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## SCRUTINY BOARD (CHILDREN AND FAMILIES)

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Meeting to be held in Civic Hall, Leeds, LS1 1UR on  
Thursday, 19th March, 2015 at 9.45 am

*(A pre-meeting will take place for ALL Members of the Board at 9.15 a.m.)*

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### Councillors

- J Chapman (Chair) - Weetwood;
- J Elliott - Morley South;
- C Gruen - Bramley and Stanningley;
- A Lamb - Wetherby;
- P Latty - Guiseley and Rawdon;
- K Mitchell - Temple Newsam;
- M Rafique - Chapel Allerton;
- K Renshaw - Ardsley and Robin Hood;
- A Sobel - Moortown;
- B Urry - Roundhay;
- F Venner - Kirkstall;

### Co-opted Members (Voting)

- Mr E A Britten - Church Representative (Catholic)
- Mr A Graham - Church Representative (Church of England)
- Vacancy - Parent Governor Representative (Primary)
- Ms J Ward - Parent Governor Representative (Secondary)
- Ms J Hazelgrave - Parent Governor Representative (Special)

### Co-opted Members (Non-Voting)

- Ms C Foote - Teacher Representative
- Ms K Jan - Teacher Representative
- Ms S Hutchinson - Early Years Representative
- Ms T Kayani - Young Lives Leeds
- Ms C Bewsher - Looked After Children and Care Leavers

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**Agenda compiled by:**  
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**Scrutiny Unit**  
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**Principal Scrutiny Advisor:**  
**Sandra Pentelow**  
**Tel: 24 74792**

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# A G E N D A

Item No	Ward/Equal Opportunities	Item Not Open		Page No
1			<p><b>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</b></p> <p>To consider any appeals in accordance with Procedure Rule 25* of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded).</p> <p>(* In accordance with Procedure Rule 25, notice of an appeal must be received in writing by the Head of Governance Services at least 24 hours before the meeting).</p>	
2			<p><b>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</b></p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p><b>RESOLVED –</b> That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows:</p> <p><b>No exempt items have been identified.</b></p>	

Item No	Ward/Equal Opportunities	Item Not Open		Page No
3			<p><b>LATE ITEMS</b></p> <p>To identify items which have been admitted to the agenda by the Chair for consideration.</p> <p>(The special circumstances shall be specified in the minutes.)</p>	
4			<p><b>DECLARATION OF DISCLOSABLE PECUNIARY INTERESTS</b></p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-16 of the Members' Code of Conduct.</p>	
5			<p><b>APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES</b></p> <p>To receive any apologies for absence and notification of substitutes.</p>	
6			<p><b>MINUTES - 26 FEBRUARY 2015</b></p> <p>To confirm as a correct record, the minutes of the meeting held on 26 February 2015.</p>	1 - 4
7			<p><b>INQUIRY INTO KINSHIP CARE</b></p> <p>To consider evidence as part of the Board's inquiry into Kinship Care</p>	5 - 156
8			<p><b>WORK SCHEDULE</b></p> <p>To consider the Board's work schedule for the 2014/15 municipal year.</p>	157 - 162
9			<p><b>DATE AND TIME OF NEXT MEETING</b></p> <p>Thursday, 23 April 2015 at 9.45 am (pre meeting for all Board Members at 9.15 am)</p>	

Item No	Ward/Equal Opportunities	Item Not Open		Page No
			<p><b>THIRD PARTY RECORDING</b></p> <p>Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda.</p> <p>Use of Recordings by Third Parties– code of practice</p> <ul style="list-style-type: none"> <li>a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title.</li> <li>b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete.</li> </ul>	



## SCRUTINY BOARD (CHILDREN AND FAMILIES)

THURSDAY, 26TH FEBRUARY, 2015

**PRESENT:** Councillor J Chapman in the Chair

Councillors J Elliott, C Gruen, A Lamb,  
P Latty, M Rafique, K Renshaw, A Sobel,  
B Urry and F Venner

### **CO-OPTED MEMBERS (VOTING)**

Mr A Graham – Church Representative (Church of England)

Mrs J Ward – Parent Governor Representative (Secondary)

Ms J Hazelgrave – Parent Governor Representative (SEN)

### **CO-OPTED MEMBERS (NON-VOTING)**

Ms C Foote – Teacher Representative

Ms S Hutchinson – Early Years Representative

#### **56 Late Items**

There were no late items.

#### **57 Declaration of Disclosable Pecuniary Interests**

There were no declarations of disclosable pecuniary interests.

#### **58 Apologies for Absence and Notification of Substitutes**

Apologies for absence were submitted by Councillor K Mitchell and Co-opted members K Jan, E Britten and T Kayani.

There were no substitutes.

#### **59 Minutes - 18 December 2014**

**RESOLVED** – That the minutes of the meeting held on 18 December 2014 be approved as a correct record.

#### **60 Appointment of Co-opted Member for Looked After Children and Care Leavers**

The Head of Scrutiny and Member Development submitted a report which recommended the appointment of a co-opted member to the Scrutiny Board.

**RESOLVED** – That Charlee Bewsher be appointed as the co-opted member for Looked After Children and Care Leavers from 26 February 2015 and also recommended that this appointment continues for the municipal year 2015/16.

## 61 **Transforming Children's Social Work in Leeds & Frameworki position update**

The Director of Children's Services submitted a report which provided an update on progress regarding the services for children, young people and families in Leeds.

The following information was appended to the report:

- Transforming Children's Social Work in Leeds – Progress and Further Developments – Executive Board (11 February 2015)

The following representatives were in attendance and responded to Members' queries and comments:

- Nigel Richardson, Director of Children's Services
- Steve Walker, Deputy Director of Children's Services, Safeguarding, Specialist and Targeted Services
- Gail Webb, Head of Learning Improvement.

The key areas of discussion were:

- Securing £4.85m of DofE funding which will enable restorative practices to be expanded further with agencies and practitioners working with children. This includes Family Group Conferencing.
- The reduction in the number of looked after children and the ambition to reduce this further, safely and securely.
- Social work career scheme to retain qualified and experienced social workers.
- Frameworki and the reporting capabilities of the new system. The system is also due to be upgraded to Frameworki Mosaic which will support mobile working.
- Recent Ofsted inspection – there was an intensive focus on cases for children at risk of CSE. The findings are now being moderated and quality assured and the full report is expected on 27 March 2015.
- Clarity about the BESD SILC and the provision of PRU places in Leeds and pupil integration. The Board felt that this warranted further inquiry in 2015/16.

### **RESOLVED –**

The Scrutiny Board (Children and Families)

- a) Notes the report of the Director of Children's Services to the Executive Board on 11 February 2015 and the verbal information presented at the meeting
- b) Recommends that the Scrutiny Board conducts further work in 2015/16 to consider the BESD SILC and PRU's in Leeds.

## 62 Raising Educational Standards in Leeds - Learning Improvement Inquiry

The Head of Scrutiny and Member Development submitted a report which outlined the third session of the inquiry into Learning Improvement.

The following information was appended to the report:

- Presentation covering Early Years, Partnerships, Vulnerable Learners and Governance
- Peer Review Report
- Talk Matters Brochure
- Closing the Gap Secondary Oracy Programme

The following representatives were in attendance and responded to Members' queries and comments:

- Nigel Richardson, Director of Children's Services
- Gail Webb, Head of Learning Improvement
- Sara Harris, Area Lead Primary Learning Improvement
- Kim Porter, Area Lead Primary Learning Improvement
- Marcia Harding, Inclusion Lead.

The key areas of discussion were:

- Complexity of the Early Years sector and the communication and organisation of the forthcoming early year's pupil premium in these settings.
- The role of the local authority in supporting early years settings, including narrowing the attainment gap and the targeted support utilising intelligence such as data and Ofsted judgements.
- Communication and training provision through newsletters, the family hub website, Sunnybank Mills and twitter.
- The positive steps that have been taken to share good practice, including a funding bid by the teaching schools to facilitate this and the inclusion of Academies.
- The level of engagement with private and voluntary early years settings. The Board felt that this warrants further investigation and a further meeting with the Early Years Representative on the Board and Children's Services was required.
- The sufficiency of places for 2 year olds across the City.
- The challenges for summer born children.
- Targeted partnerships and school to school support to improve learning and focus on vulnerable learners. The support provided by the LI team to help schools with self-evaluation and reviewing effectiveness.
- Inner East Development Project, the Arooj Collaborative and the Ethnic Minority Hub Partnerships, support for Gypsy/Roma/Traveller children and the requirements to ensure that vulnerable groups are making good progress.

- The use of programmes such as Talk Matters and Oracy to improve English in schools.
- The acknowledgement of the important role that parents/carers have in improving attainment outcomes for children and the need for strong engagement.
- Governor support including traded packages of services, communication methods, governor forums, conferences and briefings. It is hoped that links with Cluster partnerships will be strengthened through governor partnerships.
- Peer challenge which identified strengths and also areas for development such as raising awareness of city aspirations, deploying national and local leaders of governance and improving awareness of safeguarding.

**RESOLVED** – That the documented information provided and presented verbally be noted.

### **63 Work Schedule**

A report was submitted by the Head of Scrutiny and Member Development which detailed the Scrutiny Board's work programme for the current municipal year.

The draft Scrutiny Board (Children and Families) work schedule for 2014/2015 and the Executive Board minutes for 17 December and 11 February were appended to the report.

**RESOLVED** – That the revised work schedule be approved.

### **64 Date and Time of Next Meeting**

Thursday, 19 March 2015 at 9.45am in the Civic Hall, Leeds. (Pre meeting for Board Members at 9.15am)

(The meeting concluded at 12.15 pm)



Report author: Sandra Pentelow  
Tel: 0113 2474792

## Report of the Head of Scrutiny and Member Development

### Report to Scrutiny Board (Children and Families)

**Date: 19 March 2015**

### **Subject: Inquiry into Kinship Care**

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

## 1. Summary of Main Issues

Leeds City Council has an ambition to be the best council in the UK: fair, open and welcoming with an economy that is both prosperous and sustainable so all our communities are successful. The vision encompasses the aim to be a Child Friendly City by 2030. The methodology for delivering this vision is defined in The Children and Young Peoples Plan which details five headline outcomes one of which is to ensure Children and Young People are safe from harm.

At its meeting on the 19<sup>th</sup> of June 2014, the Scrutiny Board considered potential sources of work for the 2014/15 municipal year. Following discussion with the Executive Board Member (Children and Families) and representatives from Childrens Services the Board expressed a desire to undertake an inquiry which would consider Kinship Care Services and Support. Terms of reference for the inquiry were agreed by the Scrutiny Board in October 2014

The purpose of the inquiry is to make an assessment of and, where appropriate, make recommendations on the following areas:

- Kinship Care and the impact this has on outcomes for children
- Consideration and assessment of the needs of the child and the family
- The support and assistance provided to children, their carers and their parents in Leeds by the Local Authority and partner organisations.

## **2. Recommendation**

The Scrutiny Board (Children and Families) is recommended to:

- a) Note and consider the documented information provided and presented verbally to the Board on the 19 March 2015.
- b) Make recommendations as deemed appropriate.
- c) Note that this inquiry is not intended to extend beyond this meeting however the terms of reference may incorporate additional information to extend the inquiry should the Children and Families Scrutiny Board identify any further scope for inquiry or request further witness or evidence during this session.

## **1 Purpose of this report**

- 1.1 This report sets out the scope and framework for the Scrutiny Boards inquiry into Kinship Care Services and Support in Leeds.
- 1.2 Following the inquiry the Scrutiny Board will publish its report which will identify clear desired outcomes. These will be reflected in the recommendations made. The director or organisation to whom the recommendations have been made will be responsible for monitoring the impact of each recommendation and for advising the Scrutiny Board accordingly as the board reviews progress.

## **2 Scope of the Inquiry**

- 2.1 In conducting the Inquiry the Board will reflect on the value and impact of Kinship Care Services and identify positive outcomes for carers, children and young people. The Scrutiny Board will endeavour to establish if robust strategies are in place and if sufficient support and intervention measures are implemented in order to ensure children can be safely cared for in the wider family network therefore preventing children from entering care. The inquiry will cover the following areas:

- Legislation and explanation of Kinship Care, including formal and informal arrangements, special guardianship and residence orders.
- Reasons why children become looked after by Kinship Carers
- Kinship Care- known outcomes for children. The pros and cons.
- Demographics of Kinship Carers and Kinship Care data for Leeds
- Considering the needs of the child and the family, seeking the views of the child and access to early advice for potential kinship carers.
- Supporting Kinship Carers and Children
  - Family and Friends Policy
  - Networks and peer support
  - Support to cope with challenging circumstances such emotional and behavioural difficulties, adult care commitments and carers with long term disability or illness.
  - Financial support
  - Respite arrangements
  - 'Staying Put' arrangements
  - Children returning to parental care, support for the whole family.

- 2.2 The following organisations have kindly agreed to participate in the inquiry to provide their view, perspective and experience of the service and support provided to Kinship Carers with a view to improving services in Leeds.

- Grandparents Plus
- Grandparents Association
- The Fostering Network
- Family Rights Group
- Home Start Leeds

Also in attendance will be the Deputy Director of Children's Services (Safeguarding, Specialist and Targeted Services) and supporting officers from Children's Services.

It is also hoped that Kinship Carers and individuals who have been cared for will be in attendance to share their experiences.

2.3 To support and inform debate the following evidence is appended to this report:

1. Update on the development of services and support to kinship carers in Leeds
2. Kinship Care Family and Friends Policy
3. Kinship Care Guide for England
4. Forgotten Children, Children growing up in Kinship Care – Grandparents Plus
5. Relative Experience, Issues and Challenges for Kinship Carers – Grandparents Plus/Family and Parenting Institute/Family Lives
6. Staying Put – The Fostering Network

### **3 Corporate Considerations**

#### **3.1 Consultation and Engagement**

Where the board deems it appropriate to undertake in consultation in order to conduct the inquiry or gather necessary evidence consultation will be undertaken.

#### **3.2 Equality and Diversity / Cohesion and Integration.**

- 3.2.1 The Equality Improvement Priorities 2011 to 2015 have been developed to ensure our legal duties are met under the Equality Act 2010. The priorities will help the council to achieve its ambition to be the best City in the UK and ensure that as a city work takes place to reduce disadvantage, discrimination and inequalities of opportunity.
- 3.2.2 Equality and diversity will be a consideration throughout the Scrutiny Inquiry and due regard will be given to equality through the use of evidence, written and verbal, outcomes from consultation and engagement activities.
- 3.2.3 The Scrutiny Board may engage and involve interested groups and individuals (both internal and external to the council) to inform recommendations.
- 3.2.4 Where an impact has been identified this will be reflected in the final inquiry report, post inquiry. Where a Scrutiny Board recommendation is agreed the individual, organisation or group responsible for implementation or delivery should give due regard to equality and diversity, conducting impact assessments where it is deemed appropriate.

#### **3.3 Council Policies and City Priorities**

This inquiry will assist in achieving outcomes and priorities as defined in the Children and Young Peoples Plan 2011-2015 and the Child Friendly City Priority Plan.



### **3.4 Resources and Value for Money**

There is no resource or value for money implications relating to this report. At the conclusion of the inquiry any identified impact will be reported in the final inquiry report.

### **3.5 Legal Implications, Access to Information and Call In**

None

### **3.6 Risk Management**

There are no risk implications relating to this report. At the conclusion of the inquiry any identified risk will be reported in the final inquiry report.

### **3.7 Recommendations**

The Scrutiny Board (Children and Families) is recommended to:

- a) Note and consider the documented information provided and presented verbally to the Board on the 19 March 2015.
- b) Make recommendations as deemed appropriate.
- c) Note that this inquiry is not intended to extend beyond this meeting however the terms of reference may incorporate additional information to extend the inquiry should the Children and Families Scrutiny Board identify any further scope for inquiry or request further witness or evidence during this session.

### **3.8 Background documents<sup>1</sup>**

None

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<sup>1</sup> The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

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**Report of Director of Children’s Services**

**Report to Scrutiny Board**

**Date: 19/3/2105**

**Subject: Update on the development of services and support to kinship carers in Leeds**



Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

**Summary of main issues**

This report provides an update to the Scrutiny Board regarding the on-going developments to increase support for kinship carers in Leeds.

**Recommendations**

That the Scrutiny Board:

- a) Continues to support the work towards providing raising the profile of the kinship arrangements and support to kinship carers in Leeds.
- b) Supports the work being undertaken by the Kinship Care Reference group to take forward the new developments to improve the outcomes for children living in Kinship Care arrangements.

## **1 Purpose of this report**

- 1.1 This report seeks to update the Scrutiny Board on the implementation of the Corporate Offer to Leeds Kinship carers and to outline the new developments to support kinship families.

## **2 Background information**

- 2.1 Kinship care can be used to describe a range of arrangements for children, young people and families. The distinctions between these different arrangements are important and reflect significant differences in the respective roles and responsibilities of parents, carers and the Local Authority. A summary of these different arrangements is included in Annex A.

- 2.2 For the purposes of this report, the key types of arrangement are:

2.1.1. A child who is not looked after- these are arrangements that are initiated by the families themselves, the children are not in care and the Council has not placed them. However, their family may have a legal order such as a Special Guardianship Order in place or Child Arrangement Order for the child.

2.1.2. A child who is looked after– these arrangements are initiated by the Local Authority where the child is in care, and the alternative would be for the child to be placed in foster or residential care. These carers are often referred to as Kinship Foster Carers.

2.1.3. A privately fostered child -these are arrangements where the child is cared for by someone who is not a close relative and the arrangement is made directly between the parents without the involvement of the Local Authority, but where the Local Authority have a responsibility to assess and support the arrangement.

- 2.3 The majority of kinship arrangements where the child is not looked after work well and meet the needs of the child with the support of universal agencies. It is important, however, that any difficulties are responded to early. The Family and Friends policy and strategy for supporting these types of kinship arrangements has been undertaken with the following premise:

- 2.4 Families may need advice and assistance during the early stages of considering whether to care for a relative or a friend's child, in order to weigh up the options and to consider what support services they might require.

- 2.5 Partner agencies have a key role to play in identifying and supporting children who are living with family and friends carers.

- 2.6 Services need to be aware of and sensitive to the needs of these children and their families and give priority to access services such as housing, education and health (in the same way as looked after children).

- 2.7 Early intervention, underpinned by a Common Assessment Framework (CAF), may help prevent difficulties escalating to the point where specialist services are required.

- 2.8 The government requires all Local Authorities to publish its policy on Family and Friends Care. The Leeds' Kinship Care (Family and Friends) Policy has been fully updated with advice and guidance from the Family Rights Group, the Grandparents Association and Grandparents Plus. It is available on the Council's website and includes a link to the Kinship Care Guide for England which is published by Grandparents Plus.
- 2.9 The policy for those kinship carers whose children are not looked after by the Local authority ensures the following:
- 2.10 Through Targeted Services, support and advice will be offered to kinship carers to access support from universal services and welfare benefits.
- 2.11 Where a child is assessed as a child in need a range of support may be available to kinship carers including financial assistance in order to provide basic equipment. Support is identified through completion of a Child and Family Assessment.
- 2.12 Where the child is at serious risk of harm and longer term support is required to maintain the child in the informal kinship placement as an alternative to care, Children's services will, subject to a financial means test, support the carer financially. This will be a "top up" allowance based on the age-related fostering allowance payable to children who are 'looked after' as described earlier in this report.

### **3 Main issues**

#### **Corporate Offer to kinship foster carers**

- 3.1 There are 165 kinship foster carers in Leeds and at the last scrutiny board meeting the corporate offer to these carers was explained in detail. In summary this provides the following:-
- A great range of discounts at a range of Leeds based retail, food, entertainment and other outlets
  - The corporate offer through Sport & Active Lifestyles including discounts and exclusive offers across Leeds all year round in our sports and leisure facilities as well as museums, theatres, restaurants and shops; annual Bodyline Gym and Swim Card: this includes Peak and Off-Peak access to swimming pools and gyms in all our Leisure Centres.
  - For looked after children placed with kinship foster carers the children and young people can access an free Junior Swimming lessons; Annual Junior Bodyline Card: Peak and Off-Peak access to swimming pools, gyms, fitness and squash, along with access to the climbing wall at Aireborough.
- 3.2 The development of the Corporate Offer has been taken up by the carers and the children and young people alike.
- 3.3 It is hoped that the offer could be extended to those kinship carers who have taken an alternative legal order such as adoption, special guardianship or child

arrangements order. Where carers take out these orders, the child is no longer looked after. However this is a good outcome for children as it provides them with permanence and security.

- 3.4 In addition, the “Maxcard” provides foster carers and their family’s free access to a wide range of leisure activities both in Leeds and surrounding areas. Last year the offer was extended to all families who have taken out a Special Guardianship Order (SGO) on children so that the 500 children who are currently cared for under a SGO have the opportunity to take part in activities or visits places of interest in Yorkshire.

### **Service developments**

- 3.5 In November 2013 the Kinship Fostering Service expanded from 1 to 2 Kinship Care teams. This has provided increased capacity to meet the demand for assessments of prospective kinship carers, which has increased significantly due to the work of the Family Group Conferencing Service and the drive from the Courts to place children wherever possible with family members.
- 3.5.1 By expanding the service, it has been possible to provide better support to kinship foster carers as well as beginning to develop more robust support for those families who move onto Special Guardianship. Special Guardians often need support in the early months of placement as well as later on, at transitional stages in the child’s life and particularly during teenage years.
- 3.6 Leeds’ Special Guardians have been involved with a research project undertaken by York University on Special Guardianship. The research findings were published in December 2014 and Children’s Services will need to give careful consideration to the findings recommendations and build these into our plans and services for Kinship Carers.
- 3.6.1 Leeds has also been invited by Grandparents Plus to take part in a research project entitled “Adolescent Transitions and Outcomes in Adulthood for Young People Growing up in Kinship”. Although only in its early stages it is hoped that the findings will give valuable insights on how young people perceive their experience of growing up in kinship care.
- 3.7 The Leeds’ Kinship care policy acknowledges that most Kinship families are caring for children who are not looked after by the local Authority. With this in mind, Children’s Social Work Service wanted to explore more fully what support and services are available to families in Kinship Care arrangements with particular focus on ‘informal’ arrangements where the child is not looked after. A project worker was seconded to carry out this work with the objective, based on action planning
- To consider what support and guidance is available at cluster levels through universal and targeted services
  - To consider whether staff in cluster and targeted services are aware and able to support the vision for Kinship Carers
  - To arrange on Outcome Based Accountability event for this service area.

The report's findings can be found in Appendix 1A.

3.8 An Outcomes Based Accountability Event was held in December 2014 with a wide range of third sector organisations, universal and targeted services and service users attending. (Appendix 1B).

3.8.1 A significant outcome from this event was an agreement to form a reference group to carry forward the many thoughts and ideas generated from the OBA session. The purpose of the group is to provide a structured mechanism to facilitate joint working for those involved in developing and supporting Kinship Carers across Leeds and to raise awareness of these carers. The group was established in February 2015 to bring together Kinship Carers, third sector providers and the local authority to:-

- identify gaps in service provision for kinship families
- share our knowledge of kinship care from different perspectives
- Inform and educate professionals of the needs and requirements of children living in kinship families.
- seek funding for any additional resources required

3.8.2 It is hoped that the Scrutiny enquiry into Kinship Care will support and enhance the work of the reference group so that any new developments can be implemented in a timely way to ensure that children who are brought up in Kinship Families can achieve the good outcomes we aspire to for all our children growing up in this city.

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

The scrutiny board requested an update on the developments to support kinship carers in Leeds. The Director of Children's Services, Nigel Richardson is chairing a cross party working group on Kinship Care and taking forward Kinship issues at a wider political level.

### **4.2 Equality and Diversity / Cohesion and Integration**

4.2.2 There are no specific equality issues identified.

### **4.3 Council policies and City Priorities**

4.3.1 The need to safely and appropriately reduce the numbers of children looked after in Leeds is a key priority. The support to family members to care for children, who may otherwise enter care, is key in achieving this to outcome.

### **4.4 Resources and value for money**

4.4.1 Financial support to kinship to carers may well require an increase in resources, but access to resources should be sourced through the cooperative approach of working with partners, the third sector and government agencies to meet the needs of kinship families.

### **4.5 Legal Implications, Access to Information and Call In**

4.5.1 There are no legal implications in this report.

## **4.6 Risk Management**

4.6.1 No risks have been identified, other than the need to progress on the Corporate Offer in order to achieve the intended outcome.

## **5 Conclusions**

5.1 The Scrutiny Board has requested an update on the ongoing development work to increase support to Kinship Carers and this report notes the developments to date and plans going forward.

## **6 Recommendations**

6.1 That the Scrutiny Board:

- a) Notes these developments and continues to support the work towards improving the outcomes for children placed in kinship arrangements and the corporate offer to kinship carers in Leeds.
- b) Takes into account the work already started on improving the support to kinship families and considers this information when making any recommendations.

## **7. Background documents<sup>1</sup>**

Annex A - A summary of different arrangements in Kinship Care

Appendix 1A –Project Development work in Kinship Care Leeds

Appendix 1B - Outcomes Based Accountability, summary of collated responses

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<sup>1</sup> The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.



## Arrangements where Children and Young People live with Kinship (family and friends) Carers Annex A

Kinship Care Arrangement	Child was previously Looked after	Special Guardianship Order	Child Arrangements Order	Child was NOT previously looked after	Private Fostering
<b>Who made the arrangement?</b>	Local Authority placed the child	Local Authority placed the child or child's parents made the arrangements or carer stepped in because the parents were not available	Local Authority placed the child or child's parents made the arrangements or carer stepped in because the parents were not available	Child's parents made the arrangements or carer stepped in because the parents were not available.	Child's parents made the arrangements or carer stepped in because the parents were not available.
<b>Is the child looked after?</b>	Child is looked after	When a Special Guardianship Order is in place, the child is not looked after but may or may not have been prior to the arrangement	When a Child Arrangements Order is in place, the child is not looked after but may or may not have been prior to the arrangement	Child is not looked after	Child is not looked after
<b>Did the local authority approve this arrangement?</b>	Local Authority approved the carer	A Special Guardianship arrangement may be made in private law proceedings or be a permanence outcome identified by the Local Authority	A Child Arrangements Order may be made in private law proceedings or be a permanence outcome identified by the Local Authority	No approval made	Arrangement is assessed for suitability but not approved by the local authority. Arrangement may be prohibited if assessed as unsuitable because of the carer or the premises
<b>What relation is the carer to the child?</b>	The carer is a relative or friend of the family	The carer is a relative or friend of the family or may have been a non-related foster carer	The carer is a relative or friend of the family or may have been a non-related foster carer	Carer is a close relative of the child defined as: grandparent; brother; sister; uncle; aunt; or step-parent	Carer is not a close relative of the child defined as: grandparent; brother; sister; uncle; aunt; or step-parent. May be a more distant relative, or a friend or a teacher

Kinship Care Arrangement	Child was previously Looked after	Special Guardianship Order	Child Arrangements Order	Child was NOT previously looked after	Private Fostering
<b>Is there a legal order?</b>	Available legal orders: Adoption Order; Care Order; Special Guardianship Order, Child Arrangements Order	Available legal order: Special Guardianship Order (SGO). Section 8 contact Order or Supervision Order (usually for up to one year) can be considered alongside the SGO	Available legal order: Child Arrangements Order (CAO). Section 8 contact Order or Supervision Order (usually for up to one year) can be considered alongside the CAO	Special Guardianship or Child Arrangements Orders or Adoption Orders are available as legal orders under private law.	Not supported by a legal order
<b>How long will the arrangement last?</b>	Arrangement is intended to last as per the requirements of the care plan or the making of an alternative order	Arrangement is intended to last until the child becomes 18 unless varied or discharged by the court before age 18	Arrangement is intended to last until the child becomes 18	Duration of the arrangement is subject to the discretion of the person with PR or dependent on a legal order	Arrangement is intended to last for 28 days or more
<b>Who has Parental Responsibility (PR)?</b>	Remains with birth parents if the child is accommodated under s20 Children Act; or if the child is subject to a care order or Emergency Protection order, the Local authority shares PR and determines the extend it is delegated to others	Birth parents retain PR but do not exercise it and share this with the Special Guardianship carer. There are decisions that cannot be made without the consent of the parents; or if parents do not consent, without the permission of the court. These include: changing the child's last name; removing the child from the UK for more than three months; situation where consent is required by law, e.g. male circumcision; and giving consent for the child to be placed for adoption	Birth parents retain PR but do not exercise it and share this with the Child Arrangements carer. There are decisions that cannot be made without the consent of the parents; or if parents do not consent, without the permission of the court. These include: changing the child's last name; removing the child from the UK for more than three months; situation where consent is required by law, e.g. male circumcision; and giving consent for the child to be placed for adoption	PR remains with birth parents but the carer may do what is reasonable to safeguard or promote the child's welfare; and has delegated responsibility unless an alternative legal order is in force.	PR remains with the birth parents

**Aim:** To ascertain what support and services are available to families in Kinship Care arrangements with particular focus on 'informal' i.e. non- looked after arrangement.

**Objectives:** Based on action plan

- To consider what is available for support and guidance at cluster levels through universal and targeted services
- For staff in cluster and targeted services are aware and able to support the vision for Kinship Carers
- To arrange on Outcome Based Accountability event for this service area

Work completed on part-time basis June to November approximately 20 working days.

**Academic Research:**

**Buttle Trust: "The Poor Relations? Child and Informal Kinship Carers Speak Out" 2013, highlighted some key areas:**

- Information and advice: From the outset carers would benefit from advice about how to talk sensitively to children about their past and their parents problems. In turn children and young people needed help to deal with the stigma and bullying. Thus advice on how to manage information about where they live including, where appropriate to develop a cover story and needed encouragement to speak about bullying.
  - They identified 3 groups that were in particular need of support: namely young kinship carers; carers with severe problems or disabilities and carers with multiple caring responsibilities especially those supporting the children's parent (s).
- Housing issues.
- Training for solicitors/schools/ voluntary agencies in respect of kinship arrangements, both formal and informal to raise their awareness of the reality of kinship care.
- Access to Therapeutic support for behaviour and emotional issues.
- Specialist teams to support formal and informal arrangements.

**Scottish Government and COSLA 2007: "Relative Value: the experience of kinship carers using the Scottish CAB Service" made the following recommendations for Government:**

- There needs to be whole system change with a national allowance and amending the definition of 'child in need'.
- To make allowances attached to court orders more equitable e.g. when Private Law orders are granted.
- Provide more support for flexible working.
- Easier access to better information and development on an information network. For example, a resource pack for Kinship Carers; national helpline and on line information exchange.

