel. Carers and applicants are encouraged to attend the Fostering Panel and may bring a friend or family member with them who will act as a support.

## 7. Role of the Decision Maker for Sefton

- 7.1 The Panel will make a recommendation for the Regulation 24 carer or applicants to be either approved or not approved. The Panel may also recommend that the case is deferred for further information. The Panel acts independently of the Fostering Service and can only make a recommendation.
- 7.2 This is forwarded to Sefton's agency decision maker, who is a senior manager within the Authority. The decision maker must make a decision within 7 working days of receiving a final copy of the minutes and the Fostering Panel's recommendation. The decision will be verbally communicated to applicants within 2 working days and a letter confirming the decision will be sent out within a further 5 working days (Standard 14.9, Fostering Services, National Minimum Standards). All applicants, including those who are currently caring for a child/young person, can make a representation if they do not agree with the decision made by the decision maker. If the carers have been given time limited approval this will be extended until such time as the appeal process is completed.
- 7.3 Representation must be made within 28 days of receiving the decision letter, which will give details on how to appeal. Applicants may appeal through the Local Authority's own appeals process or use the Independent Review Mechanism. This is an independent body, which will be convened to review all of the information presented to the original panel. Details on how to contact the Independent Review Mechanism (IRM) will be included in the letter from the Decision Maker.

## 8. Will there be any supervision of the placement?

- 8.1 As an approved Sefton foster carer, they will be required to meet the National Minimum Standards for Fostering Services. This includes completion of induction standards and training programme. The approval status as a foster carer will be reviewed at least annually and the Fostering Panel will continue to oversee the outcome of the first annual review and possibly others. If a foster carer fails to meet the required standards they can be returned to Fostering Panel for a recommendation that their approval status is terminated.
- 1.1 Family and Friends carers are supervised and supported in a similar way to all other foster carers and they will have a fostering supervising social worker who will visit you regularly. They will be available to offer you advice and support and the carer will be offered opportunities for training and development, financial support, and any support required

concerning contact. Carers are also eligible for emergency out of hours support and access to support groups. The Fostering and child's social workers will work together to consider the need for support on issues such as housing. The same care planning processes will apply and family friend carers will hold the same care planning documentation as mainstream foster carers.

- A) The child/young person will receive support for their health and education needs. The child's social worker will discuss with you what services/resources you or the child may need to ensure the child's needs are met in the placement. An older looked after child may be eligible for leaving care support services.
- B) A weekly maintenance allowance is payable to meet the costs of caring for the child. Child benefit and child tax credit are not payable to foster carers.

## 9. Care leavers and 'Staying Put'

- 9.1 Family and Sefton Council is committed to young people staying with their kinship foster carers after the age of 18 and has a 'Staying Put' policy. "Staying Put" is the name that the Government has given to arrangements whereby a young person aged 18 and above, remains living with their former foster carer. The aim of "Staying Put" is to help young people make the transition to independence and adulthood at a pace, and within a timescale that suits them, rather than having to move when they reach the age of 18. Planning for a 'Staying Put' arrangement in Sefton starts to take place before a young person reaches the age of 16. The supervising social worker and the young person's social worker will meet with the carer and young person prior to the young person's 16th birthday to explain the 'Staying Put' policy and to discuss options. The Social work team will provide guidance and support to young people and their carers.
- 9.2 For further information see the Staying Put Policy



# Other alternatives to foster care

## 10. Child Arrangement Order

(Previously known as a Residence Order)

- 10.1 A Child Arrangement Order is an order from the court to say with whom a child/young person should live. Relatives / Friends can apply for a Child Arrangement Order whether or not the child has been 'looked after'. The law enables relatives to apply for a Child Arrangement Order after having the child living with them for one year. For some older children, or those for whom adoption is not appropriate, a Child Arrangement Order may be the best option. A Child Arrangement Order lasts until the child is 16 however the court can order it to continue until the age of 18 where this is consistent with the child's welfare.
- 10.2 **Will there be any financial support available?** There is no entitlement to financial support, but the local authority has the discretion to pay a Child Arrangement Order allowance. This will be discussed during the assessment, and any financial support will be means tested. If you are receiving benefits, any financial support may affect your benefits, and you are advised to inform the DWP. Child benefit will be payable and other applicable benefits, if they are not being paid to the child's parent(s).
- 10.3 Who has parental responsibility? This is shared between the parent(s) and those to whom the Child Arrangement Order was given. However, the person with the Child Arrangement Order can make decisions to safeguard and protect the child /young person and meet their day-to-day needs, without needing the permission of the child's parent(s).