**Nandy and Selwyn 2011 research based on population census of 2001**

- In England 1 in every 77 child lives in Kinship Care
- 95% of children living in Kinship Care in 2001 were informal: with older children 15-17 years accounting for the most likely to be living in Kinship care
- Ethnic minority children were over represented among the Kinship Care group.
- Key finding was that between 1/5 and half of the children were living with a sibling ( 1/3 with Brothers and remainder with sisters)

#### **Project Development work:**

Work was completed through 3 strands: research as to what is currently available; focus groups and meeting with some key partners.

#### Practice Research

I sought out agencies, professionals and services to ascertain what support they were offering Kinship Carers: this was across the local authority from universal to targeted; third and private sector.

Findings: A great variation of service delivery and understanding of what kinds of support may need to be provided due to a lack of knowledge and awareness of these arrangements.

**Appendix A** is a summary of whom I made contact with.

#### Focus groups: 3 in total

I compiled a series of open questions to get an appreciation of what the families experience was and **Appendix B** reflect the discussions in the room.

With both adult groups it was noted that some improvement had occurred: those entering into formal kinship arrangements in past 2-3 years felt more supported and clearer than those who had done so longer ago.

- Special Guardianship Support hosted by Kinship Care Team 15 attended.
- Grandparents Support group with Grandparents Association 10 attended.
- Young person's focus group facilitated and hosted by Willows Carers Project 4 attended.

#### Meeting with Grandparents Plus; Grandparents Association and Homestart

These 3 organisations are actively working in the city to support Kinship Carers and it was considered pertinent to bring them together to explore how this work could be broadened and linked more with Leeds City Council. There are tensions in some aspects of the working relationships between these agencies and the meeting sought to address how this could be eased.

**Appendix C** is the notes from this meeting.

From all of the above work several themes emerged across the board:

1. Need for consistency in language/terms used and support offer so that professional and agency knowledge and awareness could be extended. Thus what it means to be 'informal' not looked after; family and friends or 'connected other' etc. Leeds Kinship Care (Family and Friends) Policy assists here and perhaps greater profiling and dissemination is required.
2. There were no readily available systems for collecting information on 'informal' arrangements: therefore raising awareness is important.
3. From the outset families need access to high quality advice and information on the range of options available to them with all the consequent outcomes from this. This needs to include robust legal and financial information. There may be challenges for some families as to where to turn for this information especially if they do not have recourse to legal aid.
4. The emotional needs of the carers and children with strong feelings of guilt, loss and shame were prevalent. This aspect can be perpetuated where contact with birth parent's is in dispute and/or this creates conflict within the family. With few agencies to turn to for assistance or mediation. Some of the carers had been formally involved with CSWS and their children had been brought up in care. This added further emotional distress.
5. That families were reluctant to ask CSWS for assistance if having particular problems due to the stigma attached and the view was echoed that families did not want 'authorities' involved. A perceived view was that if the family did not step in then they may lose contact with the children through the care system. In that they may not be permitted to see the children and /or as they would be in new families that they could potentially move away.
6. Families would benefit from more flexible parenting courses/training: that group-work does not suit every individual and that they also need to take account of 'non blood' carers.
7. Drug and alcohol agencies reported that they are coming across an increasing number of kinship carers. Grandparents or other family members begin by offering some informal support and the level of support grows as the addiction and associated difficulties for the birth parents become more problematic. Therefore not a conscious decision to care for the children and can happen by default.
8. That support needs to be front loaded at the point new care arrangements begin: thus short term interventions may be helpful, however some families need ongoing and long term support. Therefore services in clusters need to be adaptable to allow for further needs over time to be addressed.

This led to conclude that the following would be helpful to advance this work:

- A dedicated information and advice line that is specific to Leeds and is available beyond normal working hours. That it provides accurate legal and financial advice is essential.
- A robust support arrangement when placements commence.
- That robust legal advice line is bolted on to general helplines for kinship arrangements and to explore collaboration with the private sector through child friendly initiatives and corporate social responsibility.
- That support from Universal to Targeted needs to be clear; flexible and responsive to meet the needs of Kinship Carers: especially at the commencement of these arrangements and over time as needs change.
- Tailored parenting support/training and access to support for emotional health for C&YP.
- Mediation and advice.

- Raising awareness with common language is required across the board with Leeds City Council, Third and private sector to engender a cultural shift.

## COLLATED TABLE RESPONSES FROM THE (INFORMAL) KINSHIP CARE EVENT ON 17<sup>TH</sup> DECEMBER 2014

### 1 . Story behind the baseline - Causes

- **There were a range of reasons stated why families providing informal kinship care may not perceive seeking support from LA as positive:** seen as a personal arrangement between family members; fear of child being removed from the family if they ask for help – having a judgement on them as ‘unsuitable’; stigma of having involvement from social services - this can be particularly difficult for families who have had prior Social Care involvement, either with their own birth children or when they were children themselves -their prior experiences of Social Care and social workers will likely have some impact on their decision making; loyalty to the birth family; not knowing there is help available.
- **There were a range of reasons stated why extended family may not offer to be/have difficulties being (informal) kinship carers:** loyalty to the birth family; tension in the family if they take on care – get blamed by family and may have to lose contact with some family members; birth family may not talk about their problems so extended family can’t help; wider family connections are unknown and birth family do not tell about them; families particularly worried about financial implications of caring, or having to give up work -some carers want to keep working and this is an important part of their identity but they need support with childcare; stigma of having involvement from social services - this can be particularly difficult for families who have had prior Social Care involvement, either with their own birth children or when they were children themselves -their prior experiences of Social Care and social workers will likely have some impact on their decision making; families concerned that there would be a lack of support offered and worried how they would manage to take on care of the child/ren; families dispersed geographically; financial differences between foster carers and Kinship Cares is a barrier and leads to financial strain; absence of financial support; (past) housing strategy in the city – families not able to request localities where other families living were as preferred location; families are worried and daunted by the whole process and worried about being assessed and ‘judged’ - they are having to share their most personal information and sensitive life experiences – the skill of assessing social workers is key in helping families feel more reassured and comfortable with the process; some potential carers are put off by their complex family dynamics and the views and attitudes and feelings of other members of the family network - caring not only changes their relationship to the child/children but also with birth parents and other family members; abandonment fears.
- **There were a range of reasons why stated LCC practitioners may not promote (informal) kinship care:** professional anxiety by social workers and team managers as to whether the family are ‘suitable’; can be an assumption that no-one else in the family can provide adequate care; if child is placed with foster carers and settled, then there may be a reluctance to move them to family/ child may not want to move; social worker may be

unaware of the extended family; the tight timescales, (particularly since the Care Planning Regulations), which means less time for identification and assessment of potential kinship carers; poor communication between agencies; high caseloads for social workers; lack of training; not all family members are invited to Family Group conferences (parental preference).

- **There were a range of suggestions for making (informal) kinship care easier:** good use of Family Group Conference; Information Sharing about/with other agencies – Adult/ Children’s Services “Think Family Approach” Rather than 2 separate agencies; sharing information with family as they don’t always know what’s going on; having a preventative strategy rather than crisis approach; access to information and support pre and post accepting child; carers seek CSWS support around contact/relationships with birth family; independent advice needed outside of LA; there is still a ‘change of culture’ required in the LA to “how can we rule this family member in?” LA tends to be very risk adverse, though this is getting better. We need to think around potential risks and concerns more imaginatively and with open minds as to “how can these risks be managed/what protective factors are in place or can be put in place to make this placement safe and viable?”; high support and challenge needs to happen earlier;
- **There were a range of opinions on the participation of children and young people:** do we ask children enough about their needs and wishes - are they listened to; children’s voices not always acknowledged; lack of child’s involvement in decision making; observe the children in placement;

## 2. Partners

- Children (Advocacy for Child?) - is the proposed arrangement in line with their wishes and needs
- Families - maternal and paternal/birth children/support carers/babysitters
- Children’s Centre
- Schools/education providers - colleges, schools, Universities and others
- Youth Services
- Third Sector - drugs and alcohol; Platform (drug agency); welfare rights; advice lines;
- Health Visitors/Doctors
- Judges/ Magistrates
- Peer Support - carers to develop peer support e.g. volunteers
- Mediators
- Expand Family Group Conference – to offer formal and informal support – Move out of the Statutory Sector.
- Midwife
- Agents who can publicise support.
- Equivalent agency to Childline/First4Adoption – A National helpline that can signpost locally as well as provide general information



- Emotional and Mental health/ adult services
- Drug and Alcohol services
- Leeds Carers/ Carers Leeds
- Private sector- legal and financial partners
- Housing
- Faith organisations
- Probation and youth offending services
- Grandparents Association (specialist third sector service); Grandparent Plus; Family Rights Group
- Signpost – via Cluster services
- Kinship Children’s Services (LA)
- Families First
- Specialist respite/support services
- Media
- Coram
- Voice and Influence
- CAFCASS
- Clusters
- Children’s Social Care
- Adult Social Care
- Public Health
- Private business sector
- Sports clubs and leisure centres
- Police
- YOT
- Food banks

### **3. Low Cost Ideas/Off the Wall Ideas**

- Supermarket for help and Advice –website

- Family Group Conference at an earlier stage (Invest to save) – Adult Services Access to Family Group Conference.
- Pre Social Work Involvement.
- “Think Family Protocol” – a priority.
- Using Kinship Carers to talk about own personal experiences to groups of professionals. Other agencies and Social Workers
- Informing Local Agencies of Kinship arrangements- their needs and requirements
- Family Information Service. “Looking after a family member” search button
- National helpline/for Kinship? Parent Line
- Mandatory training for Social Worker on Kinship Care.
- Flexibility and Tailored support for families.
- Kinship Employment rights/ leave.
- Celebrating Kinship Family Week.
- Effective use of pupil premium
- Social media-knowledge networks/peer support/buddying
- Gaining children’s story using arts form
- In depth consultation with Kinship Carers to determine their “top 10 priorities” in terms of what support they feel would benefit them. Also obtaining ‘real life’ experiences form Kinship Carers to being people’s situations to life. This information can then be better presented to Partners and help/encourage them to better understand what they have to offer Kinship Carers and children in Kinship arrangements and what impact their support will have.
- More FGCs to help prevent children coming into care, and also to help more children to safely return to family.
- Awareness raising – via internet/social media
- Ideas for cost free activities
- Business cards/calling cards for staff
- Pre court hearing it would be helpful for the families to have an agreed ‘Action Plan’ so they know feel more prepared for the sudden (even if anticipated) arrival of a child in their care
- Starter packs for families embarking on the kinship care role – Grandparents Association are already working on these
- Clear long term planning for children beyond the start of any fostering, SGO or CAO arrangement. This includes anticipation of problems in the future.
- Information leaflets made available to children’s centres, schools and cluster services about kinship care services. These should make it very clear that there in ‘no stigma’ attached by approaching the LA for guidance and advice

- Involvement of business community in terms of awareness of kinship carers in the workforce and in terms of supporting endeavours for kinship carers in the community
- SGO leave for employees and employment rights
- Apprenticeships to take a specified quota of children looked after (including those on kinship arrangements)
- Support in relation to public transport for kinship carers
- Better reporting on all data collected
- Key people to spread the word and to circulate electronically the guide widely
- Reporting from EHA carers relationship to child
- Talking about it more
- add to assessment paper work and reviews
- Links with universities re training
- Raise knowledge via social media and radio
- Kinship care sharing support from post adoption support extending also to wider kinship carers
- Buddy process for kinship carers going through the system
- Package of items that comes with a child when move into Kinship Care: such as, clothes/toys/leisure vouchers e.g. cinema to mark move into new family. To be funded by private sector.
- Children move around between families so aware of needs and can reside in either home.
- To raise the profile from those who have been in kinship care thus endorsed by a celebrity and becomes an ambassador for Leeds.
- Form partnerships with construction firms or building college so changes to homes can be completed to accommodate needs.
- Leeds will be hosting the rugby world cup in 2015. This could be a fantastic platform to promote kinship care and the support of kinship care arrangements.

#### **4. Data Need**

- Data needs – How many Kinship Care arrangements are there, that haven't had an FGC??

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# **Leeds City Council**

## **Kinship Care (Family and Friends) Policy**



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## 1. Introduction

### 1.1 Background

Our ambition is to be the best city for children and young people to grow up in. This is a crucial element of the council's work to become the best city in the UK by 2030. There are 180,000 children and young people in Leeds, and we want to improve outcomes for all of them. The council cannot deliver this ambition alone – we need the whole city to take part, and we are building a city-wide effort to put children and young people at the heart of our thinking, planning and action.

Child friendly Leeds is the thread that brings together all the work we do to create better outcomes for all children and young people in our city.

Leeds City Council recognises the major contribution of kinship care as a permanent placement option for children who cannot live with their parents. 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 range of different arrangements. These carers are often referred to as “kinship carers” or “family and friends carers”, and we use both terms in this document.

Despite the often difficult circumstances of the carers, research shows outcomes are positive for most children living in family and friends care, and considerably better than for children in unrelated foster care. A major study published, by Buttle UK and the University of Bristol in 2013 (*The Poor Relations: Children and Informal Kinship Carers Speak Out*), shows that kinship arrangements provide stability for the children and the children have strong attachments to their carers and have good levels of academic attainment, particularly when compared to children in the formal care system. Nonetheless, over a third of the children have severe behavioural and emotional difficulties as a result of their experiences of abuse and neglect when living with their parents.

Leeds City Council acknowledges the personal cost and sacrifice that many kinship families make in order to care for their children, often having to change their life style and plans for the future. This policy sets out how Leeds City Council will help kinship carers, in collaboration with its local partners to give all children and young people the best possible family experience whatever the child's legal status, needs and circumstances.

Although the exact number of children in Leeds living with family and friends is not known, the 2001 census indicated there were 1.6% of children being raised by a relative carer, approximately 3000 children. Most of these children will be in informal arrangements. However we know that in February 2014 there were 380 children living with Special Guardians and 178 children were placed with foster carers. As the Local Authority is committed to placing children wherever possible, with family and friends carers, when they cannot live with their parents, this figure is likely to increase.

The Director of Children's Services has nominated the Chief Officer Children's Social Work Service, as the lead person responsible for ensuring Leeds' children are well cared for in kinship (family and friends) arrangements.

In drawing up this policy we have consulted with kinship (family and friends) carers already caring for children, our partner agencies and also with local support groups in the community and national support groups, including the Grandparents Association, Grandparents Plus and the Family Rights Group.

Kinship carers and practitioners may also access further advice and information from [‘The Kinship Care Guide for England’](#).

We will review this policy every two years.

## **1.2 Our values and principles**

The key principle of the Children Act 1989 is that children should be enabled to live within their families unless this is not consistent with their welfare.

Support for kinship arrangements in Leeds is based on the needs of the child rather than the child’s legal status.

Leeds City Council recognises that kinship care is a permanence option for children and young people, as it provides high levels of stability for large numbers of children.

We will take into account children's wishes and feelings in all relevant processes and we will seek the views of family and friends carers when designing services to support kinship carers

## **1.3 How children come to be cared for by people who are not their parents**

There are a number of ways in which children can live with people other than their parents and there are many different reasons why a child may be raised by a kinship carer, e.g. parental death, imprisonment, mental illness, substance misuse and separation of parents.

The majority of kinship carers are relatives of the child as defined by section 105 of the Children Act 1989 or have acquired parental responsibility for the child through a court order and there is no requirement to notify the local authority of the arrangement. (The definition of “relative”, in relation to a child, means a grandparent, brother, sister, uncle or aunt (whether of the full blood or half blood or [by marriage or civil partnership]) or step-parent.”)

Many of these arrangements remain entirely private without the need for the involvement of the Leeds City Council, although where support is needed Kinship Carers are encouraged to get in touch with Children’s Services where help and advice is available.  
[Family Information Service](#) tel: 0800 731 0640 or 0113 2474386  
Kinship Care Team tel: 0113 2474654

## **1.4 Status of children living with kinship carers**

Children have the following status when living with kinship (family and friends) carers:

- A child who is not ‘looked after’
- As a private fostered child (private fostering) (see section 3.7)
- As a “looked after” child (this includes those children in care or who are accommodated under s20 Children Act 1989.)

Where the child is ‘looked after’ by relatives or friends, we will refer to the carers as kinship foster carers (when the carers have been assessed and approved as Local Authority foster carers).

The different legal situations are set out on the table on pages 5 and 6 of this policy.



## Arrangements where Children and Young People live with Kinship (family and friends) Carers

<b>Kinship Care Arrangement</b>	<b>Child was previously Looked after</b>	<b>Special Guardianship Order</b>	<b>Child Arrangements Order</b>	<b>Child was NOT previously looked after</b>	<b>Private Fostering</b>
<b>Who made the arrangement?</b>	Local Authority placed the child	Local Authority placed the child or child's parents made the arrangements or carer stepped in because the parents were not available	Local Authority placed the child or child's parents made the arrangements or carer stepped in because the parents were not available	Child's parents made the arrangements or carer stepped in because the parents were not available.	Child's parents made the arrangements or carer stepped in because the parents were not available.
<b>Is the child looked after?</b>	Child is looked after	When a Special Guardianship Order is in place, the child is not looked after but may or may not have been prior to the arrangement	When a Child Arrangements Order is in place, the child is not looked after but may or may not have been prior to the arrangement	Child is not looked after	Child is not looked after
<b>Did the local authority approve this arrangement?</b>	Local Authority approved the carer	A Special Guardianship arrangement may be made in private law proceedings or be a permanence outcome identified by the Local Authority	A Child Arrangements Order may be made in private law proceedings or be a permanence outcome identified by the Local Authority	No approval made	Arrangement is assessed for suitability but not approved by the local authority. Arrangement may be prohibited if assessed as unsuitable because of the carer or the premises
<b>What relation is the carer to the child?</b>	The carer is a relative or friend of the family	The carer is a relative or friend of the family or may have been a non-related foster carer	The carer is a relative or friend of the family or may have been a non-related foster carer	Carer is a close relative of the child defined as: grandparent; brother; sister; uncle; aunt; or step-parent	Carer is not a close relative of the child defined as: grandparent; brother; sister; uncle; aunt; or step-parent. May be a more distant relative, or a friend or a teacher

<b>Kinship Care Arrangement</b>	<b>Child was previously Looked after</b>	<b>Special Guardianship Order</b>	<b>Child Arrangements Order</b>	<b>Child was NOT previously looked after</b>	<b>Private Fostering</b>
<b>Is there a legal order?</b>	Available legal orders: Adoption Order; Care Order; Special Guardianship Order, Child Arrangements Order	Available legal order: Special Guardianship Order (SGO). Section 8 contact Order or Supervision Order (usually for up to one year) can be considered alongside the SGO	Available legal order: Child Arrangements Order (CAO). Section 8 contact Order or Supervision Order (usually for up to one year) can be considered alongside the CAO	Special Guardianship or Child Arrangements Orders or Adoption Orders are available as legal orders under private law.	Not supported by a legal order
<b>How long will the arrangement last?</b>	Arrangement is intended to last as per the requirements of the care plan or the making of an alternative order	Arrangement is intended to last until the child becomes 18 unless varied or discharged by the court before age 18	Arrangement is intended to last until the child becomes 18	Duration of the arrangement is subject to the discretion of the person with PR or dependent on a legal order	Arrangement is intended to last for 28 days or more
<b>Who has Parental Responsibility (PR)?</b>	Remains with birth parents if the child is accommodated under s20 Children Act; or if the child is subject to a care order or Emergency Protection order, the Local authority shares PR and determines the extent it is delegated to others	Birth parents retain PR but do not exercise it and share this with the Special Guardianship carer. There are decisions that cannot be made without the consent of the parents; or if parents do not consent, without the permission of the court. These include: changing the child's last name; removing the child from the UK for more than three months; situation where consent is required by law, e.g. male circumcision; and giving consent for the child to be placed for adoption	Birth parents retain PR but do not exercise it and share this with the Child Arrangements carer. There are decisions that cannot be made without the consent of the parents; or if parents do not consent, without the permission of the court. These include: changing the child's last name; removing the child from the UK for more than three months; situation where consent is required by law, e.g. male circumcision; and giving consent for the child to be placed for adoption	PR remains with birth parents but the carer may do what is reasonable to safeguard or promote the child's welfare; and has delegated responsibility unless an alternative legal order is in force.	PR remains with the birth parents

Page 3

## **1.5 Legal orders which can support the kinship arrangement**

A child may be living with kinship carers without a legal order to support the arrangement. However, there are legal orders that can be applied for by the carer. Described more fully later in this policy, these orders are:

- Child Arrangements Order (formerly known as Residence Order)
- Special Guardianship Order
- Adoption Order

These are private law applications, but can also be supported by the local authority when the child has either been in care or as an alternative care. This could include assistance with legal costs and advice on making the application. The carer may also be able to apply for legal aid, but only in certain circumstances (see 3.5.4).

## **1.6 What we know about the role of kinship (family and friends) carers**

Kinship (family and friends) 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 parents.

Family and friends often start to care for other people's children in a crisis or emergency situation. These children 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 are able to stay in touch with their parents, and other members of their family where appropriate, and to 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 carers they do not know. Recent research indicates that the outcomes for children living with family and friends can be better than for children in unrelated foster care placements (Hunt et al 2012 and Selwyn et al 2013).

Leeds City Council recognise that in order to enable family and friends to offer appropriate care for children and young people who cannot live with their parents, access to a range of high quality support services at universal, targeted and specialist levels may be needed.

Leeds City Council often becomes involved if there are:

- Welfare or protection issues and where the family needs support
- If the arrangement falls within the definition of Private Fostering, (see section 3.7)
- If the child is, or becomes looked after by the Local Authority.

## **1.7 Some considerations for anyone thinking about becoming a kinship carer**

- Does the child have an established relationship with you?
- Is there sufficient/appropriate space in the house for this particular child and their belongings?
- Do you have sufficient practical support?

- Do you have any financial constraints/debts?
- How many outside commitments do you have e.g. work, other caring commitments?
- The needs of your own children or other dependents?
- What support would you need from your own family network or from the Local Authority?

## **2. Our approach**

### **2.1 Early help**

The majority of kinship arrangements work well and meet the needs of the child with the support of universal agencies such as health and education and housing services. It is important, however, that any difficulties are responded to early. Families may need advice and assistance during the early stages of considering whether to care for a relative or a friend's child, in order to weigh up the options and to consider what support services they might require. This advice can be obtained from a variety of sources, including the Leeds Grandparents' Association helpline; Family Rights Group; Grandparents Plus. Contact details are provided at the end of this policy.

Partner agencies such as Health, Education and Housing have a key role to play in identifying and supporting children who are living with family and friends carers. Services need to be aware of and sensitive to the needs of these children and their families and give priority to access services wherever possible.

To enable family and friends to offer appropriate care for children and young people who cannot live with their parents, access to a range of high quality universal and targeted services may be needed. Support services should not be withheld because a child living with a kinship carer is not a looked after child.

There are also a wide range of resources available to support children in the local area, including early year's provision, day care and out of school services, schools and colleges, health services, leisure facilities and youth support services. Kinship carers are encouraged to access all the universal services available both locally and nationally. Details are provided in the list of local and national organisations at the end of this policy.

Early help, underpinned by an Early Help assessment (including CAF, Common assessment Framework) may help prevent difficulties increasing to the point where specialist services are required. Early help may be provided through an increase in the levels of universal services, or services provided or commissioned in clusters; this includes family support provided by schools and third sector services.

We use a range of conversation opportunities to identify appropriate support for the child and the carer. When it is felt that the child's needs cannot be met through early help, practitioners contact the Leeds City Council's Duty and Advice Team or the Kinship Care team for advice.

Leeds City Council recognises that support may be required at different stages of the child's life, for example, during the transition to secondary school.

Where a child is assessed as 'being in need'; support may be provided under section 17 of the Children Act 1989. This may include practical, emotional and financial support.

A child shall be taken to be in need if:

- a) s/he is unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision for her/him of services by a local authority
- b) her/his health or development is likely to be significantly impaired, or further impaired, without the provision for him of such services; or
- c) s/he is disabled

## **2.2 Family Group Conferences**

Where there are support needs or concerns about children's welfare and those at risk of harm, Leeds City Council will always look within the kinship network for a short-term and / or permanent solution for the child and will offer the family a Family Group Conference to help achieve this. Family Group Conferences are meetings with family members, which aim to achieve the best outcomes for children.

The Family Group Conference (FGC) is arranged by someone who is independent of the case. They visit the child, their parents, and members of the child's wider family in preparation of the FGC. The child should be offered support to help them participate in the meeting.

FGCs are intended as a respectful and empowering process in which parents, children and members of the wider family are given clear information about the agency's concerns and are asked to produce a plan that addresses those concerns and answers specific queries. This plan may involve extended family members supporting the child and parents but it may also involve the child living with a kinship carer.

Where the plan meets the needs to safeguard the child, the Local Authority will agree the plan.

Family Group Conference referrals in Leeds are only taken from Leeds Children's Social Work Service and the Intensive Family Support Service. However, families can indicate to social workers that they would like to be referred for a Family Group Conference.

## **2.3 Housing**

Leeds City Council is committed to ensuring that no child should become looked after because of inadequate housing. The [Leeds City Council Housing and Children's Services Protocol for Families in Housing Need](#) has been designed to help families who may be in need of urgent housing advice and assistance.

Housing services provided by the Council can make an important contribution to promoting kinship care arrangements by assisting carers to secure suitable housing. Housing services, which are currently being re-organised, comprise three core divisions: Statutory Housing Services, Council Housing and Property and Contracts.

Statutory Housing Services is responsible for the assessment of housing need and making accompanying priority awards for council re-housing. Statutory Housing Services is also

responsible for the regulation and lead partnership with the private rented sector. Leeds City Council Housing division manages the 58,000 stock of council houses in the city.

A housing applicant can be awarded priority status for re-housing if, for example, their current accommodation is overcrowded, is considered not 'reasonable' for occupation or to promote the capacity of parents/carers to care for dependent children/prevent children becoming looked after.

Statutory Housing Services is responsible for carrying out adaptations (Disabled Facilities Grants) for children living in non-council housing: privately owned, private rented and housing association. Leeds City Council Housing division will assess whether adaptations are required for children living in council housing. Again the provision of housing adaptations will be an option to promote the capacity of the kinship carers to care for disabled children.

Children's Services can work with the Leeds Welfare and Benefits Service to make applications for Discretionary Housing Payment where a family is affected by the Social Sector Size Criteria relating to housing benefit eligibility. Assistance with accommodation costs can be also be provided where families are eligible for Section 17 support.

## **2.4 Education**

Leeds City Council recognises the importance of continuity of education for children and young people. Advice and guidance on educational matters for children cared for by family and friends will be provided, by directing carers to the most appropriate helplines or services.

Young people aged 16 -19 in kinship placements may be entitled to the Government funded bursary scheme. For more information contact:  
[www.gov.uk/1619-bursary-fund](http://www.gov.uk/1619-bursary-fund).

Although the fund is discretionary for non-looked after children, those children looked after or who are care leavers will be able to access the fund and receive £1,200 per annum (2014).

Priority schools admissions are available for those children who were in Local Authority care but who are now placed with their family under a Residence Order, Special Guardianship Order or Adoption Order. This is under [Schools Admission Code 2012](#)

## **2.5 Support Groups**

Leeds Grandparents' Association provide support groups for kinship carers around the city, including at the prison, and Leeds City Council's Kinship care team provide monthly support groups for Kinship Foster carers. There is also a regular Support group for Special Guardians which is run jointly by Leeds City Council and Grandparents' Association.

## **3. Arrangements for children living with kinship carers who are not 'looked after'**

### **3.1 About these arrangements**

When families have difficulties and the child cannot at that time live at home with their parents, an arrangement may be made with a member of the family or a friend for them to live with them for a short period of time or longer term.

The arrangement can be made directly between the parents and the kinship carer or a social worker may also be involved because the child is a child in need or at risk of harm. Where the social worker plays a major role in making the arrangement and/or stipulates what may or may not happen to the child whilst in the arrangement, (e.g. supervised contact with the child's parents) the child is likely to be considered a "looked after child".

Parental responsibility will generally remain with the birth parents but with day to day parenting tasks and decisions delegated to the carers. On the whole, these arrangements work well and will rarely come to the attention of the council although there may be a need for some advice and support during the placement.

Children cared for under the following arrangements are **not** looked after children. The arrangements may be made under the following circumstances:

- Children living with close relatives (as defined by Children Act 1989; see also Appendix 1) as agreed by parents at the parents' own initiative
- Children living under a child arrangements order or special guardianship order made in favour of a family and friends carer
- Children living with close relatives as agreed by parents and with the support of the council, the arrangement may have been identified as part of a Family Group Conference
- Young people aged 16+ who are living with a relative or family friend of their own volition
- Children and young people living with friends or non-close relatives as agreed by parents for a period of less than 28 days
- Parents have made an arrangement with friends or non-close relatives for over 28 days under Private Fostering Regulations 2005. (NB: in such cases the Local Authority has a role to play in safeguarding these placements under the Private Fostering Regulations 2005. See section below about Private Fostering.) It is the responsibility of the Parents and the carer to inform the Local Authority of the arrangements they have made for their child.

### **3.2 Arrangements made without the involvement of the local authority**

Where kinship carers have stepped in to protect and care for the child without the involvement of the Local Authority, parental responsibility remains with the parents but day-to-day parenting tasks and decisions are delegated to the kinship carers. It is good practice for an agreement to be drawn up between the carer and the parents, so that everyone knows the arrangements for the care and protection of the child.

The carer may do what is reasonable to safeguard and promote the child's welfare (s.3 (5) Children Act 1989) but should be supported to refer back to the parent or other person with parental responsibility about significant decisions. It is acknowledged that many of these arrangements will be temporary and short term but, if the arrangement continues, plans need to be made to secure permanence for the child.

Some arrangements may have been formalised by the court and in these cases the parental responsibility, delegated to the carers is much more clearly prescribed. Advice

about legal options available to carers can be provided from Children's Social work Services as well as the local Grandparents Association helpline; Family Rights Group and local child care solicitors.

In these arrangements, kinship carers may require support services and can request advice about what is available in their local areas or clusters. There are 25 clusters in the city; clusters bring together managers from a range of universal, targeted and specialist children's services in each local area, including schools, children's centres, police, social work, the voluntary sector, and housing.

Targeted Services Leaders and Cluster Managers can provide this advice. To find out who they are in each cluster, carers can contact:

The Integrated Processes Team Tel: 0113 24 76830 or [cafteam@leeds.gov.uk](mailto:cafteam@leeds.gov.uk)

### **3.3 Request for services**

Families requiring support will be assisted and signposted by workers to appropriate services that will help them care for the child, including access to any state benefits they may be entitled to. Support and access to services will be based on the needs of the child rather than their legal status, in order to ensure that family and friends carers are provided with support they need.

Leeds City Council will provide advice and guidance to carers requesting information about kinship care and will signpost carers to appropriate organisations. These may include voluntary organisations, health and education services and welfare benefit services as well as independent legal advice, e.g. from Family Rights Group or Grandparents' Plus.

Where there is a request for services to the Children's Social Work Service, children who are not looked after and living with kinship carers will be treated as potential 'children in need' and entitled to an assessment for support services.

The assessment will determine if the child is in need and a plan will agree practical and any other support needed, including emotional support; access to psychological services or financial support and the role and responsibilities of the child's parents.

Where, in the child's best interests, an arrangement by the parents is facilitated by the council, but the council did not play a major role in making the arrangement or stipulating what can happen to the child whilst in that arrangement, the child is likely to be subject to a child in need plan or, where there are serious safeguarding concerns, a child protection plan. This will ensure the coordinated provision of a range of support to meet the child's needs, and ensure the arrangements are in the best interests of the child, and that the child's need for permanence is being met in the current arrangement.

Following assessment, Leeds City Council may also provide financial support under Section 17 of the Children Act to support a child to live with kinship carers, to promote their best interests and prevent the child becoming looked after. Advice about entitlement to universal benefits will be provided.

In all cases, it is essential that the parents and the kinship carers have a clear understanding of the status of the arrangements and are able to make informed decisions, with the opportunity to access independent advice and advocacy.



### **3.4 Arrangements made where there has been involvement of the local authority**

The Council has a duty to safeguard and promote the welfare of children who are 'in need' and to consider how such children can live with their families and friends before considering any action that may result in them becoming 'looked after'

Where Leeds City Council are supporting a child in need and it is clear that they cannot continue to live with their parents, either on a short term or long term basis, then we will broker or assist the family in discussing their care by a close family member or connected person.

In most cases this assistance will involve support in making decisions about whether or not legal orders are required and whether on-going financial support and social work support is available and how it can be accessed. This could include offering the family a family group conference (for details see below). This type of assistance will be provided under section 17 of the Children Act 1989 and so does not constitute a placement by Leeds City Council.

In some circumstances Leeds City Council will play a major role in facilitating and supporting the arrangement. This may happen when there is concern that the child may be at risk of significant harm and if an arrangement is not made to care for the child by a close family member or connected person and not return to the care of their parents, then the child would become looked after by the local authority. The basis of support being offered by Leeds City Council will always be clarified in writing to the parent and the proposed kinship carer.

Where there is are serious child protection concerns or a possibility of the child becoming looked after, the family will be offered the opportunity of a Family Group Conference (FGC) to ensure the best arrangements are made to secure the child's welfare. The FGC will assist families in making support plans for children and potential kinship carers will be provided with advice and information to help them care for the child.

It is essential that everyone has a clear understanding of the status of the arrangements, is in agreement and that this is recorded in writing with a copy given to parents and carers.

The suitability of the arrangements to meet the child's needs and the range of support, including any financial support to meet the child's needs, will be reviewed via Leeds City Council's Child in Need or Child Protection review procedures.

If the assessment is that the child may need to remain with the carers, even if the parents don't agree or the child's contact with parents needs to be supervised, legal advice for all parties may be appropriate to assist with the decision.

### **3.5 Support for kinship carers**

Our aim is to ensure that kinship carers receive the support they need to meet the needs of the children they are caring for.

#### **3.5.1 Contact**

Children benefit from having contact with their parents unless there are specific reasons why this would not be safe or in the child's interest. In some cases, older children will want to make their own decisions about keeping in contact with their parents.

Contact arrangements must meet the needs of the child rather than just be for the benefit of the parent. It is acknowledged that management of contact can be a source of considerable anxiety and sometimes conflict for kinship carers. Advice and support may be needed to manage contact and Leeds City Council will undertake to provide this advice or signpost the carer to another organisation / helpline who may be able to provide more specialist advice. See appendix 2.

Local mediation services can help parties to communicate better and resolve disputes taking account of the child's wishes in a supported environment and organisations like The Grandparents' Association may be able to help with such issues. Similarly if the courts are involved with the children, the CAFCASS officer may assist you in drawing up safe contact arrangements for you and your family. If necessary Contact Orders, (now called Child Arrangements Orders) can be made in the courts which spell out the arrangements by making a legal order about contact, although there is an expectation that families have tried mediation first.

Legal aid may be available for mediation in such circumstances if carers and parents meet the criteria.

### *3.5.2 Financial responsibility and benefit entitlement*

Parents can elect to make arrangements for their children to live with close relatives for as long as they choose or with friends for a limited period (under 28 days for non-close relatives), without the involvement of Leeds City Council.

The responsibility for funding these private arrangements rests with the parent(s) and or others with parental responsibility. Parents will always be expected to make appropriate financial arrangements with the carer to enable them to care for the child..

Arrangements can be made for the carer to claim Child Benefit or any universally available benefits for children payable by contacting the Child Benefit Centre. Only the person caring for a child is entitled to claim Child Benefit. Other benefits may be claimed.

### *3.5.3 Financial support*

In some situations, if a child's needs cannot be met by a family member or friend without additional financial support, Section 17(children Act 1989) support can be provided where the child is assessed as being in need.

In all cases, the carers will be expected to access universal benefits in the first instance as the Local Authority cannot duplicate state benefits. Before considering taking on a commitment to a child, carers can access information from the Local Authority about the level of support, including any financial assistance, that they may be offered. This will include how finances have been or will be calculated and how long this support will last on a case by case basis from the team involved.

Advice, information and assistance on how to claim Welfare Benefits can be sought from the Welfare Rights Unit; to book an appointment at a One Stop Centre or enquire about a home visit call: 0113 3760452

It is an expectation that any Kinship Carer will access universally available financial and practical support in advance of approaching the local authority for financial assistance:

- Child Benefit
- Child Tax credits (or Universal benefit when this applies)
- Welfare benefits (or Universal benefit when this applies)
- Support available via Welfare Reform

For more information, see the online [Welfare Reform advice guide](#) or contact Leeds Local Welfare Support Scheme Tel: 0113 3760330

Carers for example, who would have to give up their job to care for the child(ren) will then be able to make an informed choice about whether the placement is feasible for them to enter into.

Any payments made by Leeds City Council will be monitored and reviewed regularly to ensure that they are still required.

Time limited payments may assist carers at any stage of the child's life. Examples of time limited financial support might be a contribution towards nursery care fees where the carer is working and the child is not of school age or where the carer needs to manage a change or interruption to their work commitments or to respond to the child's needs.

Basic equipment may be required, e.g. bed, bedding, clothing where the carer does not have essential equipment in the family home and cannot access these from other sources or it is required immediately for the child to be able to live with carer.

Where longer term support is required to maintain the child in the kinship placement including those on a Special Guardianship Order, Child Arrangements Order and Adoption Order, Leeds City Council has the discretion to, subject to a Child and Family Assessment and a financial means test to pay an allowance to carers.

Those carers who may only be in receipt of welfare benefits payments for children, or who are on very limited incomes, may be able to receive a top-up payment for the child up to the age-related fostering allowance. This top-up will usually only be payable for a maximum of two years. These payments are to cover costs, for example, during the transitional period and to assist the carer in realigning their financial commitments. This would need to be agreed by a Head of Service within Children's Social Work Service. Any payments will be reviewed on a regular basis via the Child in Need plan or equivalent.

The relevant start date of the payments would be the date that Leeds City Council assessed that this was a child in need and the arrangement has commenced where the child is living with the kinship carer.

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 and to assist the carer in meeting the basic needs of the child
- As part of the Child and Family 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. Benefits advice should be sought immediately if carers are struggling with the costs of caring for the children. Where children are not looked after by the Local Authority, carers can access child benefit and child tax credits and other universally available benefits
- Payments will be paid to the carer, not the parents
- The payment would not place any person in a fraudulent position

### *3.5.4 Legal Aid ('public funding') and legal fees*

Where an assessment of need has been carried out or where there is a child protection plan, family and friends carers will be given advice on how to apply for legal aid ('public funding') in order to secure legal orders for the child. In order to qualify for legal aid, a merits and means test is applied.

Leeds City Council will consider the payment of the legal costs and / or early legal advice so that kinship carers can make an informed decision about taking on the care of the child, the legal status and the consequences for access to support at the outset. This will assist carers in considering whether to apply for a Special Guardianship Order or Child Arrangements Order where it supports the application and where not doing so would lead to the child becoming looked after or remaining looked after unnecessarily.

Decisions about these payments will be made by a Head of Service in Children's Social Work Service. It is an expectation that legal aid eligibility will be explored before any payments are made by the Leeds City Council. If payments are made, they will be paid at legal aid ('public funding') rates and be subject to a review.

## **3.6 Legal orders to support these arrangements**

There are legal orders that can be applied for by kinship carers who care for a child (or who wish to) and want to offer a greater level of security within the arrangement. These orders are: Child Arrangements Order, Special Guardianship Order and Adoption Order.

Carers may be given advice and guidance on applying for Child Arrangements Orders or Special Guardianship Orders under Private Law and will be encouraged to seek independent legal advice.

### *3.6.1 Child Arrangements Order*

A Child Arrangements Order is a Court Order which specifies with whom a child is to live with, 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 but the carer can make most major decisions about how the child is raised. Relatives may apply for a Child Arrangements Order after caring for the child for one year or earlier, with the consent of others who have parental responsibility or with the court's leave.

Child Arrangements 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. It can also be made in care proceedings, either of the court's own motion or if the carer applies for a Child Arrangements Order within the care proceedings. In this situation, where the arrangement is an alternative to care, a Child Arrangements Order allowance will be payable up to a maximum of two years to assist with the transition to the new arrangement.

A Child Arrangements 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.

### *3.6.2 Special Guardianship Order*

Special Guardianship offers a further option for children who cannot live with their parents and need permanent care. It can offer greater security without absolute severance from the birth family as in adoption. A special guardian formally takes on the legal powers and responsibilities of parenting a child until their 18<sup>th</sup> birthday. This includes taking most decisions to do with the child's upbringing, including where the child lives and goes to

school, and what medical treatment they receive. A Special Guardian can appoint a Guardian to care for the child after their death. This is not the case with Child Arrangements Orders

Kinship carers may apply for a Special Guardianship Order after caring for the child for one year, or sooner with the leave of the court. 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 Child Arrangements 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, Leeds City Council will be responsible for sending a report to the court regarding whether a Special Guardianship Order is in the child's best interest. It can also be made in care proceedings, either of the court's own motion or if the carer applies for a Special Guardianship Order within care proceedings. A Special Guardianship Order can be made in favour of a kinship carer with whom a child is living and may be an appropriate outcome as part of a permanence plan for a Child in Need.

All Special Guardians are entitled to counselling, advice and support in addition to an assessment of their needs. More information can be provided through the Kinship Care team tel: 0113 2474654

### *3.6.3 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 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 order, e.g. the child's grandmother would become the child's mother and the mother, the child's sister. Leeds City Council's Adoption Service 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.

## **3.7 Private Fostering arrangements**

Private fostering arrangements are arrangements made directly between the parents or those with parental responsibility without the involvement of the local authority.

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, or a Local authority foster carer, where the child is to be cared for in that arrangement 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 and is responsible for any financial payments

in respect of the child. Child benefit and child tax credits can be claimed by the private foster carer.

Leeds City Council has a duty to assess and monitor the welfare of all privately fostered children and the way in which they carry out these duties is set out in the Children (Private Arrangements for Fostering) Regulations 2005. However, the local authority may also 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, Leeds City Council 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 provided to meet any identified needs. This may comprise a variety of different types of services and support, including financial support. See section 3.6.

## **4. Arrangements for children living with kinship carers and are 'looked after'**

### **4.1 Definitions of a looked after child**

A looked after child is 'in care' or 'accommodated' by the local authority under s20 Children Act 1989. To be 'in care', the court has made an order on the child giving the local authority the power to remove the child from the care of their parents. These orders are:

- interim care order
- full care order or
- an emergency protection order

A child is 'accommodated' by the local authority with the agreement of the parents / others with parental responsibility and there has not been one of the orders stated made. This may include the situation where the Local Authority has played a major role in making arrangements for the child to live with a relative because they are concerned about the child's safety.

In both cases, children may be cared for by family and friends only if the carers have been approved as Local Authority Foster Carers under the Fostering Regulations 2011 and where they meet the requirements of the National Minimum Fostering Standards 2011. Children may also be placed in an emergency, by approving the kinship carer on a temporary basis under Regulation 24 of the Care Planning Regulations 2010.

### **4.2 Reasons why a child may be looked after**

In Leeds the Child and Family Assessment is used to identify a child's needs. The child may need to be looked after for a short period or longer term if some or all of the circumstances below apply. Each case must be assessed on its own facts. This list is not exhaustive and other factors may be relevant:

#### *4.2.1 Where no known and suitable kinship options are available and*

- A child is at risk of or experiencing significant harm and it is not safe for them to stay living at home
- Both of the child's parents may be deceased

#### *4.2.1 Where kinship options are available:*

- Birth parents may not agree, or may be inconsistent as to their agreement for their child being cared for by family and friends carers
- There may be a concern that an arrangement for a child to live with family or friends carers may be seriously disrupted by a birth parent, whose behaviour may have been assessed as being potentially dangerous, or as posing a significant risk to the child or family
- A birth parent may be untraceable, or incapable of giving agreement to the child being cared for by family/friends carers
- Leeds City Council assesses that it needs to share parental responsibility with the birth parents in order to promote and safeguard the child's welfare and secure the placement

#### 4.3 Looking within the kinship network

Where a child is looked after, and it is the most appropriate placement, Leeds City Council will ensure that they will give preference to a member of the family/relative, or friend (connected persons) as the placement of choice for the child. The person will need to be assessed as a Foster carer under the Fostering Regulations 2011.

Leeds City Council will take a pro-active approach to identifying, considering and supporting family and friends carers in the child's network who may be able to care for the child. There is an expectation that a Family Group Conference will be held as soon as possible to help identify any potential carers or family support (see earlier on Family Group Conferencing).

#### 4.4 Assessment of kinship carers

When a child is looked after and placed with a kinship carer, the carer must be assessed and approved as a **kinship foster carer** by the local authority.

The child can be placed with a kinship carer on an emergency basis under Regulation 24 to grant the carer temporary approval as a foster carer for a period of 16 weeks. During this period of time, a full assessment of the carer and the arrangement is undertaken. This temporary approval can only be extended in exceptional circumstances for a further 8 weeks. In this context the carer is referred to as a Connected Person.

The assessment and approval process for family and friends who apply to be kinship 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 requirements are the same as for any other potential foster carers and the National Minimum Standards for Fostering apply, in particular Standard 30 refers directly to kinship foster carers. The aim of the assessment is to help the local authority decide whether to approve the prospective carer as a kinship foster carer and to consider what support needs the carer may have when caring for the child. The kinship carer will need to be registered as a kinship foster carer following approval.

In considering whether a relative, friend or other connected person should be approved as a foster carer, account must be taken of the needs, wishes and feelings of the child whom it is proposed to place with them and the capacity of the carer to meet those particular needs.

The assessment will balance the strengths of the carers arising from their position within the family network against any aspects which may make them less suitable. The carer's past experiences of parenting will be assessed as part of a fuller picture of their capacity to care for the child.

#### **4.5 Support for kinship foster carers**

Kinship foster carers will be involved 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, working with professionals, including the child's social worker and promoting the child's education and health needs.

Once approved as kinship foster carers, kinship foster carers will receive support from the local authority. 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 kinship foster carers and the support they can expect to receive to enable to fulfil their responsibilities for the child. A Delegated Responsibility agreement will be drawn up in order to clarify day to day/specific and longer term decision making the carers and child are allowed to make. The support that is provided to kinship foster carers is set out below.

##### *4.5.1 Supervising Social Worker*

When looked after by a kinship foster carer, the child's care continues to be managed by a social worker to ensure their needs are being met. The kinship foster carer on being approved will be allocated a supervising social worker from the kinship care team to provide them with support and supervision. The supervising social worker will meet with the kinship foster carer weekly until the child's first looked after child review. Following this, the visits will take place on a regular basis by both the child's social work and the supervising social worker.

A foster carer agreement will be drawn up and signed by the kinship foster carer which sets out how the carer will work with the local authority and about the support and training that will be provided.

##### *4.5.2 Financial support – fostering allowance*

Kinship foster carers will receive a weekly fostering maintenance payment to cover the costs of caring for the child. This is in line with all foster carers and is based on the age of the child and is set out in the placement plan.

When receiving this allowance, the carers **will not** be able to claim other benefits, such as Child Benefit or Child Tax Credits because the fostering allowance includes this element of payment. Kinship foster carers will receive fostering allowances for as long as they care for the child as a foster carer, following approval.

##### *4.5.3 Corporate offer to foster carers*

Kinship Foster Carers have the same access to the Corporate Offer for foster carers as unrelated foster carers. This includes free access to certain leisure activities. For more information see the online information: [Support for carers – corporate offer](#)

##### *4.5.4 Training, development and support groups*

All kinship foster carers, temporarily approved or fully approved under the Fostering Service Regulations 2011, are in all respects foster carers and entitled to the same level of training and support as unrelated foster carers.



The allocated supervising social worker will be responsible for the kinship foster carer's support, supervision, training and development.

Leeds Fostering Service ensures that all kinship foster carers temporarily or fully approved will receive support which is equivalent to that provided for unrelated carers, including basic and incremental fostering allowances. Kinship foster carers are able to progress within the payment for skills model should they meet the Tasks, Skills and Competency requirements of the levels.

Leeds City Council will ensure that kinship foster carers have access to family and friends preparation groups, post approval training and support in order to achieve the Children's training, support and development standards within 18 months of approval.

Separate family and friends support groups are arranged to specifically to address the needs of kinship foster carers. They may also attend foster care support groups in their locality and join with other foster carers.

Further training and development needs will be identified with the carer by the supervising social worker and recorded in the kinship foster carer's personal professional development plan.

#### **4.6 Care planning and alternatives to children being looked after**

Permanency planning is based on the philosophy that every child has the right to a permanent and stable home, preferably with his or her own family. The primary focus of permanency planning is to prevent children remaining unnecessarily in care and to ensure the child's needs are met in a secure and loving family.

Leeds City Council, as corporate parent for children looked after, will work diligently to find permanent, safe homes for children in care, in a timely manner. The best possible care involves giving children security, stability and love through their childhood and beyond.

At any stage of the assessment process where it is considered in the child's best interests, promote their welfare and achieve a permanence arrangement, consideration will be given to supporting the kinship foster carers to apply for an appropriate legal order giving them parental responsibility. The relevant orders are a Child Arrangements Order, Special Guardianship Order or an Adoption Order. See 3.6.1 to 3.6.3 for an explanation of these orders.

Leeds City Council will review the child's care plan through the care planning process to ensure that the child does not remain looked after for longer than is needed and where financial support is not the primary reason for maintaining that status. The review will be chaired by an Independent Reviewing Officer for the child.

##### **4.6.1 Legal fees**

Leeds City Council will consider the payment of the legal costs of carers to apply for a Special Guardianship Order or Child Arrangements Order where it supports the application and where not doing so would lead to the child/ren remaining or becoming looked after unnecessarily. Decisions about these payments will be made by a Head of Service in Children's Social Work Service.

#### **4.7 Care leavers and ‘Staying Put’**

Leeds City 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 Leeds 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 13 plus team will provide guidance and support to young people and their carers.

#### **5. Comments and suggestions to Children’s Services**

Where a kinship carer or a young person living in a kinship arrangement would like to make a comment or suggestion they can contact the Children’s Services Customer Relations Team. To find out more, visit our webpage, ring, email or write to us.

[Comments and suggestions](#) Emails are sent from the webpage

Customer Relations Team Tel: 0113 3950310 or 0113 2475688

## 6. Glossary and definitions

**Looked after child** – the child is ‘in care’ or ‘accommodated’ by the local authority

**In care** – a court has made an interim or full care order, or an emergency protection order on the child which gives the local authority the power to remove the child from the care of their parents

**Accommodated** – the child is being looked after by the local authority with the agreement of the parents / others with parental responsibility under s20 Children Act 1989

**Connected person** – the term used in regulations and guidance to include relatives, friends, and other persons connected to the child and who are approved as foster carers to look after the child.

**Parental Responsibility** – the legal right to make decisions about a child’s care and how they are raised

**Child in Need** – Under Section 17 (10) of the Children Act 1989, a child is a Child in Need if: he/she is unlikely to achieve or maintain, or have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision for him/her of services by a local authority; his/her health or development is likely to be significantly impaired, or further impaired, without the provision for him/her of such services; or the child is a disabled child

**Private Fostering** – an arrangement where a child under 16 (or 18 if the child is 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 arrangement for 28 days or more

**Close relative** – is defined as: grandparent, brother, sister, uncle, aunt or step-parent by marriage or civil partnership

**Child Arrangements Order specifying with whom a child will live.** It usually lasts until the child is 18. Parental responsibility is shared with the parents. Carers can apply **after caring for the child for one year**

**Special Guardianship Order** – Like a **Child Arrangements Order specifying with whom the child will live**, this court order states where a child should live and gives the carer parental responsibility. An SGO gives the carer more authority to make decisions than a residence order.

**Adoption Order** – a court order made as part of the adoption process. All parental rights and responsibilities for a child are permanently transferred to the adoptive parent.

**Family Group Conference** – a decision making meeting in which a child’s wider family network come together to make a plan about the future arrangements for the child

## 7. Local and national organisations providing support, advice and opportunities

The following provide a wealth of information about local and national resources that kinship carers can tap into. In particular, families and professionals may wish to consult the Kinship Care Guide for England, an information booklet written by Grandparents Plus.

### Services in Leeds provided by the local authority and health services

#### **Kinship Care Team**

This is the team that can provide information, advice and support to Kinship Carers and Special Guardians.

Tel: 0113 2474654 email [kinshipcareadmin@leeds.gov.uk](mailto:kinshipcareadmin@leeds.gov.uk)  
or [specialguardianship@leeds.gov.uk](mailto:specialguardianship@leeds.gov.uk)

#### **Integrated Processes Team**

Can provide information about Universal and Targeted Services in clusters

Tel: 0113 2476830 email [cafteam@leeds.gov.uk](mailto:cafteam@leeds.gov.uk)

#### **Family Information Service Leeds - [www.familyinformationleeds.co.uk](http://www.familyinformationleeds.co.uk)**

This website provides information and advice for parents, carers, children and young people, with extensive links to useful support and other resources, as well as upcoming courses and community events.

Free Phone: 0800 731 0640 or Tel: 0113 247 4386 Email: [family.info@leeds.gov.uk](mailto:family.info@leeds.gov.uk)

#### **Children's Social Work Service Leeds - [Children's Social Work Service](#)**

Tel: 0113 222 4403 between 8.30am – 5pm. Requests for services, particularly safeguarding and support for children in need.

#### **Leeds Museums and Galleries - [www.leeds.gov.uk/museumsandgalleries](http://www.leeds.gov.uk/museumsandgalleries)**

On this website you can find out all about our nine fascinating museum sites and discover all the fun, friendly and exciting events and activities that take place across Leeds each week. Discover all about our museum collections and how we store and care for them.

#### **Leeds City Council Welfare Rights Unit**

Public phone: 0113 376 0452

Email: [welfare.rights@leeds.gov.uk](mailto:welfare.rights@leeds.gov.uk)

#### **Leeds Libraries – [Leeds Libraries - children](#)**

Explore a great range of services, information and activities for free right across Leeds. From fantastic author events, performances and activities suitable for different ages we guarantee there is something for everyone

#### **Artforms - <http://www.artformsleeds.co.uk>**

ArtForms is the music and arts team within Children's Services at Leeds City Council

#### **Family Group Conference Project**

Tel: 0113 272 3102

#### **Children and Adolescent Mental Health Services - [CAHMS](#)**

The CAMHS service provides a range of assessments and therapeutic interventions to promote the emotional and psychological well-being of children, young people and their families who live in the **Leeds** area.

## Local and National Organisations

### **The Grandparents Association** - <http://www.grandparents-association.org.uk>

The Grandparents Association is a national charity but has a local office in Leeds. The charity supports kinship carers through various ways including local support groups, welfare benefits advice, assistance for people on a low income to have a holiday and sometimes access to needed furniture or white goods. There is a dedicated welfare benefits advice line to assist people with maximising their entitlements.

Office: 0113 2446111. Helpline: 0845 4349585 Welfare Benefits: 0844 3571033

### **Grandparents Plus** - [www.grandparentsplus.org.uk](http://www.grandparentsplus.org.uk)

Grandparents Plus is the national charity which champions the vital role of grandparents and the wider family in children's lives - especially when they take on the caring role in difficult family circumstances.

Tel: 020 8981 8001 Email: [info@grandparentsplus.org.uk](mailto:info@grandparentsplus.org.uk)

### **BeGrand.net** - [www.begrand.net](http://www.begrand.net)

A website offering information and advice to grandparents

### **Family Rights Group** - <http://www.frg.org.uk/>

Charity that advises whose children are involved or need children's services because of welfare needs or concerns.

Tel: 020 7923 2628 - Advice line: 0808 801 0366 E-mail: [advice@frg.org.uk](mailto:advice@frg.org.uk)

### **British Association for Adoption and Fostering (BAAF)** - <http://www.baaf.org.uk/>

Provides information and advice about adoption and fostering and publishes resources.

Tel: 020 7421 2600 Email: [mail@baaf.org.uk](mailto:mail@baaf.org.uk)

### **The Fostering Network** - [www.fostering.net](http://www.fostering.net)

The Fostering Network – is a national charity leading on foster care and provide advice and information to prospective approved foster carers.

Tel: 020 7620 6400

### **Department for Education** - [www.education.gov.uk/childrenandyoungpeople/families](http://www.education.gov.uk/childrenandyoungpeople/families)

Lists details of telephone help lines and online services to provide information, advice and support on a range of issues that parents and families may face in bringing up children

### **West Yorkshire Family Mediation Service (Leeds)** – [www.wyfms.co.uk](http://www.wyfms.co.uk)

### **Yorkshire mediation Services** – [www.yorkshireremediationservices.co.uk](http://www.yorkshireremediationservices.co.uk)

Telephone 0113 2424110

### **Action for Prisoners Families** - [www.prisonersfamilies.org.uk](http://www.prisonersfamilies.org.uk)

Action for Prisoners Families work to reduce the negative impact of imprisonment on prisoner's families. Produces publications and resources and provides advice, information and training as well as networking opportunities.

Email: [info@actionpf.org.uk](mailto:info@actionpf.org.uk) [info@prisonersfamilieshelpline.org.uk](mailto:info@prisonersfamilieshelpline.org.uk)

### **Addaction** - [www.addaction.org.uk](http://www.addaction.org.uk)

Addaction offers a range of support developed for families and carers affected by substance misuse.

Tel: 020 7251 5860 Email: [info@addaction.org.uk](mailto:info@addaction.org.uk)

**Adfam** - [www.adfam.org.uk](http://www.adfam.org.uk)

Works with families affected by drugs and alcohol and supports carers of children whose parents have drug and alcohol problems.

Tel: 020 7553 7640 Email: [admin@adfam.org.uk](mailto:admin@adfam.org.uk)

**Advisory Centre for Education** - [www.ace-ed.org.uk](http://www.ace-ed.org.uk)

Offers free independent advice and information for parents and carers on a range of state education and schooling issues, including admissions, exclusions, attendance, special education needs and bullying.

General advice line: 0808 800 5793 Exclusion advice line: 0808 800 0327

**Coram Children's Legal Centre** : 0808 802 0008

Provides family, Child and Education legal advice

Community Legal Advice - Education: 0845 345 4345

**Citizens Advice Bureaux** - [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)

Helps people resolve their legal, money and other problems by providing free independent and confidential advice through local bureaux and website.

**Cruse** - <http://www.cruse.org.uk/>

Bereavement Care and helpline

Helpline: 0844 4779400 Email: [helpline@cruse.org.uk](mailto:helpline@cruse.org.uk)

**Family Fund Trust** - [www.familyfund.org.uk](http://www.familyfund.org.uk)

The Family Fund Trust helps families with severely disabled or seriously ill children to have choices and the opportunity to enjoy ordinary life. Gives grants for things that make life easier and more enjoyable for the disabled child and their family.

Tel: 0845 130 4542 Email: [infor@familyfund.org.uk](mailto:infor@familyfund.org.uk)

**Families Forward** - [www.familiesforward.org.uk](http://www.familiesforward.org.uk)

Families Forward is dedicated to helping families and children cope with the aftermath of divorce and separation. Provide support in contact matters in private proceedings and work closely with CAFCASS in private law proceedings. Tel: 0113 2359322

**Kidscape** - [www.kidscape.org.uk](http://www.kidscape.org.uk)

Bullying advice, helpline, information Tel: 08451 205 204

**Winston Wish** - <http://www.winstonswish.org.uk/>

Winston's Wish is the leading childhood bereavement charity and the largest provider of services to bereaved children, young people and their families in the UK.

They offer practical support and guidance to families, professionals and anyone concerned about a grieving child.

Tel: 08452 03 04 05

## Support with Contact

### **West North West Contact Centre**

Foxcroft Close in the North West of the city supports contact prior to completion of legal proceedings.

9 Foxcroft Close

Leeds

LS6 3NT

Telephone : 0113 3781584

### **South Contact Centre**

Supports contact prior to completion of legal proceedings and some limited support after proceedings. Plans are to be able to offer longer term support in the future.

Belle Isle Centre,

Enterprise way,

Leeds

LS10 3DZ

Telephone 0113 3782835

### **East North East Contact Centre**

Lavender Walk based in the east of the city supports contacts for kinship carers before and after proceedings.

15 Lavender Walk

Leeds

LS9 8TX

Tel: 0113 3781815

### **National Association of Contact Centres - <http://www.naccc.org.uk/>**

Can signpost to centres around the locality that offer support for contact services.

There is a centre in Leeds at: Pudsey Parish Church (St Lawrence and St Paul)

Church Lane, Pudsey, LS28 8BE Tel: 0845 4500 280

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# The Kinship Care Guide for England

*First Edition*



*a guide for  
grandparents,  
family members  
and friends  
bringing up  
someone  
else's child*

Written for Grandparents Plus and Mentor by Doug Lawson with Jo Raine

**Grandparents  
plus**

We champion the wider  
family who care for children

**M Mentor**  
Protecting children from alcohol and drugs

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# Acknowledgements

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We are also very grateful to the advice and support of members of the Kinship Care Group for professionals, and to Gill Bishop, Service Manager in Bournemouth, for their feedback.