## 11. Special Guardianship Order

- 11.1 A Special Guardianship Order is an order appointing one or more individuals to be a child's 'special guardian'. It is a private law order made under the Children Act 1989 and is intended for those children who cannot live with their birth parents and who would benefit from a legally secure placement.
- 11.2 It is a more secure order than a Child Arrangement Order because a parent cannot apply to discharge it unless they have the permission of the court to do so, however it is less secure than an adoption order because it does not end the legal relationship between the child and his/her birth parents.
- 11.3 **Who can apply for Special Guardianship Orders?** The person must be over 18 years of age

and cannot be the parent of the child in question. They can make an application on their own or jointly with another person. The following people may apply to be Special Guardians

- Any guardian of the child.
- Someone with a Child Arrangements Order or an existing Residence Order for the child.
- Anyone with whom the child has lived for at least three years out of the last five years.
- Anyone with the consent of the local authority if the child is in care.
- A local authority foster parent with whom the child has lived for at least one year preceding the application.

- 11.4 If a relative, friend or other connected person proposes to make a long-term commitment to caring for a child, an application may be made for a Child Arrangement Order or Special Guardianship Order.
- 11.5 In either such case, the person in whose favour the order is made will have parental responsibility for the child/young person. The special guardian may exercise parental responsibility to the exclusion of all others with parental responsibility (but they could not consent to adoption) and is responsible for all aspects of caring for the child or young person and for making decisions to do with their upbringing child/young person
- 11.6 To promote stability for the child/young person relatives may now apply for a Child Arrangement Order or a Special Guardianship Order without the permission from the Court if they have provided care for the child.
- 11.7 In the case of a child who was looked after immediately prior to the making of a Special Guardianship Order, the child, the special guardian or parent has a right to receive an assessment by the Council for support services which may include financial support as provided in the Special Guardianship Regulations 2005.
- 11.8 However, children/young people who were not looked after should not be unfairly disadvantaged as in many cases the only reason that the child was not looked after is that a relative friend or connected person stepped in quickly to assume responsibility when the parent was unable to provide the care.
- 11.9 All special guardians are entitled to counselling, advice and support in addition to an assessment of their needs. The support required is then set out in a Special Guardianship Support Plan which may include a range of support services and signposting to other services.
- 11.10 Sefton Borough Council will consider contributing to the legal costs of carers applying for a Special Guardianship or Child Arrangement Order where it supports the application and where not doing so would lead to the child remaining or becoming looked after unnecessarily. Decisions about these payments will be made by the relevant senior managers.

## 12. Adoption Order

- 12.1 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.
- 12.2 An Adoption Order in favour of a kinship carer with whom a child is living may be an appropriate outcome as part of a permanence plan for a Child in Need. However it is more unusual because of the impact it has on changing the family relationships e.g. if the child was living with its grandmother they would become the child's mother and the mother, the child's sister.
- 12.3 Sefton Council's Adoption Service now part of Adoption in Merseyside (AiM). AiM provides a range of adoption support services in conjunction with partner agencies. An assessment for adoption support services can be requested by 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 a range of support services and signposting to other services.

## 13. Comments and Compliments

- 13.1 We always like to hear from family and friend carers if they have a comment, suggestion or would like to compliment Sefton Council or its partners. The process is similar to making a complaint. The carer can either speak to or write to the person who is in charge of the service or contact the Complaints and Representations Officer. Whether carers are making a complaint or comment or paying a compliment, Sefton Council take all feedback seriously and use it when planning and reviewing services.
- 13.2 The Manager with responsibility for the Fostering Service, and therefore for the assessment and on-going support of kinship and connected person carers, is Peter Yates whose telephone number is 0151 934 4443. Email [peter.yates@sefton.gov.uk](mailto:peter.yates@sefton.gov.uk)