Finally we would like to thank our author, Doug Lawson, who has worked with such professionalism, diligence and commitment to help us to produce this publication.

**Doug Lawson** is an independent children's services consultant with a particular interest in children living away from home. He researched and drafted the Statutory Guidance on Family and Friends Care for the Department for Education and is the author of a number of Fostering Network publications including a guide for kinship foster carers. Prior to his current role Doug had an extensive career as a strategic, policy and operational manager of children's social care services in a number of local authorities.

**Jo Raine** is the Advice Service Manager at Grandparents Plus. Prior to joining the charity in 2011, she worked as a Citizens Advice Bureau adviser for five years. She previously worked for many years as a supported housing manager.

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## Foreword

“You are not alone.” This was the message Michael Young and I wanted to proclaim to carers who were grandparents when we founded Grandparents Plus in 2001. Grandparents - and around half of kinship carers are grandparents - were largely invisible then. We knew that the emotional, practical and financial support given to your own children had been extended to your grandchildren, but that this development, because it seems so natural, was often unacknowledged beyond the family itself.

This service, so vital to children’s wellbeing and for social cohesion, was barely recognised, much less supported or celebrated by wider society.

Since its inception Grandparents Plus has endeavoured to redress this neglect, both by helping carers directly and by influencing

policy-makers in government and other agencies concerned with family matters. In all our work we are informed by you, the people who experience the joys and difficulties of caring for your nearest and dearest.

This guide is intended to assist you in the process of assuming the full-time care of children in your family, as well as those who have already made this commitment. Your difficult and rewarding stories continue to inform and inspire the work of Grandparents Plus.

My admiration for kinship carers is equalled only by an awareness of the sacrifices and losses you incur when acting upon the love we have for our children and grandchildren.

*Jean Stogdon, co-founder and joint chair of trustees, Grandparents Plus*

# About this guide

**This guide has been produced by Grandparents Plus and Mentor as a resource for kinship carers – also known as family and friends carers. It will also be useful for social workers and others who work with kinship carers. Its purpose is to help you to understand your rights and responsibilities, and the things you need to consider when as a grandparent, family member or friend you face the decision of whether to step in to care for a child who is unable for whatever reason to live with their parents.**

The guide is based on the law in England, so although many of the general issues are the same elsewhere in the UK the rights and responsibilities of kinship carers will be different.

Becoming a kinship carer can sometimes feel quite daunting, but it is also a really rewarding experience for you, as well as for the child you are caring for. There are as many as 300,000<sup>1</sup> children in the UK living with kinship carers, so you are certainly not alone. There are lots of ways that you can get help, but these vary quite a lot according to the child's needs, the legal circumstances and where you live. This can sometimes seem rather complicated, so this guide is here to help you through.

The guide will help you to understand:

- the reasons that children live with kinship carers, and the experiences they have

- the challenges and rewards of being a kinship carer
- what the law says, and the different types of kinship care and legal orders
- how to get help
- what benefits are available to kinship carers
- when you should get legal advice.

We've included case studies and quotes from kinship carers and children to help. All the names have been changed in these, to protect their privacy. There's also a section on page 14 called Things to consider, which will help you to work out what's best for you and the child and the questions you might want to ask other people.

We've tried to avoid using jargon in the guide, but sometimes we need to use legal phrases so that you will understand what other people are referring to. There's a helpful glossary of terms on page 55.

The guide is divided into sections. You should read section 1 What is kinship care? whatever your circumstances because it is relevant to all kinship carers. You can use the diagram on page 7 to work out what sort of kinship carer you are, and then refer to the most relevant of the following sections 2 – 7.

The chart on page 40-43 summarises the main features of different types of kinship care. You will find this helpful to make comparisons, but you should refer to the relevant sections of the guide for more detailed explanations.

On page 52 you will also find a section on helpful organisations which can give you further information.

<sup>1</sup> Estimate from the Family Rights Group cited in Saunders H and Selwyn J (2008) Evaluation of an informal kinship care team, Adoption and Fostering, Summer Vol 32: 2 pp 31-42

# 1. What is kinship care?

This section of the guide explains what is meant by kinship care and why it is important for so many children. It also describes some of the issues which you are likely to face as a kinship carer, to help you think about what is best for you and for the child you are caring for, and any support you may need.

Kinship care is the care, nurturing and protection of children who are separated from their parents or whose parents are unable to provide that care and support. Instead this care is provided by grandparents, siblings, aunts, uncles or other relatives, godparents, step-grandparents, or other adults who have a relationship with or connection to the child. This may be a permanent arrangement or temporary, formal or informal.

## Who is a kinship carer?

You are a kinship carer if you are looking after the child of a relative or friend on a full time basis, whether this is a temporary or permanent arrangement. Kinship care is probably more common than you think: there are estimated to be between 200,000 and 300,000 children living with kinship carers in the UK. The biggest group of

### Did you know?

Kinship carers are often referred to as family and friends carers or connected people, especially in official documents and council policies. It means the same thing, so don't let that confuse you. In this guide we've generally used the term kinship carers.



kinship carers are grandparents, but there are many others including older brothers and sisters, aunts and uncles, more distant relatives, family friends and neighbours.

Kinship care can be arranged in a number of ways, some of which are informal and others which involve legal orders, so the circumstances of kinship carers can vary quite a lot. It's important that you understand the implications of different legal situations as you may have choices to make and the responsibilities you have – and the support provided – varies.

Kinship care includes children who may be:

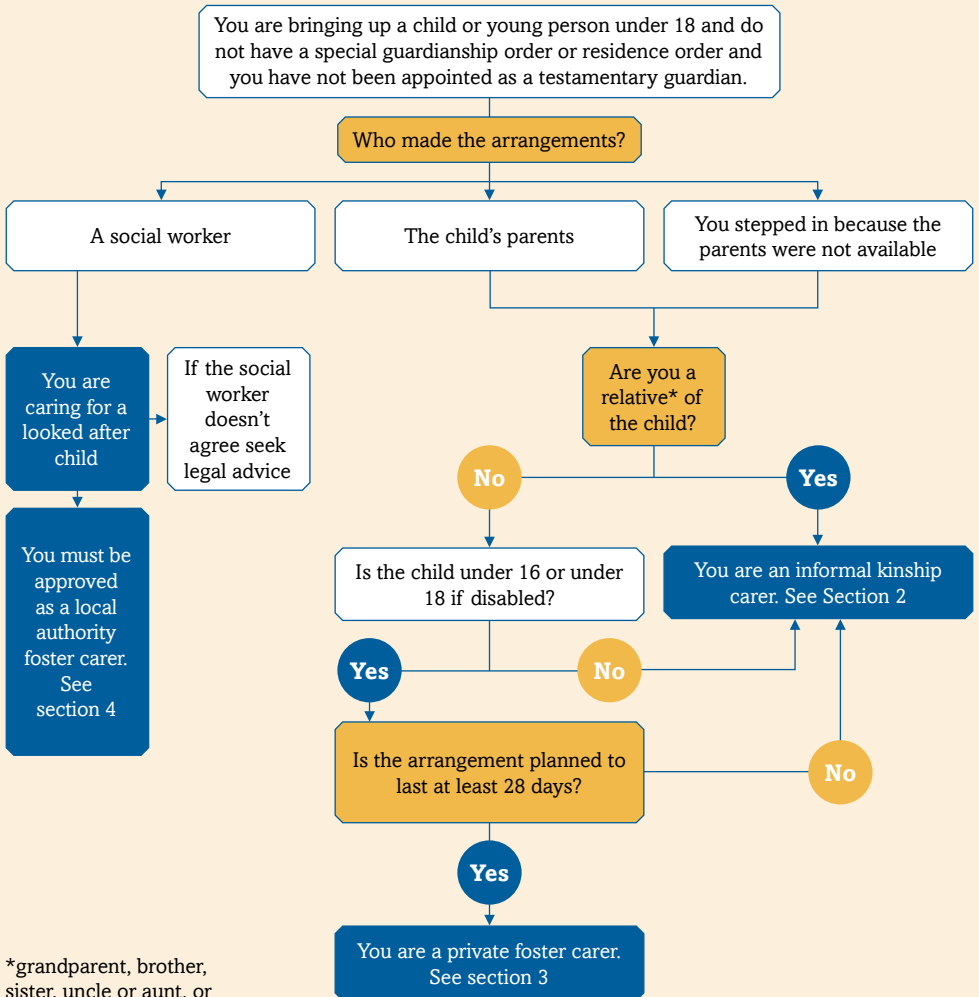
- Living in informal arrangements made by their parents with a close relative – or by default, for example because a parent has died or has abandoned the child.
- Living with 'private foster carers'.
- Looked after by the local authority (often known as 'in care') and placed with kinship foster carers.
- On a residence order or special guardianship order granted by a court.
- In arrangements which are planned to lead to adoption by a relative or friend.
- Living with testamentary guardians when a parent has died.

These different arrangements are all explained in detail in the following sections of this guide.

As circumstances change it is quite possible that the type of kinship carer you are might also change. For instance, you might be an

informal kinship carer but then the child becomes 'looked after' by the local authority, and you become their kinship foster carer. In due course you might apply for a special guardianship order and become the child's special guardian. These are all different ways of being a kinship carer.

## What sort of kinship carer are you?



\*grandparent, brother, sister, uncle or aunt, or step-parent of a child



## The benefits of kinship care

Children go to live with kinship carers because they are unable to live with their own parents. This could be for a short period, such as because a parent is ill, or working away or in prison. In other circumstances the arrangement could be planned to last until the child is old enough to look after themselves, perhaps because their parents don't have the parenting skills to bring them up properly or they have abused or neglected the child. Sometimes kinship care arrangements are made because a parent is struggling to cope with a child's disability or difficult behaviour, or a teenager falls out with their parents and goes to live for a period with a friend's family. Or children might go to live with kinship carers because their parents have died or they have been abandoned.

Usually the arrangements are made privately between the parents and the kinship carers, although if there are concerns about the child's welfare, a social worker may be involved.

There are clear benefits to both children and their carers from keeping children within their family network. Carers often say the rewards of caring are enormous for them, and they would make no other choice but to step in when needed. Even so, many children who go to live with kinship carers have had a very difficult start in life, and their behaviour is often greatly affected by past experiences. Children who have witnessed parental alcohol or substance misuse, physical or mental ill health or death, domestic violence or separation and divorce, or who have been abused or neglected, may be withdrawn, unhappy, or exhibit inappropriate behaviour. They may have had experiences that take a long time to get over, making it difficult for them to settle into a new family and to start to trust adults.

In a survey of grandparent kinship carers by Grandparents Plus the most common

One grandparent kinship carer told Grandparents Plus:

*"He has seen so much and it has affected him greatly, he struggles in school and has had a lot of difficulty interacting with other kids and learning in general... It has been a tough few years for him and us."*

*Recognition, Respect, Reward (Grandparents Plus, 2009)*

reasons given for taking on the care of grandchildren were parental drug or alcohol abuse (47%) and child abuse or neglect (28%), followed by the mental or physical illness or disability of a parent (16%), death of a parent (14%) and domestic violence (15%).<sup>2</sup> Other reasons given were difficulties between a parent and child, parental abandonment, poverty, a parent being very young, and the child's disability. Frequently more than one of these factors were given as the reasons for the arrangements. So if one or more of these problems has affected your family, you are certainly not alone!

The benefit of kinship care for vulnerable children who cannot live with their parents is that the kinship carers can build on their existing relationship with the child to help them to feel loved and cared for, helping them to grow up as normal, happy children. Kinship carers often have a special investment in the children which helps them to stick with things through difficult periods, whilst staying within their wider family can be much less disruptive for children than living with non-relative foster carers and helps to minimise the child's sense of loss and to retain their sense of identity.

Children will usually find it easier to form attachments to a kinship carer than to someone they did not previously know, and it is usually possible for them to keep in contact with their parents and other family members, even when they have been

<sup>2</sup>What if we said no? (Grandparents Plus, 2010)



through traumatic experiences. Sometimes it is also easier for children to explain their situation to their friends without it causing difficulty – ‘living with grandparents’ may sound more normal than ‘in foster care’ for instance.

## Children’s views

Most children want their birth parents to be supported to care for them, or if necessary to live with members of their extended family, rather than to become looked after by the local authority. Three quarters of young people consulted by the Children’s Rights Director for England felt that families should be given a chance to suggest other ways of looking after children before they go into care.<sup>3</sup> Even when they do have to become looked after, about half of young people think that they should be placed with someone from their own family.<sup>4</sup>

*“My gran, she’s 100 per cent; she’s been our rock and kept the whole family together. If it wasn’t for her we’d probably all be separated and not grown up together... I wouldn’t be the stable person I am today if it wasn’t for my gran.”*

*Quoted in Kith and Kin: kinship care for vulnerable young people (Broad et al, 2001)*

*“I was placed in my aunt’s care at the age of 14 and it was the best thing that happened to me in terms of support and stability. The main issues were the lack of local authority support and the need to constantly fight for help.”*

*Young person in informal kinship care speaking to the All Party Parliamentary Group for Looked after Children and Care Leavers, June 2012. Courtesy of the Who Cares? Trust.*

<sup>3</sup> Care Matters: Young people’s responses (DFES, 2007)

<sup>4</sup> Planning, Placement and review: A report of a children’s consultation to the DCSF by the Children’s Rights Director for England (2009)

## Being a kinship carer

You will no doubt get a lot of satisfaction out of being a kinship carer, but it won’t always be easy! One of the biggest challenges is that very often things happen in a hurry at a time of family crisis, when you don’t have much time to think through all the implications but you know you need to step in to help. You might be taking on young children late at night because their mother has been admitted to hospital, or a social worker might have asked you to care for the children because they are considered at risk if left at home.

*“Oh God, there has been a lot of satisfaction. I mean, certain things that the children do make me feel so special. Don’t get me wrong, we do have our ups and downs but at the same time the children can make me feel so special and I love them. That makes up for everything else.”*

*Too Old to Care? (Grandparents Plus, 2011)*

There will be lots of things you need to know and, as explained in the following sections of this guide, these will vary according to the nature of the kinship care arrangement. The local services available and the support which you may receive also varies widely according to where you live, so it is important that you understand which circumstances apply to your situation. Sometimes you have to shout loudly to get the support you need, and so this guide will help you to understand what your local authority should do, as well as your rights and those of the children you are caring for.

There are some challenges which you are likely to face whatever your situation, and these are described on page 10. First though, you need to know about family group conferences.

## Family group conferences

Children's services – which are often still referred to by their old name of social services – are encouraged to make use of family group conferences to help families to work out how children can be kept within their extended families when they aren't able to live at home. The conferences are best held as early as possible in the process when children's services are first concerned, but are also useful if a child becomes looked after by the local authority, particularly if there are court proceedings.

### Did you know?

A new six month time limit is being introduced for care proceedings and this means it's even more important for kinship carers to be considered early on, before legal proceedings actually start.

Family group conferences should involve the child concerned as well as members of the network of extended family and friends who can contribute to making plans for the child. They are chaired by an independent person but the family members are the main decision makers, although the local authority may set boundaries on what needs to be taken into account.

Local authorities should include information about arrangements for family group conferences or similar family meetings in their family and friends care policy (see page 16), so that should explain whether a conference might be available to help your family.

Further information about family group conferences is available from the Family Rights Group website:

**<http://frg.org.uk/involving-families/family-group-conferences>**

## Challenges faced by kinship carers

As a kinship carer you can expect to face quite a few challenges. It's not easy to step in and care for someone else's child and you need to be ready to face difficulties which may arise. This section describes some of the challenges – hopefully they will not all apply to you, but you should know that you are not alone if they do.

### Family relationships

Bringing up children isn't the same as visiting them in their own home or having them on a sleepover, and you may not know them as well as you think. There might be things which have been kept from you, such as domestic violence or child abuse, which have affected the child's behaviour and emotional wellbeing. Kinship carers need to be aware of the complexities of caring for another family member's child and the impact that this may have on family relationships. The child's needs must always be put first, and it's not always easy to do this.

Although there are lots of benefits of a child remaining within their family network, kinship care arrangements can also be a source of difficult family relationships. Especially where social workers have been involved, parents may feel resentful of the kinship carers or simply not understand why they cannot care for their own children. The children may not understand why they are unable to live with their parents, and can even get caught up in the middle of a difficult relationship between the adults.

*"I was also having to, like, referee between my auntie and my mum. They was always trying to get me on their side. I felt like I could never please one or the other. I was glad to get out of it."*

*Young man brought up by his aunt and uncle, quoted in 10 Top Tips on Supporting Kinship Placements (H Argent, BAAF 2009)*

If a child who is formally looked after by the local authority is placed with kinship foster carers and their parent undermines what is written in the placement plan, this can make it very difficult for the carers to do what is expected of them by the local authority.

It is often the case that parents of children in kinship care have separated and formed new partnerships or remarried, so that several family units all have a role to play in the child's life – the mother's family, the father's family, and the kinship carers. Relationships between all these people can be tense at the best of times, and it can be a real challenge for kinship carers to manage the inter-relationships and to make sure that everyone remains focused on what is best for the child. Sometimes grandparents have to accept that in order to step in and do their best for their grandchildren their relationship with their own adult children is irrevocably damaged.

It is not surprising that kinship carers often feel very disappointed and angry towards parents who they regard as having let down their own children and this in turn can make relationships harder to manage, especially for grandparents.

*“He sort of fantasises about his mummy. He’s got X boxes and all sorts of things at his mummy’s house... And then he goes on about his dad and his dad can do anything, his dad can make things and build things and I just say, ‘Yes love, I know.’ He’ll learn in time.”*

*Too Old to Care? (Grandparents Plus, 2011)*

However, kinship carers may find that their wider family networks are a source of real strength and support, and that other family members may be willing to look after children from time to time to give them a break.

*“We all manage together because two of the [step] daughters are close at hand and they think the world of our granddaughter and sometimes she has a sleepover with them...our granddaughter had never really been brought up as an only child because she has been brought up with her cousins.”*

*Too Old to Care? (Grandparents Plus, 2011)*

## Contact

Coming to terms with their past and their family relationships is very important for children in kinship care, and contact can help with this if it goes well. However, if adults fall out about the purpose of contact it can be hard to keep the focus on the needs of the child rather than the parents and others. Managing contact is problematic to some degree or other for most kinship carers. In one survey seven out of ten kinship carers said that helping children to cope with parental contact was one of the biggest challenges facing them.<sup>5</sup> Sometimes this means helping children to cope with bitter disappointments, such as when a parent appears to lose interest in them.

*“The strange thing was she can’t even rely on her biological dad. She was seeing her dad and her other nana and they just seemed to lose interest which we don’t understand because she’s such a lovely girl. It is hard for her.”*

*Too Old to Care? (Grandparents Plus, 2011)*

Another common problem faced by kinship carers arises when the court has made an order which gives a parent contact with their child, but the carer disagrees about the kind of contact that should take place. Sometimes the child themselves does not want contact. Kinship carers have to support the children

<sup>5</sup> Relative Experience: issues and challenges for kinship carers (Grandparents Plus, 2013)

and adults to make contact a positive experience for the child, but sometimes they also need to protect children from confused messages and potential harm by parents.

*“We’ve tried to keep as amicable as it can be with his mum, but the boyfriends are a worry. They have all been pretty grim, usually alcoholics or something.”*

*Too Old to Care? (Grandparents Plus, 2011)*

When contact and relationships are difficult, family mediation services may be able to help but this is often far from straightforward because, unlike divorce cases, the parent-carer relationship is not one between two adults with equal rights and responsibilities regarding the child. The child may have suffered significant harm, so careful judgements have to be made, which parents may not always accept. The goal of mediation is agreement, which can be difficult to reach where one party may be mentally ill, or addicted, or may disagree with legal decisions made against them. There are times when kinship carers may judge that they have to challenge a court order regarding contact, or they may become involved in court proceedings started by a parent or a local authority. Contact difficulties can give rise to a series of court hearings, significant legal fees, and considerable emotional strain.

*“The court has said my granddaughter should have about six hours a week with her mum. She likes to see her mum and wants her mum to go round the shops and buy makeup and stuff like that but she won’t. For us to go there it’s more than a bus ride each way. The place is dirty and my daughter and her new boyfriend both drink and smoke. I have to stay there and button my lip.”*

*Too Old to Care? (Grandparents Plus, 2011)*

If you are involved in court proceedings you will need legal advice – see section 9.

For looked after children placed with kinship foster carers, the placement plan agreed with the social worker will include contact arrangements, but the difficulties of putting the plan into action can be just the same as for other kinship carers.

In the modern digital world, contact can mean so much more than meeting face to face or communicating by letter or phone. Whatever formal contact arrangements we make for children, we must understand that other forms of contact may be taking place. Mobile phones, social networking, instant messaging, the internet, Skype, online gaming and many other forms of communication have opened up whole new ways of remaining in contact with family and friends. Often children understand these better than us adults! You can find out more about managing contact through social media from publications listed in the further reading section.

### Age and health

Many kinship carers are older than the average parent and in poorer health, and this can pose challenges in itself. It’s important to consider how long the kinship care arrangement might last, and whether you will be able to carry on caring for the child until they are able to return home or live independently. Sometimes kinship carers are just needed to help for a few days or a few weeks, or to provide a series of breaks for the parents to help them to manage in the long run. In other circumstances the plan could be for the child to remain with you until they are old enough to manage independently.

Plans are not always clear from the start and you might be anxious about discussing these with the parents in case it makes things difficult. But for the sake of the child you need to understand how everyone is

*“My health is good. There’s an upside to having the children, it keeps you young, it keeps you active. I think health wise I’m pretty fit, but then 66 these days is no age.”*

*Too Old to Care? (Grandparents Plus, 2011)*

thinking and to be clear that you are in a position to take this on. If the child is being placed with you by the local authority as a kinship foster carer, there will be a written care plan which will make timescales clear and which will be kept under review.

Caring for a child is physically and mentally demanding, and children coming into kinship care often have greater needs than the average child of their age. A significant number have special educational needs or disabilities. Are there other family members who would be willing to help you out sometimes, especially if you are older? Kinship carers sometimes find themselves managing quite difficult behaviour which might well include things they haven’t experienced before, such as acting out, depression, inappropriate sexual behaviour, or criminal activity.

*“I’ve had a lot of emotional problems with my grandson since his mum died. He was very hard hit because he was closest to his mum. He’s very angry all the time. Me and my husband, no matter what we do, we’re always in the wrong. It’s very sad listening to him at times, you think you’ve got through to him and it just flares up again.”*

*Too Old to Care? (Grandparents Plus 2011)*

Depending on the circumstances you should discuss with members of your family, the child’s parents and others, what arrangements might be needed if you become unable to continue caring. Someone else may need to take on your role. You may

be able to make informal arrangements, or if you are a special guardian you will be able to appoint a testamentary guardian in your will.

## Did you know?

Grandparents Plus’ Support Network provides an opportunity to meet other kinship carers in a similar situation, either one-to-one or part of a local group. The charity also runs workshops in partnership with others to address many of the behavioural challenges you face. Find out more on their website.

## Finance and lifestyle

It can be hard to take on children once you have retired and settled into a quieter way of life, but you may be employed or still in education and feel that you have to give up your job or your studies to care for the children. Either way you have to make big decisions which you may not have anticipated and these could also cause financial difficulties for you. In some circumstances financial help may be available, as explained in the following sections of this guide.

*“You don’t have a retirement. You don’t go off on coach trips and holidays. Financially you haven’t got spare cash because you are spending it on school uniforms and bus passes, education.”*

*Too Old to Care? (Grandparents Plus, 2011)*

*“I was just 18 years old when I took on the responsibility for my younger sisters who were 12 and 15 years old at the time. I had to grow up fast. I was responsible for things like our finances and some of my friends fell away because my life was so different.”*

*Sibling carer, Blog for Grandparents Plus, (4 December 2012)*

## Other caring responsibilities

In a survey by Grandparents Plus, three in 10 kinship carers also provided help for a partner, older relative or neighbour – nearly half for more than five hours per day.<sup>6</sup>

Taking on children at the same time can clearly be a real challenge, especially when the arrangement is to keep two or more brothers and sisters together.

The arrival of a child or children, especially when it happens in an emergency, can often have a major impact on the lifestyle of the family. This is especially true for carers who had regarded their child rearing days as over – or some way into the future. Caring for children can mean that your social life disappears overnight. Suddenly you have different interests, or no spare time or insufficient money to socialise or maintain your leisure interests.

### Did you know?

Local authorities have the power under section 17 of the Children Act 1989 (see ‘children in need’ on page 20) to give financial assistance towards housing costs where they assess this as the most appropriate way to safeguard and promote a child’s welfare, although given their limited resources this power is likely to be used only in the most exceptional of circumstances.

## Accommodation

Lack of suitable accommodation is another challenge often faced by kinship carers, especially older carers who have downsized and suddenly find that they have insufficient living and sleeping space, or those who already have children living in the household. Living in cramped conditions may be manageable for a short period, but it can easily add to the pressures of caring for a child. For those living in social housing, policies of housing departments should

recognise the needs of kinship carers, and wherever possible kinship carers should be given priority to move to more suitable accommodation if this will prevent the need for a child to become looked after by the local authority.

## Things to consider

Whether you are already a kinship carer, or are just thinking about it, there are a lot of things you should consider to help you to make the right decisions both for the child and for you. We’ve already explained about some of the challenges you might face. Here’s a list of some things to think about and some questions you may want to ask yourself or other people:

- **What do you know about the needs of the child or children you are going to care for?** Is anyone else such as a social worker or health visitor involved and concerned about the child’s welfare? If so, how will they provide care and support for the child?
- **Who will support you?** It will be helpful to try to think from the start about what support you will need to meet the child’s needs, and where you might get this. Friends, neighbours and family can all be a great source of help, and there are also support networks and information sources for kinship carers (see section 10). There are also services which are available to all children or to those with particular needs. There is a list of some of these on the Grandparents Plus website advice pages.
- **What about emotional support?** You need to consider your own needs too if you are going to do the best you can by the children. It’s important that you care for yourself and keep yourself fit and healthy emotionally as well as physically. The Support Network run by Grandparents Plus provides an opportunity to contact other kinship carers in a similar situation, one-to-one, by

<sup>6</sup>Giving up the Day Job? (Grandparents Plus, 2011)



putting you in touch with local groups, or through regional events. You can find out more on their website.

- **What is your motivation?** You might have thought very carefully about becoming a kinship carer, or everything may have happened in a big rush. You may have lots of complicated emotions, such as feeling responsible, angry, or that you have no real choice but to help. None of these feelings are wrong, but if you are clear about why you are offering to help it will enable you to make better informed decisions. You can still say no if you have weighed it all up and you feel this isn't the right choice. Only you know the right decision for you.
- **How will being a kinship carer affect family relationships?** You should think about how your new role will affect your own and the child's relationship with their parents, as well as with other family members. How will your own children feel about someone else joining the household? How will the child react to their grandparents taking on a parental role?
- **What is the long term plan?** If you agree to take the child for a short period, might this turn into a long term commitment? Are you clear about for how long the child will need care, and are you in a position to meet that need?
- **What is the legal position?** As this guide explains, there are different legal situations in which you can be a kinship carer, some of which involve court orders. This can be quite confusing but there are important differences including your rights and responsibilities, the decisions you are able to make, and the support you are entitled to. If you are unclear about anything or in doubt about what to do you should seek legal advice.

## Did you know?

If you have been with your employer for more than a year and are caring for a child who

- is under five, or
- was placed with you for adoption less than five years ago, or
- who qualifies for disability living allowance

You may be entitled to up to 18 weeks unpaid parental leave.

This only applies if you have parental responsibility, or are applying for a legal order that will grant you parental responsibility (so does not apply if you are a foster carer).

- **How will you manage contact arrangements?** Can contact be free and easy, or will it need to be organised and supervised by someone? Where will it take place? Who will pay for travel and other expenses? How will the inevitable conflicts be managed and supported?
- **What about my age and health?** It is sensible to think about your age in relation to that of the child, and the long term plans. Think also about your health and how you would manage if it gets poorer. Will you be able to go on providing care for as long as it is needed, and are there others who will be able to help you or to take over if necessary?
- **Will you have to give up your job?** If you are caring for a child you have the legal right to ask your employer for flexible working, which might include working part-time or as a job share, or working longer hours over fewer days or working from home. Your employer must hold a meeting with you to discuss your request. They do not have to agree to your request but they must give you reasons why not.

- **How will you manage financially?** Work out how you will be affected by any loss of income from employment and whether you will be eligible for any benefits or other financial support which might help to cover any loss (see section 8). Consider what it might cost to provide for any child you are caring for and whether you can manage this without financial help. Parents remain responsible for maintaining their children, but very often kinship carers do not receive any financial support from parents.
- **How will being a kinship carer affect your life?** Think about the ways in which caring for a child will affect the way you lead your life, and any changes you will need to make. Do you have other caring responsibilities to fit in? Are you prepared to make any necessary sacrifices to your social life and outside interests? Consider who might be able to help you with any childcare you need, and if necessary how you will find out about other issues that are important when you are bringing up a child, such as the education system and social networking.
- **Might you need respite?** Sometimes you might need a bit of a break. This might be possible if, for instance, the child can sometimes spend a day, a weekend or a short holiday with their parents or with another family member. Could the child take part in children's activities such as brownies or scout camps that would be a way for you to have a break while the child has fun with other children? There's nothing wrong with needing respite, and it might make all the difference to being able to carry on, but you should always try to put the child's needs first. Respite works best if the child goes somewhere they enjoy being, so that they don't feel pushed around.
- **Do you have sufficient accommodation?** Bear in mind that

you may need more space as children get older, such as when they can no longer share a bedroom or need room to do homework. How might you get help with bigger accommodation if this is a problem?

## Parental responsibility

Whatever the circumstances in which you are a kinship carer, you need to understand what decisions you are able to make and what rights the child's parent has. The law talks about 'parental responsibility' (or PR), which means all of the rights, duties, powers, responsibilities and authority which a parent has in relation to a child and his or her property. Parents only lose parental responsibility if their child is adopted. They share PR with the holder of a residence order, special guardianship order or care order (as explained in the relevant sections of this guide) but in practice this is very limited and they would have to go to court to challenge decisions of a kinship carer. So even if you have agreed with a parent to care for their child you will not have parental responsibility unless you have a residence order or special guardianship order. This can make everyday decisions difficult if you do not have a good understanding with the parent or you need to get hold of them to sign consent forms for medical treatment or school trips etc.

If you are a kinship foster carer the local authority will identify in the placement plan who can make which decisions. It's usually referred to as arrangements for 'delegated authority'.

## Family and Friends Care policies

As well as explaining some of the legal issues of being a kinship carer, the policy is there to help you to understand what is available locally to support you and how the council will make decisions if you



ask them to provide services. You may be struggling to find out what is available locally to meet children's needs, including day care, children's centres, schools and colleges, health services and leisure and youth services.

### Did you know?

Every local authority which is responsible for children's services has to have a policy which says how it will promote and support the needs of children living with kinship carers. If there is more than one council where you live, this will be the county council. It might be known as the family and friends care policy or the kinship care policy. You should expect to find the policy on the council website, but if you have difficulty finding it you should ask the council for a copy.<sup>7</sup>

<sup>7</sup>Refer to the policy required by paragraph 4.2 of the Family and Friends Care Statutory Guidance for Local Authorities issued in 2011.

The policy should also provide information about support for children with specific needs, such as special educational needs or mental health difficulties. It should explain things such as what support groups are available, the arrangements for holding family group conferences, the eligibility criteria for any financial or practical help, how people are assessed to become kinship foster carers, and how to make a complaint.

*"My best friend's mum took me on for two months. More needs to be done to support those people who want to support children. Local authorities and government need to tell people what they are entitled to or not so they can make an informed decision."*

*Care leaver speaking to the All Party Parliamentary Group for Looked After Children and Care Leavers, June 2012. Courtesy of the Who Cares? Trust.*

### Key points: kinship care

- Kinship carers play a very significant role in caring for children who cannot live with their parents
- There are various types of kinship care, ranging from informal arrangements through to looked after children living with kinship foster carers
- Different types of kinship care bring different rights, responsibilities and opportunities for support
- Family group conferences can be a useful way of helping extended families to make arrangements for children's care, and it's increasingly important for them to be held early in the process
- Kinship carers may face additional challenges to parents
- You should try to enter into being a kinship carer with the best available knowledge of your rights, and with your eyes open to the challenges
- You should seek advice from one of the organisations listed in this guide as early as possible, and preferably before seeking any legal order
- The support and services available to kinship carers varies locally
- Local family and friends care policies should inform you about local services to help you as a kinship carer

## 2. Informal kinship care

**This section of the guide is about kinship care when parents make their own arrangements for a close relative to care for their child, or when a close relative steps in without obtaining a legal order and the child is not looked after by the local authority.**

By 'close relative' we mean the child's grandparent, brother, sister, uncle or aunt (including people who are such relatives by half blood, marriage or civil partnership), or step parent. That's because this is the definition of relative given in the Children Act 1989. If you fit into this category you are what is referred to in this guide as an informal kinship carer.

### Case study

Peggy has been sharing the care of her two grandsons Alex and Ross for the last four years. Ross is fourteen and Alex is fifteen and they are now both living with their grandmother. Their mother has leukaemia and has periods in out of hospital. Even when she is out of hospital she finds running a home very tiring. Peggy and her daughter have a good relationship and feel that it is less disruptive for the boys to be with their grandmother. Peggy feels that applying for a legal order is unnecessary and would upset her daughter. In any case the boys are approaching an age when they can make decisions for themselves. Peggy is living on her pension and the boys' mother gives her money from her benefits to help with the costs of food and other day to day expenses for the boys.

When parents make similar arrangements with a more distant relative or a family friend this comes under the heading of private fostering, unless the child is aged 16 or 17 and is not disabled (see section 3).

### How are the arrangements made?

Informal arrangements are made between the parents (or someone else who has parental responsibility) and the relative – not by the local authority. The child is not looked after by the local authority. It could be that the parents ask the relative to care for the child because of difficult circumstances, or the relative offers to help because they feel that the parents are unable to cope, or the parents are dead or otherwise unable to provide care – such as because they are in hospital or prison. Sometimes there isn't a clear agreement as such. For instance, children may have been staying with their grandparents and their parent fails to return to resume their care.

It is particularly important to get advice because whether or not the child is considered as being or having been 'looked after' will affect the financial and practical support you may receive.

### What are the rights and responsibilities of parents?

Parents still have parental responsibility and are responsible for financial support and decision making about their child, so they can intervene at any time. They can delegate day to day decision making to the kinship carer but will have to consent to major decisions such as medical treatment (except in an emergency), schooling, and foreign travel. They can decide whether or not the kinship care arrangement should continue.

## Did you know?

If a social worker was involved in making the arrangements for the child to live with you, it could be that the child is actually 'looked after' by the local authority even if they've since said they were just helping to make an informal arrangement between you and the child's parents. If the child is in fact looked after by the local authority you must be assessed, paid and supported as a foster carer. This is a complicated area of law so if you are in any doubt about whether or not it is an informal arrangement, you should seek legal advice as soon as possible. For further information about legal advice see section 9.

## What are the rights and responsibilities of informal kinship carers?

Informal kinship carers have a responsibility to safeguard and promote the child's welfare, but they can't override the wishes and rights of the child's parents. If you are an informal carer without a legal order, you might want to consider a legal order to obtain parental responsibility.

### Case study

Bethan has been bringing up her six-year-old granddaughter since the death of her mother three years ago. Her daughter died without making a will.

"Even now I haven't got parental responsibility for my granddaughter. Because I did try to apply and they said I would have to go through court and they told me roughly how much it's going to cost, so I just left it."



## Is approval needed?

No approval is needed to be an informal kinship carer – it is up to the parent to decide that the arrangements are suitable for their child. There will not usually be a social worker involved, but if for any reason the local authority thinks that services may be necessary to safeguard or promote the child's welfare they might assess whether or not the child is a 'child in need'. (see below).

## How long does the arrangement last?

Informal kinship care arrangements can be ended whenever the parent decides and without notice, or if the kinship carer is no longer willing to continue. It doesn't matter how long you have cared for the child, their parent can still resume care without giving you notice.

## What are the arrangements for supervision and review of the arrangement?

None – this is entirely an arrangement between the parents and the kinship carers. Even if a social worker were involved to give support, they are not responsible for supervising or reviewing the arrangements.

## What support is available?

The services which are available to all children, and to children with specific additional needs, are available to support children in kinship care.

If you need help you should consider asking children's services for this. There may be additional support available to informal kinship carers if the children they are caring for are assessed by children's services to be 'children in need' (see below).

## Children in need

A child can be assessed (usually by a social worker) as being in need if without the provision of services they are unlikely to reach or maintain a reasonable level of health or development, or their health or development would be significantly impaired. Disabled children are also children in need. If you feel that the welfare of a child you are caring for is at risk, or that their development is being held back because they are not getting enough support, you can ask for them to be assessed as a child in need. To do this, contact your local children's services department. The details should be in the local family and friends care policy. If you request an assessment under section 17 the local authority should either undertake an assessment or explain to you why the child does not meet the criteria. You can make a complaint if you are unhappy about their decision.

Family support services provided under section 17 could include practical support as well as advice, guidance and counselling,

## Did you know?

Local authorities have a duty to safeguard and promote the welfare of children in their area who are 'in need' and to promote their upbringing by their families (which includes kinship carers). They do this by providing a range of 'family support services', which are sometimes referred to as 'section 17 support' because they are provided under section 17 of the Children Act 1989. However, section 17 support is discretionary and there is no automatic entitlement. If you feel that you or the child you are caring for are eligible for a service that is not being provided you can consider making a complaint to the local authority.

perhaps relating to managing difficulties with contact or behavioural problems arising from earlier childhood experiences.

Financial assistance can also be given under section 17 to help kinship carers of children in need, either to help with one-off costs such as buying a bed when a child is taken into the family, or on a regular basis where there is financial hardship which means that the child might otherwise need to become looked after by the local authority. Eligibility criteria for receiving support under section 17, including financial assistance, should be included in the local authority's family and friends care policy (see page 16). The criteria usually take account of the carer's financial circumstances, and funds are usually limited meaning that support – particularly financial support – is likely to be restricted to those in particularly difficult circumstances.

The law does not limit the family support services or financial support which can be provided under section 17, but in practice local authority budgets are tight and you will need to make a strong case for why you need support for the child you are caring for.



If you are unsure about whether or not you should qualify for help, seek legal advice. You may also find it helpful to talk to your local councillor or your MP.

If you feel that you may be unable to continue to care for a child without further support, you can ask for help under section 17. Think about what in particular would make a real difference. It could be some advice and guidance, a bit of financial support, or something practical. Maybe the child would benefit from some particular leisure activities or after school care, or you desperately need a holiday together or some respite.

If professionals are particularly concerned that a child for whom you are caring is at risk of harm they may call a child protection conference to discuss what further action might be necessary. You should be invited to attend the case conference. It might be decided that the child should be subject to a 'child protection plan', which sets out what everyone concerned will do to protect the child and promote their welfare – or they may be on a child protection plan when they

come to you. This used to be referred to as 'being on the child protection register'. Child protection plans are kept under review to make sure that the child remains safe without any change of plan.

## What benefits are available?

Informal kinship carers can generally claim the same benefits and financial help as parents. For more information see page 44.

### Key points: informal kinship care

- The arrangements are made between the child's parents and the kinship carers
- A social worker did not place the child, although might be offering some support and guidance
- The child is not looked after by the local authority
- The kinship carers do not have a legal order, do not have parental responsibility and cannot overrule the parents' wishes
- The parents can end the arrangement at any time
- Services and support are available on the same basis as for all other children
- If the child is assessed as a child in need, family support services and/or financial assistance might be provided if criteria are met

## 3. Private fostering

This section of the guide is about kinship care by someone who knew or was connected with the child before they started to care for them, but is not the child's grandparent, brother, sister, uncle or aunt (including people who are such relatives by half blood, marriage or civil partnership), or step parent. This usually means more distant relatives or family friends, but it can include the unmarried former partner of a parent. Unless the child is disabled, private fostering only refers to children under 16. Kinship carers of 16 and 17 year olds who are not disabled are informal kinship carers rather than private foster carers (see section 2).

Private fostering is an arrangement which lasts (or is intended to last) for a continuous period of more than 28 consecutive days, although occasional short breaks do not affect the continuity.

### How are the arrangements made?

Private fostering arrangements with kinship carers are made in the same way as informal kinship care arrangements – that is directly between the parent and the private foster carer rather than by the local authority (see page 18). In the same way as for informal kinship arrangements, if the local authority was involved in making the arrangement then legally this may in fact be a placement of a looked after child, in which case you will need to be assessed, paid and supported as a local authority foster carer (see section 4).

### Case study

Jade is looking after Courtney, six and Sean, three, whilst their mother Susan is in prison serving a twelve week sentence for shoplifting. She has been a close friend of Susan since they were at school. Susan did not expect to receive a custodial sentence and so had made no plans for the children beyond Jade looking after them for a few days while her case was being heard.

As the arrangement is going to last for more than 28 days Jade needs to inform children's services that she is looking after Courtney and Sean, otherwise she would be breaking the law. She is entitled to receive any relevant benefits for the period she is looking after the children. Jade can make day to day decisions on behalf of Susan, but major decisions such as a school application or holiday abroad needs to be agreed by their mother.

### What are the rights and responsibilities of parents?

Parents have a duty to notify the local authority that they are arranging for their child to live with a private foster carer. They still have parental responsibility and are responsible for financial support and decision making about their child, so they can intervene at any time. They can delegate day to day decision making to the private foster carer but will have to consent to major decisions such as medical treatment (except in an emergency), schooling, and foreign travel. They can decide whether or not the private foster care arrangement should continue.



## What are the rights and responsibilities of private foster carers?

Anyone who is going to care for a child as a private foster carer has to notify the children's services department of the local authority where they live at least six weeks in advance, or immediately if the arrangement is made with less than six weeks notice. There are regulations which list the information which must be provided, which includes information about the child and their parents, and the planned duration of the arrangement.<sup>8</sup> The local authority also has to be informed of any changes of circumstances, and when the arrangement ends.

Information about private fostering should be included in the local family and friends care policy (see page 16) and the local authority may also have an information leaflet explaining how to notify them about a private fostering arrangement.

The carers have a responsibility to safeguard and promote the child's welfare, but they can't override the wishes and rights of the child's parents.

### Is approval needed?

Once you notify the local authority that you have become a private foster carer, they will arrange for a social worker to visit you and also to meet the child. You do not need to be formally approved as a foster carer, but the social worker will assess whether the arrangements appear satisfactory. This will include consideration of whether you have a relevant criminal record, the standard of accommodation, who else lives in the household, arrangements for contact with parents, education, and health. The social worker will also visit the child's parents as part of their assessment.

<sup>8</sup> The Children (Private Arrangements for Fostering) Regulations 2005

### Did you know?

You have to notify your local authority if you are going to become a private foster carer.

A privately fostered child can also be assessed to be a child in need and provided with services under section 17 (see page 20).

### How long does the arrangement last?

Private fostering arrangements can be ended whenever the parent decides and without notice, or if the carer is no longer willing to continue. It doesn't matter how long you have cared for the child, their parent can still resume care without giving you notice.

If you think there are strong reasons why it would be better for the child to stay with you rather than return to their parents, you should consider applying for a residence order or special guardianship order to formalise the arrangement. (See sections 5 and 6 of this guide).

### What are the arrangements for supervision and review?

The social worker is required to visit the child you are privately fostering at least every six weeks during the first year, and then at least every 12 weeks after that. If they are concerned about the standard of care you are providing, the local authority can take legal action to prevent you from continuing as a private foster carer.

### What support is available?

The social worker should give you advice and support to help you to care for the child. The services which are available to all children, and to children with specific additional needs, are all available to support children in private foster care.

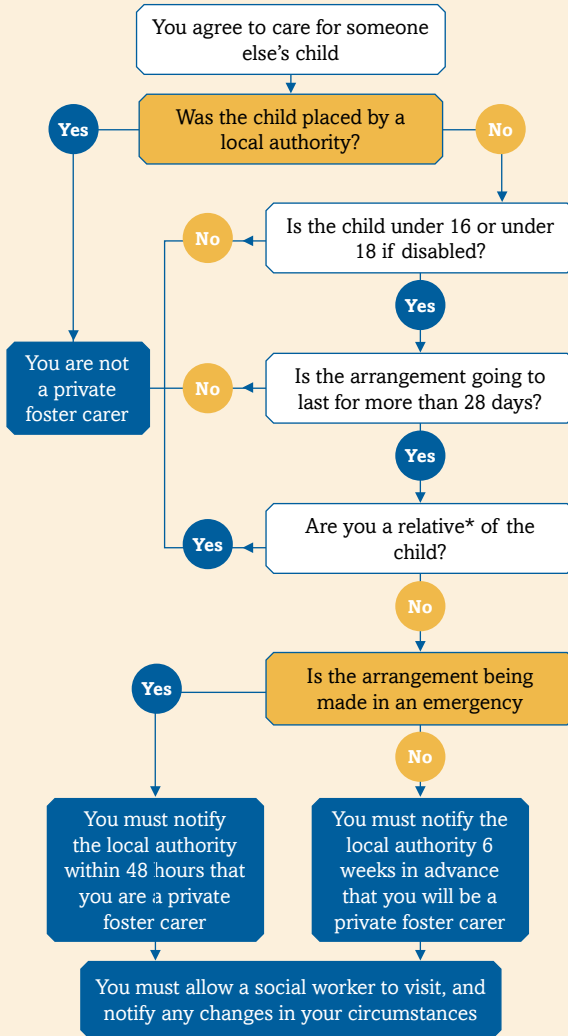
Children who are privately fostered may also be assessed as children in need and provided with section 17 support, as explained on page 20, but you need to remember that this is at the discretion of the local authority.

## What benefits are available?

Private foster carers can generally claim the same benefits and financial help as parents.

For more information see page 44.

### Steps in private foster care



\*Relative means grandparent, brother, sister, uncle or aunt, or step-parent

### Key points: private fostering

- If the kinship carer is not a close relative, the arrangement is likely to be private fostering
- Private fostering is an arrangement between the parent and the private foster carer
- Parents can end the arrangement at any time
- The private foster carer does not have parental responsibility
- The local authority does not approve private foster carers, but it does have to assess the suitability of the arrangements
- A social worker will pay regular visits
- A privately fostered child may also be assessed as a child in need and provided with support services



## 4. Looked after children and kinship foster carers

This section is about children who are 'looked after' by the local authority – often known as being 'in care'. Most children in kinship care are not 'looked after' but some are. It is important to know about it as it will affect the situation and the support available to you and the child you are caring for.

### Did you know?

There are two main ways in which a child (someone under 18) can become looked after:

They are accommodated (cared for) by the local authority at the request of their parents, or with their parent's agreement, under section 20 of the Children Act 1989, or

They are subject to a care order made by a court under section 31 of the same act.

All of these children are known as looked after children.

Local authorities must apply to court for a care order or a supervision order if they have good evidence that the child is at risk of significant harm if an order is not made. Significant harm is the threshold that justifies compulsory intervention in family life in the best interests of the child. The local authority must investigate if they have reason to believe that a child is suffering significant harm, or is likely to do so. There may be evidence of ill-treatment or the impairment of physical or emotional health or development, which includes sexual abuse or neglect. Factors which might

place a child at risk of significant harm include chronic family deprivation, parental substance misuse, and poor standards of parenting, but it is up to the local authority in partnership with others such as doctors and the police to determine whether or not court proceedings are necessary to protect the child's welfare.

### Case study

Fifteen months ago Paulette became the full time carer of her three nieces aged seven, eleven and thirteen. Her younger sister was no longer coping on her own after moving away from her local neighbourhood to escape a violent relationship, and was abusing drugs. The local authority agreed to 'accommodate' the girls and Paulette was approved as a foster carer by children's services in the town where the girls live and moved into a flat found by them. She receives allowances as a foster carer, the support of a social worker and has attended training courses for foster carers; including help with the challenge of parenting looked after children. However she has not received any respite. The girls' behaviour has improved significantly in Paulette's care and their mother is meeting targets set for her to become fully drug free. The girls are now spending more time with mum with a view to returning home in the next few months. Financially, Paulette has struggled because she was unable to continue working and found the fostering allowances insufficient to cover the cost of clothing and outings she felt were necessary for three very demanding children.

## Did you know?

There are over 7,300 looked after children in England living with kinship foster carers.<sup>9</sup>

## How are the arrangements made?

When a child is 'looked after', the local authority has to decide what placement is the most appropriate to meet the child's needs. When considering what placement is most suitable for a looked after child the law requires the local authority to give preference to a placement with a family member or friend who is approved as a foster carer, but there are other factors also to take into account. If you are to care for a child who is looked after you must be approved as a kinship foster carer to do so.

When a local authority places a child with you, they are a 'looked after child' whether this is with the agreement of the parent or there is a care order in force. If the authority for whatever reason says the child should stay with you but does not arrange a fostering assessment, you should request it. If no assessment takes place, the placement may be regarded by the local authority as an informal kinship care arrangement and they may not support the child further, despite the evidence of risk that led to the placement. This is a complicated area of law so if the local authority was involved in making the placement, you should seek legal advice as soon as possible. This could have major implications for your entitlement to financial and practical support. For further information about legal advice see section 9.

You could suggest that a child should become looked after by the local authority and placed with you as their foster carer,

<sup>9</sup> Department for Education Statistical First Release, Children Looked After by Local Authorities in England, – year ending 31 March 2012, table A3

but that should only happen if the local authority is satisfied that this is necessary to safeguard and promote the child's welfare. A child should never have to become looked after just as a means to give you practical or financial support, because that support can be provided anyway if it is necessary in the child's interests. In practice however kinship carers often find it difficult to get the help they need and you may need advice to make sure you are getting this.

If a child is placed with you in a crisis, there clearly is no time to complete a full fostering assessment first. In exceptional circumstances the local authority can, after some initial enquiries, give you temporary approval as a foster carer for up to 16 weeks to allow time for a full foster carer assessment to be completed. This is often called a 'regulation 24 approval' although the regulations call it 'temporary approval of a connected person'. Occasionally this temporary approval can be extended by another eight weeks, but no longer. Alternatively the local authority may decide that it is better to place the child short term with already approved foster carers while they assess your suitability.

## What are the rights and responsibilities of parents?

When a child is 'accommodated' under section 20 and placed with you as a kinship foster carer, parental responsibility is retained by their parents. The local authority works in partnership with the child's parents but cannot override their wishes, although they will negotiate agreement to day-to-day arrangements and decision making.

Parents also retain parental responsibility in respect of children who are on a care order, but they share this with the local authority. This means that the local authority is able to make most decisions about the child even if the parent does not agree, although they must take parents' views into account and try to work with their support.

## What are the rights and responsibilities of kinship foster carers?

Just like other foster carers, kinship foster carers never have parental responsibility.

The local authority is responsible for the care of a looked after child even though you are providing this care as a kinship foster carer. All foster carers have to sign a foster care agreement which clarifies their role and responsibilities as well as the support they will be given by the fostering service. They have to care for a foster child as if they were a member of their own family, and promote the child's welfare. Foster carers are expected to work with others such as social workers, teachers, and health workers to provide the best possible care and support to the child.

### Did you know?

Foster carers are required to agree to and sign a placement plan, so you should be involved in drawing this up. Usually a meeting is held for this purpose. The placement plan is very important because it says how you are expected to care for the child, as well as what other people will do to support you in this. It also records the arrangements for education and good health, and contact arrangements with the child's birth family.

An important element of placement plans is the record of arrangements for delegated authority. This sets out what decisions can be made by you or need to be referred to the social worker or parent. The principle should be that foster carers are able to make the same sort of daily decisions that they would make about their own child, such as going on school trips, having a sleepover with friends, or having a haircut. Sometimes however parents are not willing to delegate

decision making to the foster carers, so every placement plan will be individual to the child and their circumstances.

Foster carers are expected to undertake training which will help them in their work, and also need to demonstrate how they meet national training, support and development standards. These standards have been specially adapted for kinship foster carers, and the fostering service should provide support for kinship foster carers in meeting them.

## Is approval needed?

You must be assessed and approved as a local authority foster carer. There are regulations which govern how this is done,<sup>10</sup> and it is a thorough process which usually takes several months to complete. You should be provided with information about the assessment process so that you know what is expected of you and how you will be assessed, including the criteria to be used and the support to be offered to you during the assessment process.<sup>11</sup> Nobody has the right to be a foster carer.

Before they start the assessment the local authority will need to collect some information about you and your family to see if there are any major obstacles to your becoming a kinship foster carer. Sometimes they call this a 'viability' check. If you offer to become a kinship foster carer but the local authority decides not to assess you for this, you can ask for the reasons in writing, and you may want to take legal advice. Fostering services must also have complaints systems.

During the formal assessment the assessing social worker will get to know you, your skills and your family makeup, and you will learn more about the role of a foster carer. You need to have a medical and to provide a minimum of two referees, and a check

<sup>10</sup> The Fostering Services (England) Regulations 2011

<sup>11</sup> Fostering Services: National Minimum Standards 30.6, Department for Education 2011



will be made to see if you have a criminal record – although this will not necessarily prevent you from becoming a foster carer. The assessment will focus on the skills and experience you are likely to need to care for the particular child you want to foster, taking account of national standards set by the government. You may be surprised by how thorough the assessment has to be. Kinship carers sometimes feel that this is intrusive, but it is important to understand that local authorities have a duty of care to the children they look after. You should find the assessment useful in making sure that you are properly informed and prepared for your role as a foster carer.

When the assessment report is completed this will be considered by a fostering panel and you will be able to read the report and attend the panel. You can take a supporter if you wish. The panel makes a recommendation about your approval to the fostering service's 'decision maker', who is a senior manager in children's services. If the decision maker thinks that you should not be approved, they will send you something called a 'qualifying determination' saying this and you will be given 28 days to object or to apply for a review of your application by the independent review mechanism (IRM). The IRM is able to review fostering applications where a qualifying determination has been issued and makes its own recommendation to the fostering service, which the decision maker must take into account in reaching their final decision.

## Did you know?

Before ending the placement of a looked after child with a foster carer the local authority must hold a child's case review and take account of your views, unless there is an immediate risk of significant harm to the child or of serious injury to anyone. Case reviews are often called 'looked after reviews'.

The law requires a person's approval as a foster carer to be reviewed at least every 12 months. You will be involved in this process, and feedback will also be sought from the child you are caring for and from social workers who have worked with you.

## How long does the arrangement last?

The placement plan should set out how long the fostering placement is expected to last, and this will depend on the child's circumstances. It could be just for a few weeks or until the child turns 18. If the child is accommodated under section 20 (see page 25) the parent could ask for them to be returned home at any time, so the placement would end unless the local authority took court proceedings to prevent this. Otherwise the local authority can end the placement with you if they feel that it is no longer the most appropriate place for the child to live.

If a kinship foster placement is a long term one and there are no plans for the child to return to the care of their parents, children's services may want you to apply for a special guardianship order (or a residence order or even an adoption order) so that you have parental responsibility. This may also be what you want. If one of these orders were granted this would mean that the child would no longer be looked after by the local authority, and any care order would automatically come to an end. Even if you agree that this is a positive step you should not feel pushed into anything, especially as

this has implications for the support you would then be entitled to receive. Before applying for an order you should always seek legal advice (see section 9).

A foster carer can resign at any point by giving 28 days written notice.

## Are the arrangements supervised and reviewed?

Every foster carer is allocated a 'supervising social worker' whose job it is to provide support and supervision, and to make regular visits.

Every looked after child has a care plan which brings together everything that the foster carers and different professionals need to do for the child. You should be involved in drawing up the care plan and when it is reviewed, and have a copy. The child's social worker oversees how the plan is carried out and must visit the child regularly to see that the placement is still meeting their needs. The frequency of visits varies according to circumstances but is usually at least every six weeks.

The social worker is responsible for managing the relationship between the local authority and the child's parents, and should support you in any difficulties you may have with your own role in this. They will also co-ordinate the provision of services to support the child, such as life story work to help them to understand what has happened to them, and any therapeutic intervention.

## What support is available?

Your supervising social worker is the immediate source of support to you as a kinship foster carer. They should make sure that you have all the information you need to provide appropriate care which meets the child's needs, and provide advice and guidance about the fostering task. This could mean discussing different approaches to a child's challenging behaviour, or helping you

to understand how to put into practice the policies that the fostering service is required to have. Fostering services also have a range of training available to help foster carers and you should have access to this in the same way as all other foster carers. There may be additional training specifically to meet the needs of kinship foster carers, and you should have access to a support group that meets your needs as a kinship foster carer.

### Did you know?

The Department for Education has issued National Minimum Standards which should be met by all fostering services. Standard 30 describes the support which kinship foster carers should be given. If you are a kinship foster carer you should make sure you know what this says.<sup>12</sup>

Fostering services should also provide support outside of office hours.

You should expect the child's social worker to give you feedback when they visit the child and to discuss with you how things are going and to help you with any difficulties you are having. Although their role is to focus on the child's needs, they should also provide support to you and the child and help you to understand any difficulties the child has and how best to respond to these.

## What financial support is available?

Foster carers cannot claim child benefit for the fostered child but there may be other benefits you can claim, usually depending on your income. Section 8 gives more information about benefits available to foster carers.

<sup>12</sup>Fostering Services National Minimum Standards, Department for Education 2011

Local authorities are responsible for the maintenance of looked after children, and they may ask for a contribution from parents.

The local authority must pay you an allowance which is at least the national minimum fostering allowance set by the Department for Education every year.<sup>13</sup> The minimum rate varies according to the child's age and whether you live in London, the south east or the rest of England. The allowance has to be sufficient to cover the full cost of caring for the child who is placed with you, and must be reviewed by the local authority annually. Kinship foster carers must be paid the same rate of allowance as other foster carers.

Most local authorities have, in addition to fostering allowances, a scheme to pay fees to foster carers in certain circumstances to reward foster carers' time, skills and commitment. There is no obligation to have a scheme for fees, but the fostering statutory guidance and national minimum standards say that where this does exist it should not discriminate against kinship foster carers. Criteria for fees vary and may depend on completing training, being available for emergency placements, or many other factors. If local authorities do not pay their kinship foster carers the same payments and allowances as other foster carers they may leave themselves open to legal challenge. If you think this is happening to you, you should seek legal advice.

You should be given a written statement every year which explains the policy regarding payments to foster carers including the criteria for payment and current rates.

<sup>13</sup><http://www.education.gov.uk/childrenandyoungpeople/families/fostercare/b0071246/infoforcarsers/nma>

<sup>14</sup><http://www.hmrc.gov.uk/individuals/foster-carers.htm>

## Did you know?

HMRC has a scheme of 'foster care relief' which means that fostering payments below a threshold agreed annually are exempt from income tax.<sup>14</sup> This means that most foster carers do not pay income tax on fostering payments.

## Key points: looked after children

- Children may be looked after by the local authority by agreement with their parents or as a result of a court order
- Kinship carers who are caring for a looked after child must be approved as foster carers, and approval is reviewed annually
- Foster carers do not have parental responsibility
- Foster carers have a supervising social worker who also provides ongoing support
- Kinship foster carers are entitled to receive the same fostering allowances and fees as are open to other foster carers for that local authority
- Care has to be provided in line with the child's care plan and the placement plan
- Arrangements for delegated authority set out which decisions can be made by the foster carer
- The child's social worker should give support to the foster carer as well as to the child
- If you are granted a special guardianship order any care order is automatically discharged, and the child is no longer 'looked after'



## 5. Residence orders

This section of the guide concerns children about whom a residence order is made by the court. A residence order determines who the child will live with and gives parental responsibility to the person (or two people jointly) named in the order.

### Case study

Ann and Colin having been bringing up their ten-year-old grandson Jon with the agreement of his mother since he was four years old. Children's services have not been involved, but his mother's lifestyle involves heavy use of drugs and alcohol and she has been in a succession of violent relationships. Ann and Colin do not know where Jon's father (their son) is. They successfully applied to court for a residence order when Jon was six to give themselves parental responsibility and to prevent his mother from getting him to move back to her. Jon visits his mother regularly but she provides no financial support for him. They prefer not to challenge this.

### How are the arrangements made?

As a kinship carer you can apply to the family proceedings court or the county court for a residence order if you are:

- The child's guardian or special guardian
- The child's grandparent, aunt, uncle, brother or sister (including by half blood, marriage or civil partnership) or step parent, and the child has lived with you for at least a year

### Did you know?

Residence orders are going to be replaced by new child arrangement orders. If you are taking on the care of a child you should seek advice about which order is best for you.

- A local authority foster carer who has had the child placed with them for at least a year, or
- Anyone else with whom the child has been living for at least three years out of the last five.

You can also apply if you have the consent of:

- Anyone who already holds a residence order for the child
- The local authority, if the child is in their care, or
- Everyone else who holds parental responsibility.

You have to be 18 or over to apply, and an order cannot usually be made in respect of a child aged 16 or over.

Even if you are not covered by any of the above circumstances you can still make an application to the court for permission to apply for a residence order.

If you are considering applying for a residence order you should seek legal advice.

### What are the rights and responsibilities of parents?

Parents retain parental responsibility but share this with the holder(s) of the



residence order. They remain responsible for supporting the child financially, although in practice this may well not happen.

## What are the rights and responsibilities of kinship carers?

Holders of a residence order have parental responsibility for the child, although this is shared with the child's parents. As well as being responsible for the child's day to day care you are also able to make more significant decisions such as which school the child should attend and to give consent to medical treatment. You can take the child out of the country for up to a month, but would need the permission of everyone else with parental responsibility for longer periods. If someone else who has parental responsibility does not agree with your decisions they are able to apply to the court for an order to stop you.

A residence order does not enable you to change the child's surname, to appoint a guardian to care for them when you die, or to agree to place them for adoption or to be adopted.

## Is approval needed?

In deciding whether or not to make a residence order the court has to make the child's welfare its paramount consideration. It has to follow the 'welfare checklist' by taking into consideration the following points:

- The child's wishes and feelings
- The child's physical, emotional and/or educational needs
- The likely effect on the child of any change in circumstances
- The child's age, sex, background and characteristics
- Any harm which the child has suffered or is at risk of suffering
- How capable the parents, and any other person, are of meeting the child's needs
- The power of the court to make any other orders.

The court will usually ask for a welfare report to be prepared by someone from the Children and Family Court Advisory and Support Service (CAFCASS), or by children's services if they have been involved with the child.



## How long does the order last?

A residence order lasts until the child is 18, although before a change in the law some years ago residence orders were usually made to the age of 16. The court can vary or discharge an order before it is due to end. If a care order (or interim care order) is made in respect of the child, the residence order will end. A parent can apply to court to end an order.

## Are the arrangements supervised and reviewed?

There is no supervision or review of a residence order.

## What support is available?

There is no additional entitlement to support arising from the residence order, although if the local authority assesses the child as being 'in need' they may provide family support services (also known as section 17 support) – see page 20. This could include the cost of legal fees in connection with obtaining a residence order.

The local family and friends care policy (see page 16) should explain how to obtain further information and advice.

## What financial support is available?

For information about benefits see section 8.

Legally only a parent has responsibility for financially supporting their child, although in practice kinship carers often find they have to take this on because parents are unable or unwilling to take responsibility.

The local authority is not obliged to give you any financial help although it has the power to pay you a residence order allowance. This is more likely if the child was looked after by the local authority up to the time when the residence order was made, but even then there is no automatic entitlement. If



an allowance is paid it will usually be means tested and kept under review, so you need to be clear before applying for a residence order whether or not you will receive an allowance and what criteria will be used to review it.

## Key points: residence orders

- The child must usually have lived with you for at least a year before you apply to the court for an order, however you can still ask the court's permission to apply for an order in other circumstances
- The order lasts until the child is 18 although the court can end it earlier
- You share parental responsibility with the child's parents but can make most decisions
- There is no specific additional support available
- The local authority has the discretion to pay a residence order allowance but this will be means tested and reviewed

## 6. Special guardianship orders

In this section we look at special guardianship orders (SGOs), which are made by a court. In some ways they are similar to residence orders, but they give the special guardian(s) greater ability to make decisions about the child and they are also more likely to be assessed for support. The parents' rights are severely restricted although, unlike in adoption, they are not totally ended.

### Case study

Angela and Peter are special guardians for Callum who is their cousin's child, now aged three. They are also bringing up two of their own children. Callum was taken into care at birth because of his mother's drug dependency, and initially social workers' plan for him was that he should be adopted. Anne and Peter approached a solicitor for legal advice and successfully applied to Court to become Callum's special guardians. Although they were assessed by the local authority for financial support, they were not entitled to a discretionary allowance because they did not meet the financial threshold. However, the local authority agreed to provide four weekends a year of respite for the first three years because of Callum's special needs – he has epilepsy and foetal alcohol syndrome. This provides them with a break from the demands of a disabled child enabling them to focus on their own children.

### How are the arrangements made?

The circumstances in which you can apply for a special guardianship order are very similar to those for applying for a residence order. You can apply to the family proceedings court, county court or High Court if:

- You already have a residence order for the child
- You are the child's grandparent, aunt, uncle, brother or sister (including by half blood, marriage or civil partnership) or step parent, and the child has lived with you for at least a year
- You are a local authority foster carer who has had the child placed with them for at least a year, or
- The child has been living with you for at least three years out of the last five.

You can also apply if you have the consent of:

- Anyone who already holds a residence order for the child
- The local authority, if the child is in their care, or
- Everyone else who holds parental responsibility.

If you're not covered by any of the above circumstances you can still make an application to the court for permission to apply for a SGO.

If you have a residence order, you may wish to apply for a special guardianship order instead if you need additional powers to make decisions about the child, or if you want to receive an assessment to get additional support. If you are considering

applying for a special guardianship order, you should seek legal advice. Never feel under pressure just because it has been suggested to you by a social worker or anyone else; however an SGO will secure the child's placement with you. If you are fostering the child they cannot be removed from you without a review being held to consider the situation, unless there is immediate risk of significant harm to the child or of serious injury to others. You should contribute to the review discussion. In reality though when you are fostering the child the local authority has more power than you do. A local authority should not threaten to remove a child just because you are not willing to agree to apply for parental responsibility such as through a special guardianship order.

You have to be 18 or over to apply for a special guardianship order.

## What are the rights and responsibilities of parents?

Parents retain parental responsibility but share this with the holder(s) of the special guardianship order. However, they have very limited rights to be consulted about decisions concerning the child. Parents remain financially responsible for a child who is subject to a special guardianship order; although in practice the responsibility may fall on the special guardian.

## What are the rights and responsibilities of special guardians?

As a special guardian you gain parental responsibility and share this with the child's parents. However an important difference to the holders of a residence order is that special guardians can exercise parental responsibility to the exclusion of the parents. This means that you can make virtually all necessary decisions about the child, although you cannot take the child out of the country for more than three months, or

consent to the child changing their surname or being placed for adoption or adopted, without the consent of everyone with parental responsibility. You can appoint a testamentary guardian to be responsible for the child if you die before they are 18.

If someone else who has parental responsibility does not agree with your decisions they are able to apply to the court for an order to stop you, but if they keep on doing so and the court thinks that this is unreasonable they can prevent them from making further applications.

## Is approval needed?

Three months before you apply for a special guardianship order, you must give written notification to the local authority that you are going to do so. If the child is looked after by a local authority, then that is the authority to notify. Otherwise you must notify the local authority where you live. The local authority has to prepare a report for the court, so a social worker will need to visit you to discuss all the circumstances. The assessment process is very thorough and is similar to being assessed to become a foster carer. You may feel that this is rather intrusive, but it is an important step to give you parental responsibility so the court has to be sure that this is in the child's best interests. A social worker will assess your relationship with the child and your parenting capacity, and you will have to have a medical and supply two referees who will be interviewed.

### Did you know?

Grandparents Plus has a peer support network and a Facebook group you can use to make contact with others in a similar situation. They also provide a befriending service to put kinship carers in touch with others in a similar situation.

The court process is similar to obtaining a residence order, so in deciding whether or not to make a special guardianship order the court has to make the child's welfare its paramount consideration. It has to follow the 'welfare checklist' by taking into consideration the following points:

- The child's wishes and feelings
- The child's physical, emotional and/or educational needs
- The likely effect on the child of any change in circumstances
- The child's age, sex, background and characteristics
- Any harm which the child has suffered or is at risk of suffering
- How capable the parents, and any other person, are of meeting the child's needs
- The power of the court to make any other orders.

## How long does the arrangement last?

A special guardianship order lasts until the child is 18. You can apply to the court for the order to be ended before then, and in certain circumstances a person who has, or has previously had, parental responsibility can also apply to the court for this.

## Are the arrangements supervised and reviewed?

There is no supervision or review of a special guardianship order.

## What support is available?

If the child was looked after by a local authority when the special guardianship order was made then you, the child and the child's parents all have a right to require that local authority to make an assessment for providing support services. If the child was not looked after then the same people (and also your own children) can ask the local authority to assess for support services,

but the authority is not obliged to do so. The government guidance makes it clear that children who were not looked after should not be unfairly disadvantaged by this approach because in many cases the only reason that the child was not looked after is that kinship carers stepped in quickly to take on the responsibility for the child when a parent could no longer do so.

Just because an assessment is made, this does not necessarily mean that support will be provided. However local authorities are required to have a range of special guardianship support services available and these might include:

- Financial support
- Support groups
- Support for managing contact (which might be face to face, or passing on letters for example)
- Therapeutic services for children
- Training
- Help with special needs
- Respite care
- Counselling advice and mediation.

The family and friends care policy should explain what services are available locally (see page 16).

If you are unhappy about the outcome of an assessment for support you can make a complaint, talk to a councillor or your MP, or seek legal advice. Where support is provided, it is common for local authorities to review this every year.

### Did you know?

If a child was looked after by the local authority before you obtained a special guardianship order, they may be eligible for support between the ages of 16 and 21 as if they were a care leaver.

## What financial support is available?

In some circumstances the local authority may pay you a special guardianship allowance, if they feel that you should become the child's special guardian but would not be able to do so without financial support. This is more likely if the child was previously a looked after child and placed with you as a kinship foster carer, although you may not receive the same total level of payments which you did previously as a foster carer. In deciding how much to pay as a special guardianship allowance the local authority has to be guided by the fostering allowance it would have paid you if you were a foster carer. Many local authorities use the adoption financial support standardised means test, which is available on the Department for Education's website, for calculating special guardianship allowances as well as adoption allowances.

Allowances are usually means tested and kept under review, so you need to be clear from the start about what you will be paid and the criteria for review of the allowance. You should ask the local authority to put this in writing so that there is no doubt about this in the future.

You may sometimes be able to get help from the local authority with your legal fees in obtaining a special guardianship order when the child was previously looked after by them.

For information on benefits see section 8.



### Key points: special guardianship orders

- The child must usually have lived with you for at least a year before you apply to the court for an order, but even if they haven't you can still apply to court for permission to seek an order.
- You must notify the local authority three months before you apply for an order, and they have to prepare a report
- The order lasts until the child is 18 although the court can end it earlier
- You share parental responsibility with the child's parents but can exercise this without taking account of their views
- You can ask for an assessment for support services, and in some circumstances you have a right to this assessment
- Local authorities have to provide a range of support services, although these will have eligibility criteria
- You might be entitled to receive a special guardianship allowance, although this will be means tested and kept under review.

## 7. Adoption

**This section deals with the few occasions when adoption by kinship carers might be appropriate. Usually a special guardianship order is more appropriate because adoption legally and permanently changes family relationships. For example, when a child is adopted by their grandparents they then legally become the child's new parents, and the child's birth mother becomes their sister.**

### Case study

Melanie took on the care of her nephew Simon when he was just six months old, following the death of both parents in a car accident. Melanie was just 18 at the time and initially received support and financial help from her own parents, but she began to worry about Simon's future. As soon as she was 21 she applied to adopt Simon. A social worker investigated the circumstances on behalf of the court and recommended that Simon should be adopted by Melanie as he had been brought up by her from such a young age. The court granted an adoption order. Melanie didn't feel that she needed any further support at this stage.

### How are arrangements made?

You can apply to adopt a child if you are their grandparent, aunt, uncle, brother or sister (including by half blood, marriage or civil partnership) or step parent, and the child has lived with you for at least three years out of the last five. If you are a local

authority foster carer you can apply to adopt a child who has been placed with you for at least a year. You must have the consent of the child's parents or be able to obtain the court's approval to dispense with consent.

If you are thinking of adopting a child who is placed with you as a local authority foster carer, this must be consistent with their care plan. You should discuss this carefully with the social worker, and never feel under pressure to adopt without considering the consequences of taking on parental responsibility. You should seek legal advice before doing anything.

### Did you know?

You have to be at least 21 to apply for an adoption order.

### What are the rights and responsibilities of birth parents?

An adoption order completely breaks the link between the child and their birth parents, and parental responsibility transfers completely and permanently to the adopters. However many adoptions are 'open' in that the child – and sometimes the adopters – remain in regular contact with the birth parents. Otherwise birth parents may be able to trace their children who have been adopted once they turn 18, and vice versa.

### What are the rights and responsibilities of adopters?

Once you adopt a child you become legally their parent(s) in every respect and can exercise parental responsibility in the same way as any other parent, including



appointing testamentary guardians to care for the child if you die before they are 18.

## Is approval needed?

You must give the local authority where you live written notice that you intend to apply to court for an adoption order, and a social worker will need to prepare a report for the court.

## How long does the arrangement last?

Adoption is a permanent, lifelong arrangement and an adoption order cannot be revoked. However adoptions do sometimes break down and children may then become looked after.

## Are the arrangements supervised and reviewed?

A social worker will be responsible for ensuring that the child's welfare is met from the time you give notice that you are going to apply to adopt until the order is granted. After that the arrangements are not supervised or reviewed.

## What support is available?

Local authorities are required to have a range of services available to support people affected by adoption, and you can ask to be assessed for these services. The services for which you are entitled to be assessed depends on your circumstances, but there are more of these if you are adopting a child who was a looked after child (referred to as an 'agency adoption' in the regulations).<sup>15</sup>

## What financial support is available?

If you adopt a looked after child whom you have been fostering you may be entitled to an adoption allowance from the relevant local authority. This may not be as much as

you were previously receiving as a foster carer because it will be means tested and kept under review, and may be time limited. Many local authorities use the adoption financial support standardised means test, which is available on the Department for Education's website, for calculating allowances.

### Key points: adoption

- Adoption is a permanent arrangement which transfers all parental responsibility to the adopters
- It makes the adopter the child's legal parent and therefore changes all other family relationships
- It may be appropriate for adopted children to keep in contact with their birth families
- There are a range of services to support adopters and adopted children
- If you adopt a looked after child you may be able to claim an adoption allowance.



<sup>15</sup>Regulation 5, The Adoption Support Services Regulations 2005

## Different forms of kinship care

The purpose of this table is to highlight the key features of different forms of kinship care, to help you to make comparisons which may inform your decision making. It is important that you should refer to the relevant sections of the guide for full information.

	Informal kinship care	Private fostering	Kinship foster care
<b>How are the arrangements made?</b>	You must be the child's grandparent, brother, sister, uncle, aunt or step-parent. You make the arrangement yourself with the child's parent; it is not made by the local authority.	You are not the child's grandparent, brother, sister, uncle, aunt or step-parent. You make a private arrangement with the child's parents which you intend to last for more than 28 days.	Also known as family and friends foster care. The child is 'looked after' by the local authority, which wants to place the child with you and so must approve you as a foster carer.
<b>Do the arrangements have to be approved?</b>	No	Arrangement assessed by the local authority and may be prohibited if considered unsuitable.	If the child is looked after by a local authority you must be assessed and approved as a foster carer even if you are a relative. Temporary approval is sometimes given in an emergency.
<b>How long do the arrangements last?</b>	As long as you and the parents agree. It may be ended by either party without notice.	As long as you and the parents agree. It may be ended by either party without notice.	As long as the local authority decides it is in the child's best interests, and you agree to go on caring.
<b>Are the arrangements supervised and reviewed?</b>	No	Regular visits by a social worker, and the local authority may also undertake formal reviews.	Regular visits to the child by a social worker, and reviews of their care plan. Foster carers supervised by a social worker and approval reviewed annually.
<b>What are the rights and responsibilities of kinship carers?</b>	May do what is reasonable to safeguard or promote the child's welfare.	Must notify the local authority that they are a private foster carer. May do what is reasonable to safeguard or promote the child's welfare.	Never have parental responsibility, and responsibility for planning the child's care remains with the local authority. Responsibilities set out in a foster care agreement and placement plan.



Residence Order	Special Guardianship Order (SGO)	Adoption
Often the child will have been living with you for some time and you want to formalise the arrangement and take on parental responsibility. Or you may want to secure children with you in an emergency situation. You apply to the court for an order.	The child may have been living with you for some time, or have been placed with you following care proceedings, and you want to take on parental responsibility. You apply to the court for an order.	Usually the child will have been living with you for some time and you want to legally take over all responsibility from the parents. You apply to the court for an order. You need the consent of the parents, or to show the court why they should dispense with this.
The court decides.	The local authority has to assess your suitability but the court decides.	The local authority has to assess your suitability but the court decides.
Until the child reaches 18, unless varied or discharged by the court before then.	Until the child reaches 18, unless varied or discharged by the court before then.	Adoption is a permanent lifelong arrangement.
No	No	A social worker supervises until the adoption order is made, but not thereafter.
Parental responsibility shared with parents.	Parental responsibility shared with parents, but the special guardian is able to make virtually all decisions about the child unless the court overrules them.	Adopters take on all the rights and responsibilities of the parents, as if the child had been born to them.

	Informal kinship care	Private fostering	Kinship foster care
<b>What are the rights and responsibilities of parents?</b>	Retain parental responsibility and financial responsibility to maintain the child.	Retain parental responsibility and financial responsibility to maintain the child.	Parental responsibility remains with birth parents unless the child is subject to a care order, in which case the local authority also has parental responsibility and can limit the decisions which are made by parents.
<b>What support is there?</b>	No special entitlement.	Must notify the local authority that they are making a private fostering arrangement. Social worker may give support. Local authority may assess child as a child in need and provide support under section 17 of the Children Act 1989.	Support to meet child's needs, including a health plan, personal education plan, contact plan and placement plan. Young person may be entitled to leaving care support services.
<b>Is there any financial support?</b>	Local authority may assess child as a child in need and provide support under section 17 of the Children Act 1989. Treated as parents by the benefits system plus guardians allowance in some circumstances If local authority assesses child as a child in need it has discretion to make one off or regular payments under section 17.	Treated as parents by the benefits system plus guardians allowance in some circumstances If local authority assesses child as a child in need it has discretion to make one off or regular payments under section 17.	Training, advice and practical support for foster carers. You cannot claim child benefit, child tax credit or guardian's allowance. Fostering allowance to meet the costs of caring for the child. Some fostering services pay a fee to recognise the carers' skill, experience and commitment.

Adapted from Annex A to Family and Friends Care: Statutory Guidance for Local Authorities (Department for Education 2011)

Residence Order	Special Guardianship Order (SGO)	Adoption
<p>Parental responsibility shared by parents and the holder of the residence order.</p>	<p>Parental responsibility shared with the special guardian, but the special guardian is able to make virtually all decisions about the child unless the court overrules them.</p>	<p>When an adoption order is made the birth parents lose parental responsibility altogether and are no longer related to the child.</p>
<p>No special entitlement.</p>	<p>If child was 'looked after' prior to making the SGO, local authority must assess need for support services although it has discretion whether to provide.</p>	<p>Adopters entitled to assessment for support services, which may be provided at the local authority's discretion.</p>
<p>Local authority may assess child as a child in need and provide support under section 17 of the Children Act 1989.</p> <p>Treated as parents by the benefits system plus guardians allowance in some circumstances</p> <p>Local authority has discretion to pay a residence order allowance in some circumstances. Any allowance is likely to be means-tested and reviewed annually, so may be stopped if your circumstances change.</p>	<p>A young person may be entitled to leaving care support services if they were a 'looked after' child prior to the making of the SGO.</p> <p>Treated as parents by the benefits system plus guardians allowance in some circumstances</p> <p>Treated as parents by the benefits system plus guardians allowance in some circumstances</p> <p>Entitled to an assessment for financial support if the child was 'looked after' prior to the order being made and meets certain criteria.</p> <p>Regular or one off payments are possible, but any allowance is likely to be means-tested and will be reviewed annually so may be stopped if your circumstances change.</p>	<p>Benefits paid as for any other parent, and you are entitled to an assessment for financial support if the child was 'looked after' prior to being adopted.</p> <p>Subject to an assessment, one off payments or a regular adoption allowance may be paid. Any allowances will be reviewed annually so may be stopped if your circumstances change.</p>

## 8. Welfare benefits and other sources of financial help for kinship carers

Becoming a kinship carer can place a significant strain on household resources. You will inevitably face increased expenses. At the same time, your income may reduce because you have to give up work, reduce your hours and/or draw on savings. This section gives some basic information about the benefits you may be entitled to claim and other help you can get because you are raising a child or because you are living on a low income.

Entitlement to some benefits depends on your income and/or savings. It's worth noting that if you receive a fostering, special guardianship or residence order allowance it will be ignored as income when you apply for these means-tested benefits.

The welfare benefits system is currently going through a process of major changes. For up-to-date information check Grandparents Plus' website. For advice on your own situation including benefit entitlements and other sources of financial support, contact their advice service on 0300 123 7015.

### Benefits if you are raising a child

Kinship carers are generally entitled to the same benefits as parents although the rules are different for foster carers.

#### Child benefit

Child benefit is paid to people who are bringing up a child aged under 16 or a young person aged under 20 who is in full-time non-advanced education. Only one person can be awarded child benefit for a particular child.

The child's parent is allowed to keep claiming child benefit as long as they pay it to you for the child's upkeep. However, if you want to receive the money directly you will have priority because the child is living with you. If there are competing claims, you may have to wait longer for a decision about your claim.

You can get child benefit regardless of your income. However, if you or your partner have an individual income of more than £50,000 a year, you may have to pay extra tax which will offset some or all of the child benefit.

If you are receiving a fostering allowance for a child, you cannot claim child benefit for them.

**You can get a claim form by phoning the child benefit office on 0300 200 3100. You can download a form from [www.hmrc.gov.uk/childbenefit](http://www.hmrc.gov.uk/childbenefit).**

#### Child tax credit

If you are on a moderate or low income you can claim child tax credit for any child who normally lives with you unless you are being paid a fostering allowance for them. If a parent is also claiming, your claim will have priority if you have the main responsibility for the child.

You can get child tax credit whether or not you are working. Payments depend on your family circumstances and income. If you live with a partner you must make a joint claim.

You can claim for a child or a young person up to the age of 20 as long as they are in full-time non-advanced education or on an approved training course. You can get extra child tax credit for a child who is getting

disability living allowance (DLA) or is registered blind.

You can check if you qualify for child tax credit and how much you should get by using the online questionnaires at [www.hmrc.gov.uk/taxcredits](http://www.hmrc.gov.uk/taxcredits).

**For an application form phone the tax credit helpline on 0845 300 3900.**

Between October 2013 and April 2014, new claims for tax credits will be phased out and replaced by universal credit – see page 48.

### Guardian's allowance

You may be entitled to guardian's allowance if you qualify for child benefit for a child whose parents have died.

Sometimes you can get guardian's allowance if only one parent has died. For example, if:

- the other parent's whereabouts or paternity are unknown
- the parents were divorced or their civil partnership has been dissolved and the other parent isn't paying maintenance
- the surviving parent is in prison or is detained in hospital by a court order.

**You can get more information and an application form from the guardian's allowance helpline on 0300 200 3101 or from the HMRC website at [www.hmrc.gov.uk](http://www.hmrc.gov.uk).**

### Benefits if you are looking after a disabled child

Research shows that it costs three times as much to raise a disabled child (Source: Dobson and Middleton – Paying to Care: the cost of childhood disability 1998) and families with a disabled member are more likely to be living in poverty.

### Disability living allowance (DLA)

If you are raising a child with a disability or long term health condition, it's well worth

### Did you know?

For people over the age of 16, DLA has now been replaced by a Personal Independence Payment (PIP).

applying for DLA because it can make a big difference to your family's income.

DLA has two parts – the care component and the mobility component. A child may qualify for one or both parts. You can claim for a child with a physical disability, learning disability, or behavioural or mental health problems – even if they don't have a diagnosis. What matters is the impact of their condition on their care, mobility and supervision needs.

DLA is not means-tested or treated as income for other benefits. You can apply for DLA even if you are a foster carer.

An award of DLA can help you to qualify for additional benefits or for extra amounts of means-tested benefits and tax credits. If someone in your household gets DLA you will be exempt from the 'benefit cap'.

When you are filling in the claim form make sure you include as much information as you can about your child's needs. Any information provided by a professional involved with your child's care may also help. The form is long and can be off-putting to complete, but give as much detail as possible – it may increase your chance of getting the benefit.

**You can get a DLA claim form from the benefits enquiry line 0800 88 22 00 or download one from [www.gov.uk/dla-disability-living-allowance-benefit](http://www.gov.uk/dla-disability-living-allowance-benefit).**

**Contact a Family – a national charity supporting the families of disabled children – may be able to put you in touch with local help to complete the form. See [www.cafamily.org.uk](http://www.cafamily.org.uk) or phone its helpline on 0808 808 3555.**

## Carer's allowance

If you are caring for a child who is getting the middle or higher rate of disability living allowance and you are not working (or working part-time and earning below £100 a week) you may be able to get carer's allowance.

You may also be able to get carer's allowance if you are caring for a disabled adult.

In some cases, you may not be able to receive carer's allowance because you are getting another benefit, such as the retirement pension or contributory employment and support allowance. Even so, making a claim for it might allow you to get extra amounts in other benefits such as pension credit, income support and housing benefit.

The rules about benefits for carers are complicated – you can contact Grandparents Plus' advice service on 0300 123 7015 or your local citizens advice bureau for advice on your particular situation.

**You can claim carer's allowance online or download a form at [www.gov.uk/carers-allowance](http://www.gov.uk/carers-allowance) or phone the carer's allowance unit on 0845 608 4321.**

## Benefits if you are not working

### Income support

Income support is a means-tested benefit for people of working age. You may be entitled if you are bringing up a child aged under 5 on your own. You can also get it if you are a single foster carer or if you are receiving carer's allowance.

If you get income support you will have to attend work-focused interviews if you are raising a child aged between one and five (or a foster child aged between one and sixteen). These interviews are intended to help and encourage you to keep in contact with the

employment market and eventually to begin full-time work.

If you get income support you will be entitled to housing benefit, council tax support and other help – for example, with health costs and free school meals. If you have a mortgage you can get help towards your interest payments (usually after 13 weeks).

**To claim income support phone 0800 055 6688 or download a form at [www.gov.uk/income-support](http://www.gov.uk/income-support).**

Between October 2013 and April 2014 new claims for Income Support will be phased out and replaced by universal credit – see page 48.

### Jobseeker's allowance (JSA)

JSA is a benefit for people who are unemployed or working less than 16 hours a week and who are actively looking for work. If you are raising a child on your own you must be available to work as many hours as your caring responsibilities allow and for at least 16 hours a week. If the child is under 13 you can restrict the hours you are available to their normal school hours.

JSA is a benefit in two parts:

- Contribution-based JSA is paid at a flat rate for the first six months you are unemployed if you have paid enough national insurance contributions
- Income-based JSA is means-tested. Entitlement depends on your financial circumstances. You can't get income-based JSA if your partner works for 24 hours a week or more. If you have a mortgage, you may be able to get some help towards your interest payments (usually after 13 weeks)

**To claim JSA phone 0800 055 6688 or claim online at [www.gov.uk/jobseekers-allowance](http://www.gov.uk/jobseekers-allowance).**

Between October 2013 and April 2014 new claims for income-based JSA will be phased out and replaced by universal credit – see page 48

## Employment and support allowance (ESA)

If you cannot work because of an illness or disability, you may be able to claim ESA.

There are two types of ESA:

- contributory ESA, which you can get if you have paid enough national insurance contributions (for some people this is time-limited)
- income-related ESA which is paid if your income and capital are low enough.

Initially you will have to show you cannot work by providing medical certificates from your GP. During the first 13 weeks of your claim, you will usually have to have a number of tests which, together, make up what is called the work capability assessment.

**To make a claim, phone 0800 055 6688 or download a form from [www.gov.uk/employment-support-allowance](http://www.gov.uk/employment-support-allowance).**

Between October 2013 and April 2014 new claims for income-related ESA will be phased out and replaced by universal credit – see page 48.

## Other benefits if you are on a low income

### Working tax credit

If you are single and work at least 16 hours a week, you may be entitled to working tax credit. If you have a partner you must work at least 24 hours a week between you, with one of you working at least 16 hours. There are some exceptions to this rule, such as if the working partner is aged over 60 or is disabled, or the other partner is 'incapacitated' or a full-time carer.

Your entitlement depends on your family's circumstances and income. Working tax credit can include an element towards childcare costs.

If you are a foster carer, you can be treated as self-employed and you may be able to get working tax credit. Your foster allowance will not be counted as income, unless it is above certain limits. Some foster carers can choose whether to claim income support, jobseeker's allowance or working tax credit. You can contact Grandparents Plus' advice service on 0300 123 7015 or your local citizens advice bureau for advice if you think this might apply to you.

You can check if you qualify for working tax credit and how much you should get by using the online questionnaires at [www.hmrc.gov.uk/taxcredits](http://www.hmrc.gov.uk/taxcredits).

**To obtain an application form phone the tax credit helpline on 0845 300 3900.**

Between October 2013 and April 2014, new claims for tax credits will be phased out and replaced by universal credit – see page 48.

### Pension credit

Pension credit is a means-tested benefit for men and women aged above the women's state pension age. This is gradually increasing from 60 and will reach 65 by November 2018.

To find out whether you might be entitled to pension credit you can use the calculator at [www.gov.uk/pension-credit-calculator](http://www.gov.uk/pension-credit-calculator).

Pension credit can include extra amounts if you are severely disabled or a carer or if you have housing costs. It is worth claiming pension credit even if you are only entitled to a small amount as it can help you to qualify for other financial help for your family such as free school meals and help with health costs.

**To claim pension credit phone the claim line on 0800 99 1234 or download the form at [www.gov.uk/pension-credit](http://www.gov.uk/pension-credit).**

Because child tax credit and housing benefit are being abolished, pension credit will change from 2014 to include additional amounts for children and rent.

### Housing benefit

You can get housing benefit to help pay your rent whether or not you are working – as long as your income and savings are not too high. You should contact your local council for a claim form.

If you are getting income support, income-based JSA, income-related ESA or pension credit (guarantee element) you will automatically qualify for maximum housing benefit – although this may not cover your full rent.

If you are affected by a shortfall in your housing benefit, you can contact Grandparents Plus advice service on 0300 123 7015 to discuss your options.

**Contact your local council for a housing benefit claim form.**

### Council tax support

From April 2013 a local system of council tax support has replaced the previous national system of council tax benefit for people who can't afford to pay a full council tax bill.

Each council can decide which groups of people it will help and how much help to offer. This means entitlement to support may vary depending on where you live – although pensioners are protected from cuts to support.

**You should check with your local council for details of the scheme in your area.**

### Universal credit

Universal credit is a new benefit for people of working age. It will be introduced for new claims between October 2013 and April 2014.

Universal credit is a single payment for both working and non-working households and will replace:

- income support
- income-based jobseeker's allowance
- income-related employment and support allowance
- housing benefit
- working tax credit
- child tax credit

If you are already getting one or more of the benefits that are to be abolished, your claim will be transferred to Universal Credit at some point between 2013 and 2017.

Universal credit consists of a basic allowance with different rates for single people and couples, and additional amounts for those with:

- children
- caring responsibilities
- limited capability for work
- housing costs
- childcare costs

People without any other income will receive the basic allowance plus any additions relevant to their circumstances. If you have earnings or other income this will be taken in to account when working out your entitlement, though some income will be ignored.

### Other sources of financial help

Financial support from the local authority depends on the arrangements under which you're caring for the child and is explained in the relevant chapters.



## Free school meals

You can get free school meals for the child you're raising if you get one of the following benefits:

- Income support
- income-based jobseeker's allowance
- income-related employment and support allowance
- the guarantee part of pension credit
- Child tax credit and your income is below a certain amount – although in most cases this does not apply if you are also receiving working tax credit
- Universal credit and your income is below a certain level.

The child will not be entitled to free school meals if you are being paid a fostering allowance for them.

**You can find out how to apply for free school meals by contacting your local council or your child's school.**

## Help with health costs

You can get free prescriptions, dental treatment and sight tests and help towards the cost of glasses/lenses if you or a member of your family get one of the following benefits:

- income support
- income-based jobseeker's allowance
- income-related employment and support allowance
- the guarantee part of pension credit
- Working tax credit and/or child tax credit, depending on your income
- Universal credit – if your income is below a certain amount.

If your income is low, you may still be able to get help with health costs under the NHS low income scheme. This will depend on the amount of income and savings that you have.

**To apply for help under the NHS low income scheme, you need to complete form HC1 which is available from benefit offices, NHS hospitals and some practitioners. You can also order a form online at [www.nhsbsa.nhs.uk](http://www.nhsbsa.nhs.uk).**

## Sure start maternity grants

A maternity grant is a fixed amount of £500 to help people on a low income buy clothes and equipment for a new born baby. It does not have to be repaid.

Usually, in order to qualify there must be no other children in your family and you must get one of these benefits:

- income support
- income-based jobseeker's allowance
- income-related employment and support allowance
- pension credit
- child tax credit – depending on the amount
- working tax credit that includes a disability or severe disability element.

You do not have to be the child's parent to qualify for a grant as long as you have become responsible for the child within the last 3 months and they are aged under 12 months. You can qualify for a payment even if a grant has already been made to the child's parent. However you cannot get a maternity grant for a child you are fostering.

**You can get a claim form from your local Jobcentre or download one from [www.gov.uk/sure-start-maternity-grant](http://www.gov.uk/sure-start-maternity-grant).**

## Healthy start vouchers

These can be exchanged for free milk, fruit or vegetables. You can get the vouchers for children under four (or for yourself if you are pregnant) if you get one of these benefits:

- income support
- income-base jobseeker's allowance

- Child tax credit and your income is below a certain amount – though in most cases this does not apply if you are also receiving working tax credit.

**You can get the healthy start leaflet and claim form from your doctor or by going to [www.healthystart.nhs.uk](http://www.healthystart.nhs.uk).**

### School clothing grants

Some local education authorities will help with the cost of school clothing for pupils whose families are on a low income. Local policies vary widely on who can get help and what items they will give help for. To find out what the policy is in your area, check with your local authority. Some school governing bodies or parents associations also provide help with school clothing.

### Budgeting loans

Budgeting loans can be paid to people living on means-tested benefits, to help with essential lump sum expenses – such as the costs of moving home, household equipment, furniture and clothing. Budgeting loans have to be paid back to the social fund but they are interest free.

Budgeting loans are being replaced by budgeting advances for universal credit claimants.

**You can get a claim form for a budgeting loan from your local Jobcentre or download one from [www.gov.uk/budgeting-loans](http://www.gov.uk/budgeting-loans).**

### Local welfare assistance

Until April 2013, families living in difficult circumstances could apply to the social fund for help in the form of discretionary community care grants and crisis loans. The money which used to pay for these schemes has now been given to local authorities to provide 'local welfare assistance' to support residents in their area.

**Contact your local authority for details of the scheme in place in your area.**

### Charitable grants

Financial assistance is often available from grant-giving organisations, depending on your particular background and circumstances. In some cases you can apply directly, but in others a referral is needed from an advice agency or someone working with the family such as a social worker or teacher.

**The Turn 2 Us website can help you find a charitable fund which meets your needs – [www.turn2us.org.uk](http://www.turn2us.org.uk).**

**Grandparents Plus' advice service can help by identifying and making applications to charitable trusts on your behalf. Contact us on 0300 123 7015.**

### 16-19 bursary fund

The bursary fund can help 16 to 19 year olds who are in further education or training. Some vulnerable students are eligible to receive a bursary of £1,200 a year. This group includes:

- young people in care or care leavers
- people claiming Income Support
- disabled young people who receive employment support allowance and disability living allowance

Other students facing financial difficulties may be awarded a bursary at the discretion of their school, college or training provider, who will set out details of how the scheme will operate locally.

### Child maintenance

Unless the child is looked after by the local authority, you could ask the parents to pay child maintenance, because they remain financially responsible for the child throughout the time that they are living with you.

**Contact child maintenance options for information about the choices available for arranging child maintenance. Visit [www.cmoptions.org](http://www.cmoptions.org) or phone 0800 988 0988.**

## 9. GETTING LEGAL ADVICE

You can get free confidential legal advice about kinship care from the following sources –

### **Family Rights Group**

Advice line: 0808 801 0366

Email: [advice@frg.org.uk](mailto:advice@frg.org.uk)

Website: [www.frg.org.uk](http://www.frg.org.uk)

Specialist advice to families whose children are involved with or need children's services because of welfare needs or concerns.

### **Coram Children's Legal Centre**

Advice line: 0808 802 0008

Website: [www.childrenslegalcentre.com](http://www.childrenslegalcentre.com)

Free information and advice on all legal issues relating to children and young people.

### **Grandparents Legal Centre**

Telephone: 0843 289 7130

Website: [www.grandparentslegalcentre.co.uk](http://www.grandparentslegalcentre.co.uk)

Specialist legal advice for grandparents, including local authority responsibilities and other issues affecting kinship carers.

### **Finding a solicitor**

You can contact the **Law Society** on 020 7242 1222 or search on its website [www.lawsociety.org.uk](http://www.lawsociety.org.uk) to find a solicitor. Solicitors who are accredited by the Law Society in Children Law are specialists in dealing with the areas of the law related to children.

You may be entitled to **legal aid** if your income and capital are low enough, although from April 2013 certain types of cases no longer qualify for legal aid.

You can check whether you might be able to get legal aid by using the legal aid calculator on the GOV.UK website. [www.gov.uk/check-legal-aid](http://www.gov.uk/check-legal-aid).

If you cannot get legal aid, the local authority may be able to help with the cost of getting legal advice and/or legal proceedings.

It's also worth bearing in mind that some solicitors will offer a free initial consultation.

### **Free legal assistance from barristers**

The **Bar Pro Bono Unit** is a charity which helps to find free legal assistance from volunteer barristers. This includes advice and representation in all areas of the law. Cases must be referred by advice agencies (such as CABx or Grandparents Plus' advice service ) or solicitors. See the website [www.barprobono.org.uk](http://www.barprobono.org.uk) for more information, or call 020 7092 3960

Grandparents Plus has an arrangement with **4 Brick Court specialist Family Law Barristers**, who have agreed to provide free legal advice to clients referred by Grandparents Plus. To find out whether they might be able to help in your case, you can contact Grandparents Plus on 0300 123 7015. For this free service, 4 Brick Court **cannot** accept self-referrals.

## 10. Helpful organisations

### Grandparents Plus

**Advice line:** 0300 123 7015

**Email:** [advice@grandparentsplus.org.uk](mailto:advice@grandparentsplus.org.uk)

**Website:** [www.grandparentsplus.org.uk](http://www.grandparentsplus.org.uk)

Grandparents Plus advice and information service provides comprehensive information and advice on all issues affecting kinship carers including: welfare benefits and other sources of financial support, employment rights, housing, education and caring for a child with special needs.

Grandparents Plus also runs a free peer support network for kinship carers.

### Mentor

1st Floor, 67-69 Cowcross Street  
London EC1M 6PU  
020 7553 9920

**Email:** [admin@mentoruk.org](mailto:admin@mentoruk.org)

**Website:** [www.mentor.org.uk](http://www.mentor.org.uk)

### Scotland Office

Mentor Scotland  
235 Corstophine Road  
Edinburgh  
EH12 7AR  
0131 334 8512  
[admin-scotland@mentoruk.org](mailto:admin-scotland@mentoruk.org)

A national charity specialising in the prevention of alcohol and drug misuse. Mentor Scotland also plays a leading role in kinship care and has produced a guide for kinship carers in Scotland which can be downloaded at <http://www.mentoruk.org.uk/mentorworks/kinship-care/>

### British Association of Adoption and Fostering (BAAF)

Advice lines (England) –

**Southern England:** 020 7421 2652

[southern.helpline@baaf.org.uk](mailto:southern.helpline@baaf.org.uk)

**Central England:** 0121 753 2001

[midlands@baaf.org.uk](mailto:midlands@baaf.org.uk)

**Northern England:** 0113 289 1101

[leeds@baaf.org.uk](mailto:leeds@baaf.org.uk)

**North East England:** 0191 261 6600

[newcastle@baaf.org.uk](mailto:newcastle@baaf.org.uk)

**Website:** [www.baaf.org.uk](http://www.baaf.org.uk)

BAAF provides a wide range of services throughout the UK, including regional advice lines covering all aspects of fostering and adoption. BAAF also publishes an extensive list of publications for carers, children, professionals and others.

### Citizens Advice

**Telephone:** 08444 111 444

to find a local CAB

**Website:** [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)

Citizens Advice Bureaux (CAB) deliver free, independent, confidential and impartial advice from community locations all over the country. You can search for a local CAB on the website or by phoning the number above. Citizens Advice also has a self-help website [www.adviceguide.org.uk](http://www.adviceguide.org.uk) full of practical, reliable information on a range of subjects including benefits, housing, employment and debt.

### Contact a Family

**Helpline:** 0808 808 3555

**Email:** [helpline@cafamily.org.uk](mailto:helpline@cafamily.org.uk)

**Website:** [www.cafamily.org.uk](http://www.cafamily.org.uk)

Support, advice and information for families with disabled children, no matter what their condition or disability, including local projects. Contact a Family also has a dedicated special educational needs advice service.

## Coram Children's Legal Centre

**Advice line:** 0808 802 0008

**Website:** [www.childrenslegalcentre.com](http://www.childrenslegalcentre.com)

Free information and advice on all legal issues relating to children and young people.

## Family Lives

**Helpline:** 0808 800 2222

**Website:** [www.familylives.org.uk](http://www.familylives.org.uk)

Family Lives offers information on all aspects of family life. As well as the helpline, it runs groups and courses on parenting issues.

## Family Rights Group

**Advice line:** 0808 801 0366

**Email:** [advice@frg.org.uk](mailto:advice@frg.org.uk)

**Website:** [www.frg.org.uk](http://www.frg.org.uk)

Specialist advice to families whose children are involved with or need children's services because of welfare needs or concerns.

## Fostering Network

**Telephone:** 020 7620 6400

**Email:** [info@fostering.net](mailto:info@fostering.net)

**Website:** [www.fostering.net](http://www.fostering.net)

General information about fostering, and publications for foster carers and professionals. Benefits for members include advice and legal insurance for foster carers.

## Fosterline

**Adviceline:** 0800 040 7675

**Email:** [fosterline@fostering.net](mailto:fosterline@fostering.net)

Advice and information for anyone who is interested in fostering or is already a foster carer.

## Grandparents Association

**Helpline:** 0845 434 9585

**Email:** [advice@grandparents-association.org.uk](mailto:advice@grandparents-association.org.uk)

**Website:**

[www.grandparents-association.org.uk](http://www.grandparents-association.org.uk)

National charity providing advice and support to all grandparents, especially those who are raising their grandchildren, providing childcare or have lost contact with grandchildren.

## Grandparents Legal Centre

**Telephone:** 0843 289 7130

**Website:** [www.grandparentslegalcentre.co.uk](http://www.grandparentslegalcentre.co.uk)

Specialist legal advice for grandparents, including local authority responsibilities and other issues affecting kinship carers.

## Working Families

**Helpline:** 0800 012 0312

**Email:** [advice@workingfamilies.org.uk](mailto:advice@workingfamilies.org.uk)

**Website:** [www.workingfamilies.org.uk](http://www.workingfamilies.org.uk)

Advice for parents and carers on their rights at work.

## Young Minds

**Helpline:** 0808 802 5544

**Email:** [parents@youngminds.org.uk](mailto:parents@youngminds.org.uk)

**Website:** [www.youngminds.org.uk](http://www.youngminds.org.uk)

A helpline for any adult worried about the emotional problems, behaviour or mental health of a child or young person.

**See Grandparents Plus' website [www.grandparentsplus.org.uk](http://www.grandparentsplus.org.uk) for information on other organisations which you may find useful including those providing support on specific issues such drugs and alcohol, prisoners' families, bereavement, domestic violence, disability and education.**

# Advice and support in Scotland and Northern Ireland

## Kinship Care Helpline (Citizens Advice Scotland)

Helpline: 0808 800 0006

## ParentLine Scotland

Helpline: 0800 028 22 33

Email:

parentlinescotland@children1st.org.uk

Website: www.children1st.org.uk

## Mentor Scotland

Mentor Scotland has produced a guide for kinship carers in Scotland which can be downloaded at <http://www.mentoruk.org.uk/mentorworks/kinship-care/>

## Kinship Care Northern Ireland

Helpline: 07515 478 885

Email:

info@kinshipcarenorthernireland.co.uk

Website:

www.kinshipcarenorthernireland.co.uk

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## 11. Further reading

You may find some of the publications below useful.

### **Ten Top Tips: Supporting kinship placements**

Hedi Argent, BAAF 2009.

### **Kinship care, what it is and what it means**

Hedi Argent, BAAF 2007.

### **One of the family: a handbook for kinship carers**

Hedi Argent, BAAF 2005.

### **Relative benefits: placing children in kinship care**

Bob Broad and Alison Skinner, BAAF 2005.

### **Ten top tips for managing contact**

Henrietta Bond, BAAF 2007.

### **Facing up to Facebook: a survival guide for adoptive families**

Eileen Fursland, BAAF 2010.

### **Fostering in a digital world: a common sense guide**

Maria Boffey, The Fostering Network 2013.

### **All you need to know: family and friends foster care**

Doug Lawson, Fostering Network 2011.

## 12. Glossary

**Children's services** – The part of the local authority which is responsible for social care services for children and families.

**Contact** – Staying in touch with family, friends and others who are important to a child, whether this is by meeting face to face or by letters or through social media etc.

**Family and friends care policy** – Policy which every local authority must have, to publicise the services available to kinship carers. May also be called kinship care policy.

**Family and friends carer** – Anyone who is raising the child of someone they already knew or had a connection with.

**Family group conference (FGC)** – A decision-making meeting of family members to help them to make plans for a child's care and protection. For more information see: Family Rights Group's advice sheet 3: What is a family group conference?

**Informal kinship carer** – Someone who is looking after a child to whom they are related, but they do not have parental responsibility and the child is not 'looked after' by the local authority.

**Kinship carer** – Another term for family and friends carer.

**Kinship foster carer** – Family member or friend who has been approved as a foster carer for a looked after child.

**Local authority** – The local council. In some areas there are two local authorities, in which case it is the county council which is responsible for children's services.

**Looked after child** – Anyone under age 18 who is looked after by the local authority,

either because they are on a care order or they are accommodated through a voluntary agreement with their parents.

**Parental responsibility** – All the rights, duties, responsibilities and powers which the law gives a parent in relation to their child. Mothers automatically have parental responsibility, as do fathers if married to the mother when or after the child was born, or by other legal agreements.

**Private foster carer** – Someone who has agreed with a parent to look after their child for more than 28 days, but is not a relative of the child.

**Relative** – For the purposes of this guide a relative is someone who is by full blood, half blood, marriage or civil partnership the grandparent, brother, sister, uncle or aunt, or step-parent of a child (as defined by section 105 of the Children Act 1989).

**Residence order** – Court order which gives the holder parental responsibility for a child, although they share this with anyone else who has parental responsibility.

**Social services** – Now replaced by children's services and adult services departments of local councils.

**Special guardianship order (SGO)** – Court order which gives the holder (known as the special guardian) parental responsibility which they can usually exercise without needing the agreement of anyone else who also has parental responsibility.

**Testamentary guardian** – Person appointed in someone's will to acquire parental responsibility for their child when they die.





**Are you bringing  
up a relative's child?**

**Are you a guardian,  
special guardian or  
kinship carer?**

**Are you thinking  
about taking on the  
care of a grandchild?**

**We can help.**

**Advice &  
Information**

**Call 0300 123 7015**

**advice@grandparentsplus.org.uk**

10am-3pm Monday-Friday

Advice &  
Information

**Call 0300 123 7015**

**advice@grandparentsplus.org.uk**

10am-3pm Monday-Friday

**Grandparents Plus advice and information service provides:**

- comprehensive advice on benefits and other sources of financial support, employment rights, housing and debt
- information and signposting on legal orders, education, caring for a disabled child or adult, parenting and more.

**We also run a free peer support network for people bringing up a relative's child.**

*“ I can't thank you enough for all your advice. Grandparents Plus has been invaluable in the support, help, empathy and information provided.”*



## GIVE KINSHIP CARERS SOMEBODY TO TURN TO

*"When I took on the responsibility of bringing up twins at 53, Grandparents Plus was the only organisation I could turn to for help. They were so helpful, they gave me information and advice that meant I was able to make informed decisions about our future as a family."*

*Janet Brown, kinship carer and now a Grandparents Plus trustee*

- 300,000 children in the UK are being brought up by grandparents and other family members because they have been neglected or abused or because a parent has died or is seriously ill. We campaign for change with kinship carers to get them the recognition and support they need.
- 6 out of 10 members say they feel less isolated since they joined the Grandparents Plus Support Network.
- Kinship carers who need help with benefits advice are on average £3,000 per year better off after speaking to our Advice and Information Service.

### DONATE NOW

**Every donation to Grandparents Plus makes a real difference to the support we can give to kinship carers:**

**£10** would pay for 50 advice and information leaflets to promote our Advice Service so that we can reach more carers who need help.

**£25** would pay for an hour with an advice worker on the phone to talk through the complex problems of a kinship carer at length, addressing issues and making referrals.

**£50** would help pay for a kinship carer to attend one of our parenting support workshops helping them to face the challenge of bringing up a child in difficult circumstances.

### ONE-OFF DONATION

**Online** [www.grandparentsplus.org.uk/donate](http://www.grandparentsplus.org.uk/donate)

**By phone** 0208 981 8001

**By cheque** made payable to Grandparents Plus

### REGULAR DONATION –

### INSTRUCTIONS TO BANK

#### YOUR DETAILS

Title  First Name

Surname

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Bank name

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Account name

Please pay Grandparents Plus (registered charity no 1093975) : £   
on the 1st  15th  of every month until further notice from the account detailed above.

Signature

Date

*giftaid*

I (full name)

am a UK taxpayer and request that Grandparents Plus treat all gifts of money that I make today and in future as Gift Aid donations

If you prefer us not to contact you in further with information about our work, please tick the box:

**Please return this form to Fundraising Team, Grandparents Plus, 18 Victoria Park Square, Bethnal Green, London E2 9PF.**





Mentor is the UK charity protecting children from the harm caused by alcohol and drugs. We are helping parents and carers, local groups and schools to give their children the right messages and skills to reject the pressures to experiment with alcohol and drugs, and choose fun, healthy activities instead.

Please support our vital work by making a donation.

Name   
Address   
  
 Postcode

**Post your cheque to:**

Mentor, First Floor, 67-69 Cowcross Street,  
London EC1M 6PU

**Please make cheques payable to**

Mentor Foundation UK.

**Or donate securely online at**

[www.mentoruk.org.uk](http://www.mentoruk.org.uk)



Please gift aid your donation if you are UK taxpayer.

Thank you for choosing to Gift Aid – this means that every £10 you donate, mentor receives £12.50.

Please fill in the confirmation below.

Yes, I am a UK taxpayer and I agree to Mentor Foundation UK (Mentor) claiming tax on all past, present and future donations I make to the charity. Please treat my donations as Gift Aid

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Signed

Date

If you donate online, please fill out the online gift aid declaration.

I would like to receive information from time to time about Mentor's work. (Your details will be kept securely and not shared with any other organisation.)

Charity number 1112339 SO041210

Company No 5609241





## Grandparents Plus

18 Victoria Park Square  
Bethnal Green  
London E2 9PF

Telephone: 0208 981 8001  
info@grandparentsplus.org.uk  
www.grandparentsplus.org.uk  
charity number 1093975.

Grandparents Plus is the national charity (England and Wales) which champions the vital role of grandparents and the wider family in children's lives – especially when they take on the caring role in difficult family circumstances. We do this because we want to make children's lives better. We:

- Campaign for change so that their contribution to children's welfare is valued and understood
- Provide evidence, policy solutions and training so that they get the services and support they need to help children thrive
- Advise and support grandparents and family members who are raising children who cannot live with their parents by ensuring they have access to professional advice, information and peer support
- Advise, inform and support professionals to develop good kinship care practice.

## Mentor

1st Floor  
67-69 Cowcross Street  
London EC1M 6PU

Telephone: 020 7553 9920  
admin@mentoruk.org  
www.mentor.org.uk  
charity number 1112339.

Mentor works to protect children and young people from alcohol and drug harms. The charity has been working with kinship carers since 2008. Mentor researched and wrote the definitive guide for kinship carers in Scotland and is Scottish Government's strategic partner for kinship care.



# Forgotten children

Children growing up in kinship care

# Methodology

This report is based on a survey of the 2,000 members of the Grandparents Plus Support Network for kinship carers funded by the Big Lottery Fund. Membership of the Network is free and open to all kinship carers. Members are mostly recruited by word of mouth, online and also in response to media stories highlighting family and friends care. Others are recruited via their membership of local support groups for kinship carers.

The survey was carried out in early 2013, using both postal questionnaires and an online version via Survey Monkey. The design and content of the survey builds upon a similar survey conducted in 2011. 310 valid responses were received (a response rate of 16%) and were cleaned to remove obvious errors and inconsistencies and the paper responses were logged on Survey Monkey. The survey covers 420 children. We also followed up a sample of responses with telephone interviews to get a more detailed insight into the lives of respondents. Some quotes have been added from a separate survey conducted in 2012 with kinship carers to explore challenges around raising (parenting) kinship children.

Some questions were directly aimed at the carers, such as about their employment status or wellbeing and other questions were aimed at individual children in their care, such as the types of problems being encountered by the child. The sample may be skewed towards families with fewer kinship children, possibly because of the extra time needed for kinship carers with several children in their care to complete the survey.

In comparison with data on kinship carers from the analysis of 2001 Census data<sup>1</sup>, it is clear that kinship carers who are not grandparents are heavily under-represented, as are those from ethnic minorities. It is likely that kinship carers who have only been in a full-time caring role for a short period are also under-represented, along with kinship carers from the most marginalised and vulnerable social groups, for example those caring for the children of prisoners and people from traveller communities.

This report focuses on the children in kinship care, and presents a summary of other findings on the demographic characteristics of kinship carers and the children they are raising to provide context.

All the names in the report have been changed.

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# 1. Key findings

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A large, hand-drawn style number '44%' in red.

have never received help from children's services

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A large, hand-drawn style number '80%' in red.

find raising kinship children more challenging than raising their own children

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Just

A large, hand-drawn style number '8%' in red.

of kinship carers have received counselling or help with parenting

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- 420 children growing up with kinship carers are included in the survey.
- The median age of the children is eight and a half. Most are aged between five and 15. 80% have lived with their grandparents or kinship carers for three years or longer, and 40% for at least six years.
- Almost half of children (44%) have never received help from children's services, even though they have often suffered abuse, neglect or the death of a parent.
- 53% of children had emotional and behavioural problems when they first moved in with their carers, compared to just 29% having problems at home now.
- 45% of the children are living with other family members because they have suffered abuse or neglect, and 44% because of parental alcohol or drug abuse. 11% have experienced the death of a parent.
- 80% of kinship carers find raising kinship children more challenging than raising their own children.
- Just 8% of kinship carers have received counselling or help with parenting, and only 5% have received respite.
- More than half of the children (54%) have special needs or a disability. Four in ten have emotional and behavioural problems, 16% have a learning disability and 8% have autism or Asperger's syndrome.
- Four in five children (79%) have contact with at least one parent.

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51%

of kinship carers in contact with parents find it problematic

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40%

of kinship carers have a disability or health condition

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- Half of kinship carers (51%) who have contact with the children's parents find managing contact problematic.
- Although half of those who have contact with parents agree that it is beneficial for the children, one in seven say children are distressed by contact with parents.
- Generally kinship carers report that they find schools supportive.
- Most kinship carers who took part in the survey are aged between 45 and 64. 87% are under 65 and 43% are under 55. The median age is 56.
- 63% are living with a partner, 37% are lone carers.
- 32% of kinship carers in the survey are currently working and 22% are retired.
- Four in ten kinship carers (41%) say their main source of income is work. Three in ten (28%) rely on welfare benefits for their main source of income and a quarter (23%) are reliant on a pension.
- Four in ten kinship carers who responded to the survey have a disability or health condition. Six in ten (60%) describe themselves as tired.
- Three in ten respondents (32%) also provide care for someone else (for example their partner, an older relative or a neighbour).

## 2. Introduction

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There are around 200,000 grandparents, older siblings, aunts, uncles and other relatives in the UK bringing up 200,000 - 300,000 children

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A high proportion of kinship care families live in poverty

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### Context

#### Kinship care in the UK

There are around 200,000 grandparents, older siblings, aunts, uncles and other relatives in the UK bringing up 200,000 - 300,000 children<sup>2</sup> because their parents are no longer able to, often due to serious difficulties such as parental death, drug or alcohol abuse, disability or serious illness, imprisonment, domestic violence, or abuse and neglect. These carers are known as 'kinship' or 'family and friends' carers. Many of the children they are raising would be in care if their relative had not stepped in.

Since the implementation of the Children Act 1989 local authorities have been required to arrange for looked after children to live with family and friends where that is consistent with their welfare, and the Children and Young People's Act 2008 states that family and friends care should be the first option when children cannot live with their parents. This principle was restated in Statutory Guidance to local authorities on Family and Friends Care, published in April 2011.

#### Difficulties faced by kinship carers

**A high proportion of kinship care families live in poverty, with 71% of children in kinship care experiencing multiple deprivations, compared with 29% of children in the general population<sup>3</sup>.**

A survey conducted in 2010 found that 65% of kinship carers reported living on low incomes (below £300 a week)<sup>4</sup>. Often, poverty is a result of kinship carers giving up work when children move in. Grandparents Plus 2011 survey found that almost half (47%) of working kinship carers had given up work, and a further 31% reduced their hours, often finding it hard to re-enter the labour market especially if they are older<sup>5</sup>. As a result, a high proportion (41%) of those previously in work had become dependent on benefits. Studies of kinship care in the UK have also found that family and friends foster carers have lower incomes than stranger foster carers<sup>6,7</sup>.

Surveys indicate that only a minority of kinship carers receive a financial allowance from the local authority or any kind of practical support<sup>8</sup>.

Kinship carers also report experiencing difficulties such as isolation, stress and stigma<sup>9</sup>, as well as high rates of long-term illness or disability. A new study found that kinship carers experience very levels of pain and depression, and that many as two-thirds of carers (67%) could be diagnosed as clinically depressed if they presented for a mental health assessment<sup>10</sup>. Kinship carers also report stress arising from managing contact with parents.

#### Difficulties faced by kinship children

Research shows that many children living in kinship care have suffered similar multiple traumas to those in local authority care, and a high proportion have emotional or behavioural problems or a disability, often as a result of their experiences with their birth families<sup>11</sup>. A recent study concluded that 85% of children in kinship care who have had contact with children's services face difficulties at the point when they come to live with their carer<sup>12</sup>.

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Despite their early traumatic experiences, research shows that most children in kinship care have good outcomes

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The high commitment of kinship carers is key to the children feeling secure and stable and making good progress

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### Outcomes for children in kinship

Despite their early traumatic experiences, research shows that most children in kinship care have good outcomes<sup>13</sup>. Children in kinship care feel loved and secure and are able to maintain links with their birth families<sup>14</sup>. Most children have a close and affectionate relationship with their kinship carers, and have similar levels of attachment to their carers as children in the wider population, despite the adversities and maltreatment they experienced with their parents<sup>15</sup>. Most children also feel confident in the knowledge that they have a family for life and can stay for as long as they need - something that is more rarely experienced by children in non-kinship foster care.

Most children are making satisfactory educational progress<sup>16</sup> and do much better than children living in stranger foster care. They often have high educational aspirations with half planning to go to college and almost two-fifths aiming for university<sup>17</sup>.

The high commitment of kinship carers is key to the children feeling secure and stable and making good progress, but is often achieved at the expense of the kinship carers' own wellbeing and sometimes emotional health.

Surveys indicate that a high proportion of children in kinship care have special needs or a disability of some kind<sup>18</sup>. A minority of children in kinship care have serious emotional and behavioural difficulties and kinship children are more prone to anxiety and depression than children in the general population<sup>19</sup>. Their greatest area of difficulty is their ability to express and manage their emotions. However, the proportion of kinship children with behavioural and emotional difficulties is lower than that reported for children who are looked after by local authorities.

Overall kinship children are doing much better than those looked after in non-kinship foster care but, as we would expect given their previous adverse circumstances, are functioning less well than children in the general population<sup>20</sup>.

By comparison, children in the care system face increased risk of poverty and other adverse outcomes in adulthood. Although outcomes for children growing up in care have improved in recent years, there remains a significant and widening gap between their outcomes and the outcomes for all children. They are over-represented in a range of vulnerable groups including those not in education, employment or training post-16, teenage parents, young offenders, drug users and prisoners<sup>21</sup>.

### 3. About the kinship carers

60%  
of carers say they are tired

45%  
are stressed

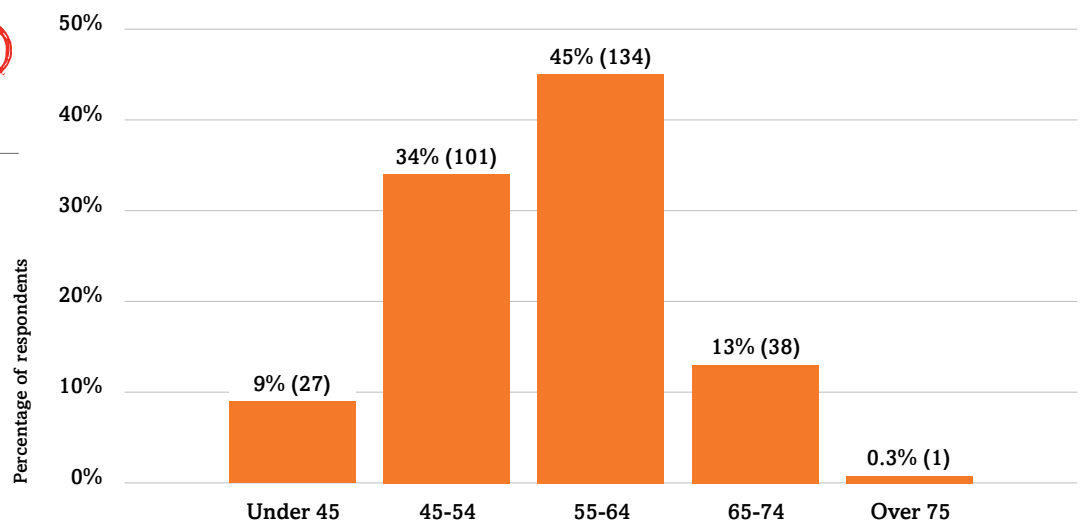
Note: Response rate 97%.

Over nine out of ten kinship carers responding to the survey are grandparents. The majority are maternal grandparents (62%). 87% are of working age (under 65) and their median age is 56. Nearly nine in ten (89%) are women. 95% of respondents are white.

80% of kinship carers find raising kinship children more challenging than raising their own children:

“I’m that much older, and more tired. Plus these children are much more stressful because of challenging behaviour arising out of the traumas they have suffered.”  
Grandmother aged 66 raising grandsons aged five and three.

Graph 1: Age of kinship carers



“It was the last thing I expected to do at my age and the challenges are greater and different: going to court, knowing that the child’s father lives close by and not knowing what he could do as he is violent.”

55-year-old grandmother raising granddaughters aged 13 and five.

63% of carers who responded to the survey are living with a partner, 37% are lone carers.

Four in ten (40%) of kinship carers who responded have a disability or health condition. Six in ten (60%) describe themselves as tired, and almost half (45%) as stressed.

“I am permanently tired, always anxious. I had depression before the boys came to me... now I think it will never ever go away. I am often very, very sad about life and worry about the boys and my other grandchildren.”

Grandmother aged 57 bringing up three grandchildren on her own.

Three in ten respondents (32%) also provide care for someone else (for example their partner, an older relative or a neighbour).

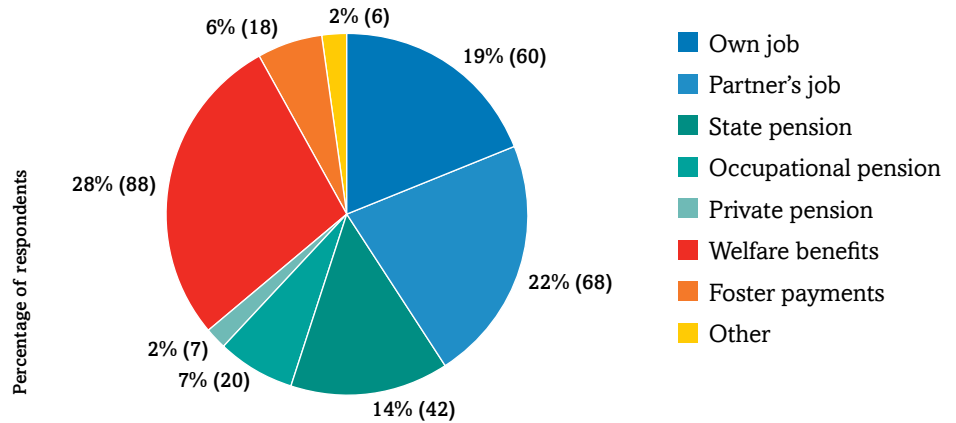
Four in ten (41%) say their main source of income is their own or their partner’s job. Nearly three in ten (28%) are dependent on welfare benefits and a quarter (23%) rely on a pension for their main source of income.



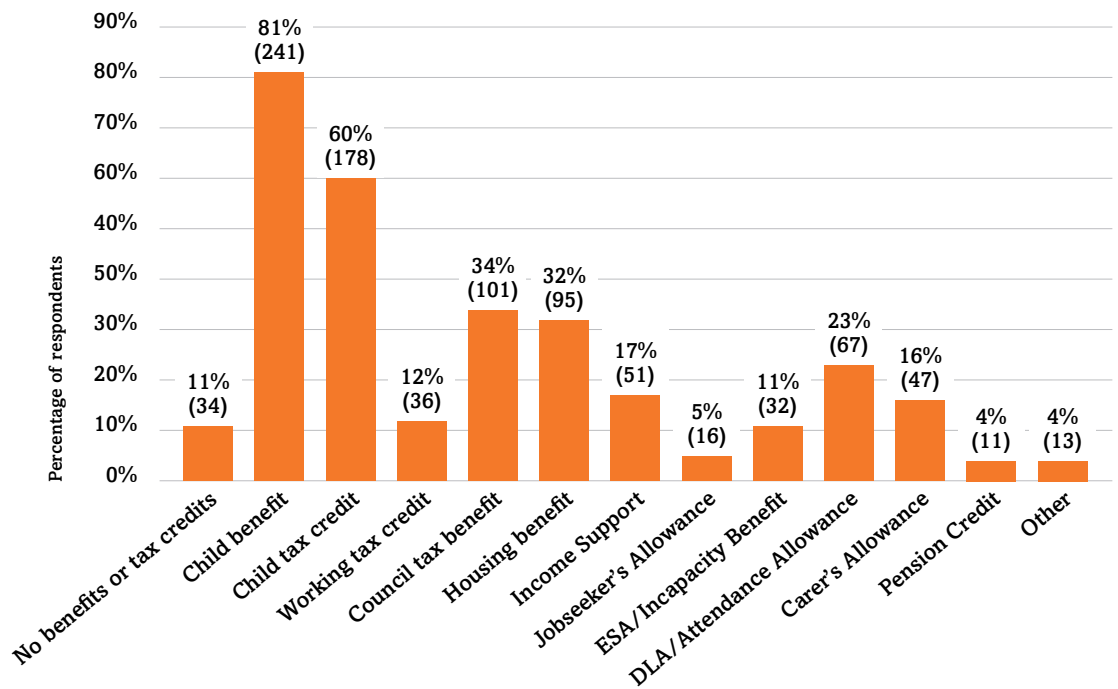
**27%**  
of carers get a disability benefit

Note: Response rate 97%.

Graph 2: Main source of income of kinship carers



Graph 3: Type of welfare benefits and tax credits received



Note: Response rate: 96%. Carers could give more than one response

A high proportion of kinship carers receive income-based benefits such as housing benefit (32%), council tax benefit (34%) and child tax credit (60%), indicating that they are on low or very modest incomes. More than a quarter (27%) receive a disability benefit.

Many carers report they will be affected by welfare reform and benefit cuts:

**"We will be affected by the 'bedroom tax'. We have already been told to pay £12 per week extra."**

57 year old grandmother raising grandchildren aged 17 and four.

**"We may lose our DLA in future which would also mean losing our mobility car".**

52 year old grandmother raising six year old grandson.

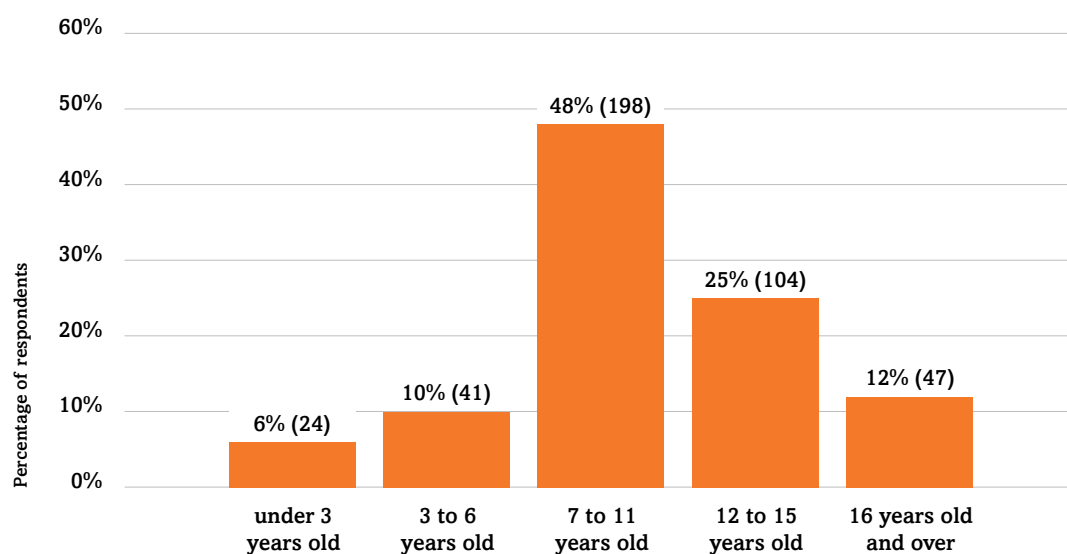
## 4. About the children

### Age of children and duration of placement

Most of the children are aged between five and 15. The median age is eight and a half. 80% of children have lived with their kinship carer for three years or more, and 40% for six years or longer.

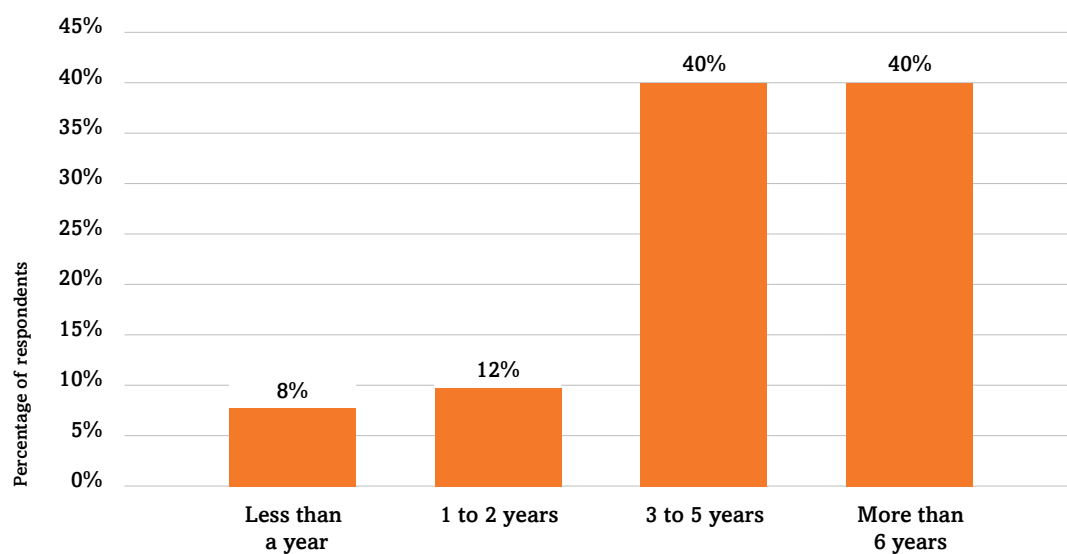
Six in ten respondents are looking after one child. The carers are mostly living in households with just one child under 18, however 30% have two children and 11% have three or more children.

Graph 4: Age of children



Note: Response rate 97%.

Graph 5: How long the children have been living with their carer



Note: Response rate 95%.

54%

of carers are raising a child with special needs or a disability

22%

of children have received mental health services (CAMHS)

Carers reported that 53% of the children had emotional and behavioural problems at home on arrival, compared to just 29% having problems at home now.

Carers often report that children's behaviour improves after they have had a chance to settle down and develop their relationship with them.

"When he came to me first, he was very bad really. He couldn't eat and was a year behind. He's definitely improved now, with the stability and everything. He's learned to talk and he has no troubles at all. He's doing well at school and he takes it all in his stride".  
Grandmother aged 52-year-old raising her five-year-old grandson.

"When she arrived she would scream and she couldn't communicate. She was 18 months old then. Now, she's great, just a lovely normal child, a regular chatterbox."  
72-year-old grandfather raising teenage granddaughters.

Older children may find it harder to adjust to new boundaries:

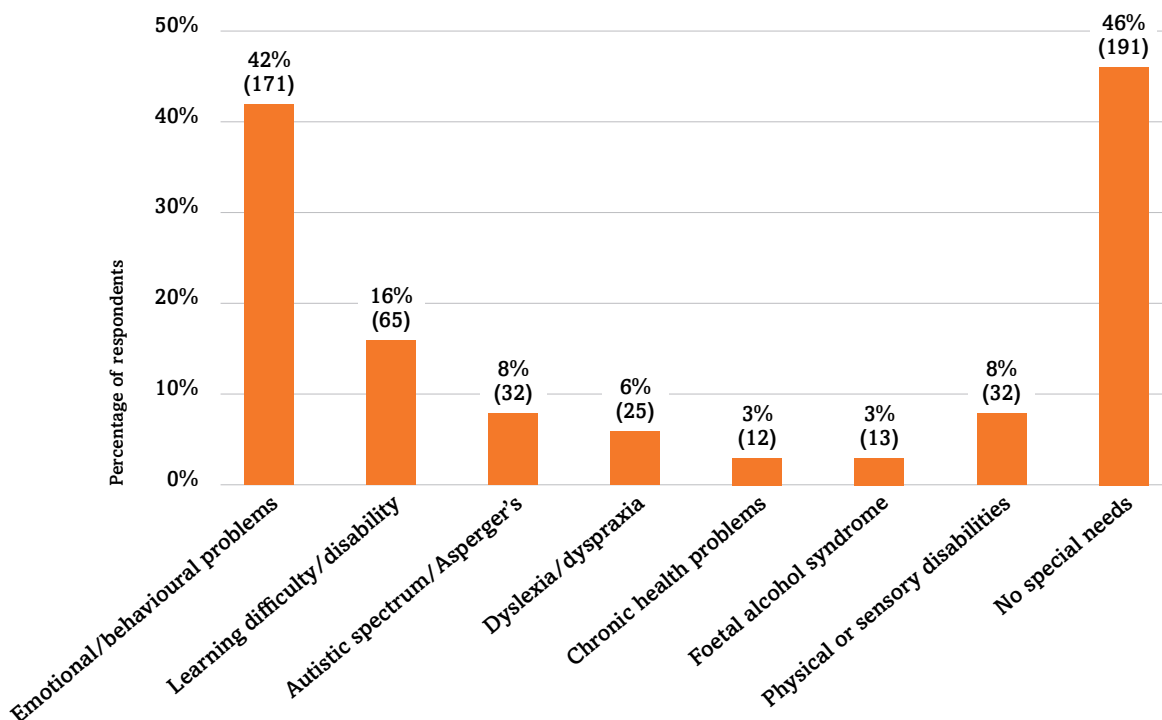
"It was different with her sisters. They came to us when they were eight and nine years old. And they really were too old. They didn't want to be told what to do; it was a struggle getting them to school in the mornings."  
72-year-old grandfather raising teenage granddaughters.

### Children with special needs and disabilities

More than half of carers (54%) say one or more of the children they are raising have special educational needs or a disability. Around four in ten say the child has emotional or behavioural problems, 8% are raising a child with Asperger's syndrome or autism and 16% have a child with a learning disability.

A very high proportion of the children (14%) get disability living allowance (DLA). By comparison in 2011 in England and Wales 3% of DLA recipients were aged under 18<sup>22</sup>. A high proportion of children (22%) have received support from Child and Adolescent Mental Health Services (CAMHS).

Graph 6: Children with special needs or disabilities



Note: Response rate: 98%.  
Carers could give more than one response

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“I have to fight to get the help I need – there’s no help offered to carers who cope quietly.”

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“I have looked after my three grandchildren for 13 years with very little or no help especially from social services.”

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“The local authority said it was a private arrangement even though they placed the children with me.”

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### Help from children’s services

“I have to fight to get the help I need – there’s no help offered to carers who cope quietly.”  
Grandfather aged 60, raising four grandchildren aged 14, 13, 12 and 10.

Just over half (56%) of kinship carers responding to the survey had received help from children’s services with their kinship children. The most common form of help received is a financial allowance – received on behalf of four in ten (43%) of children in the survey. Just 5% have received respite, despite the high proportion (14%) getting DLA for a disabled child, and only 8% get counselling or parenting support.

Nearly half of children in kinship care with emotional or behavioural problems (45%) have never received any help from children’s services.

Conversely, almost half (44%) of the children in kinship care have never received any help from children’s services and six in ten (57%) of children in kinship care in total have never received any financial help.

“We got nothing for the first six months of caring for Lucy .The local authority deemed it was a private arrangement even though it was child protection because they placed the children with me. We were left with no choice but to fold our own business to care for the children. We receive an allowance for the children now but this is nowhere near the amount paid to foster carers.”

44- year-old grandmother raising two granddaughters

“I have looked after my three grandchildren for 13 years with very little or no help especially from social services.”

61year-old grandmother bringing up three grandchildren.

There is no indication that support received is linked to children’s needs:

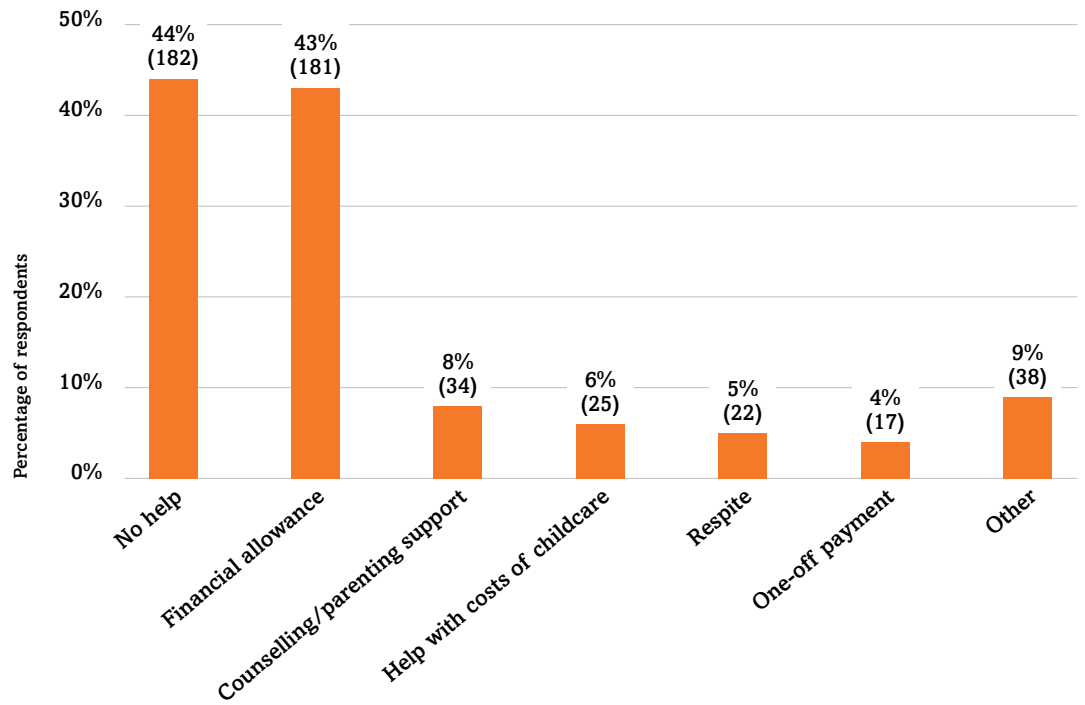
“I became a grandparent when I was 37. My two youngest children are only five and six years older than my grandchildren. I have been asking social services for help for years to no avail.

“When my grandchildren were living with their parents I and many other people alerted social services on numerous occasions to the neglect of the children. Social services never intervened even after the police drug team busted the house where they lived, leaving me no choice but to take my grandchildren away. At the time I was at university studying to become a nurse but had to drop out.

“Social services have never supported me.... I’ve been trying to get a special guardianship order (SGO) and an allowance for years. I feel social services don’t want me to have an SGO, they say I already have a residence order but I have never received an allowance.”

The majority of carers (87%) have some form of legal order, of whom 42% have a residence order, 39% have a special guardianship order and 6% are foster carers.

Graph 7: Children receiving help from children's services



Note: Response rate: 54%.  
Carers could give more than one response

Overwhelmingly kinship carers find schools supportive

65%

of kinship children are achieving at or above the expected level

32%

get help with special needs

Note: Response rate: 98%.  
(of those at school)

### How are kinship children doing at school?

Children in kinship care are doing well at school overall, particularly given their prior adverse experiences and that so many are living in poverty. Two thirds (65%) of kinship children are achieving above or at expected level. By comparison, the percentage of pupils in all schools achieving the expected level at key stage 2 (for pupils aged 7 to 11), level 4 or above, for both English and mathematics was 79 per cent in 2012<sup>23</sup>.

Overwhelmingly kinship carers find the school supportive, with 80% responding 'yes' to the question, 'Generally have you found school supportive?' Almost half of the children (46%) have received some sort of individual or specialist support, ranging from one-to-one tuition, mentoring, support workers and counselling.

Three out of ten (32%) of all children receive help with special needs at school. Three quarters of the children with special needs (77%) are getting the help they need at school. Three quarters (75%) of kinship carers with a child with behavioural difficulties at school have found the school supportive.

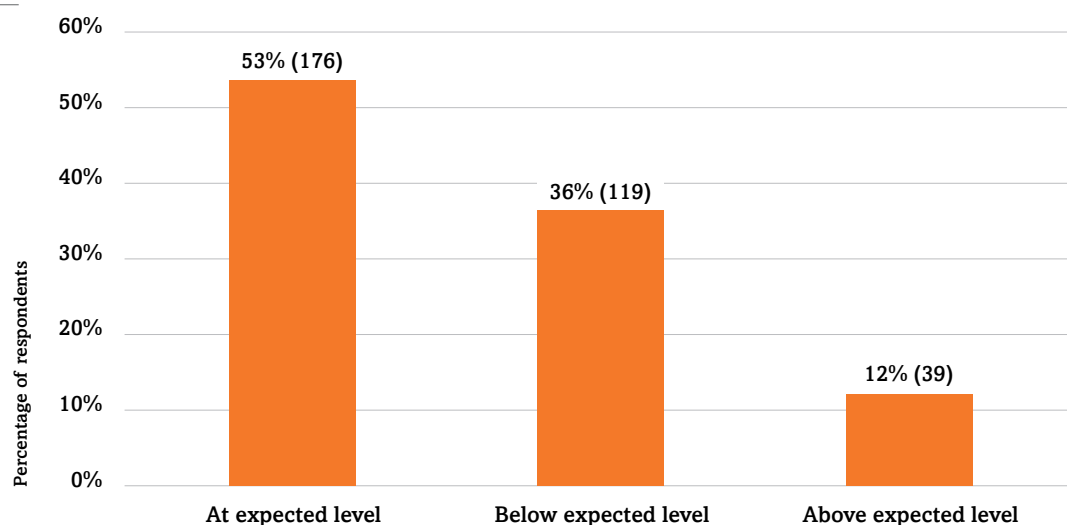
*"If any help is needed, the school is extremely supportive."*

Grandmother aged 41 looking after two grandchildren aged six and four.

*"I have asked for help so that she can discuss issues if they come up. They have allocated a teacher to do this as and when needed."*

51-year-old grandmother raising granddaughter aged seven.

Graph 8: Children's achievement at school



### Contact with parents

The majority of children (79%) have contact with at least one parent. 34% have contact with both parents, a further 34% have contact with only the mother and 11% have contact with just the father.

Four in ten (37%) said the contact is beneficial for the children. Worryingly, one in seven (13%) of kinship carers report that children find contact distressing. 42% say children find it unsettling.

*"Parents kept not turning up or turning up under substance use so we had to stop visits."*

Grandmother aged 57 raising grandchildren aged ten, eight, five and four.

13%

of children in contact with parents find contact distressing

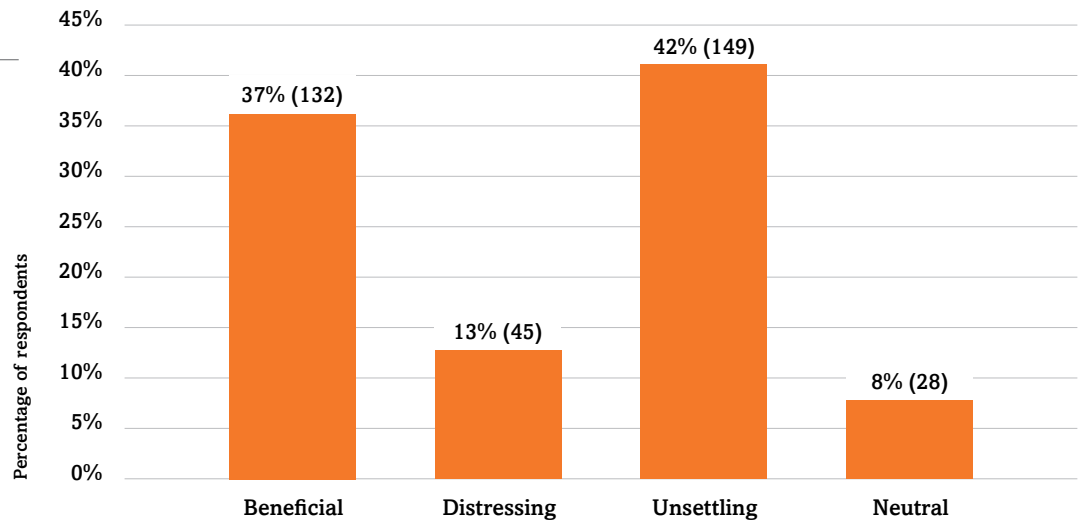
Note: Response rate: 96%.  
(of those having contact)

Of those who have contact with parents, half of kinship carers (51%) find managing contact with the children's parents problematic.

*"It varies between being unsettling and being OK for Kelly. Contact is more beneficial for the mum than for her. She does love her mum though."*

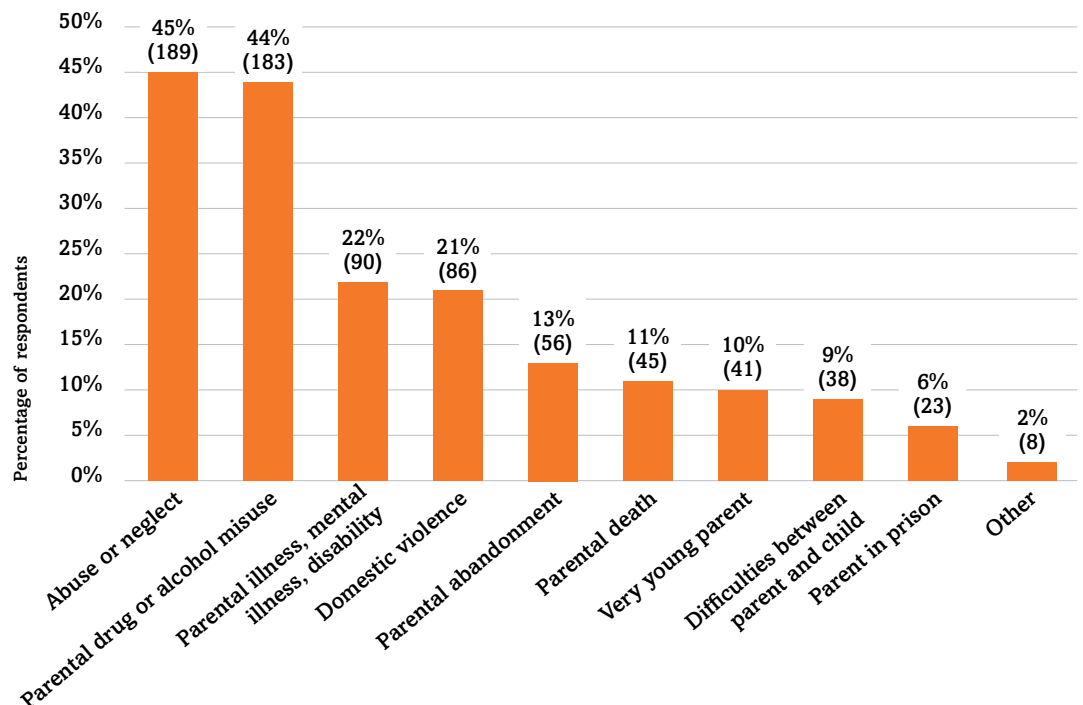
Grandmother aged 65 looking after granddaughter aged 12.

Graph 9: Impact of parental contact on the child



Abuse and neglect and parental drug or alcohol misuse are the two most commonly mentioned reasons for children coming to live with kinship carers. Often kinship carers cite multiple reasons, for example abuse and neglect and domestic violence, or substance misuse and parental illness.

Graph 10: Reason(s) why the child came to live with the kinship carer



Note: Response rate: 99%.  
Carers could give more than one reason

# 5. Conclusions

## **Children in need**

The report indicates that children in kinship care have experienced serious adversities and trauma before moving in with the carers, with the most common reasons given by kinship carers for taking on the care of children being abuse or neglect, parental drug or alcohol misuse, parental illness, disability or mental illness, or domestic violence. Over half of the children have special needs or a disability and one in seven are getting disability living allowance. More than one in five receive or have received support from Child and Adolescent Mental Health Services (CAMHS).

## **Placements are stable and children show improvement over time**

The majority of children in this survey have lived with their kinship carer for three years or more, and 40% for more than 6 years. Carers report that children generally settle down, with 53% of the children having emotional and behavioural problems at home on arrival, of whom just 29% have problems at home now.

## **Positive school experience**

Generally carers feel that children are well supported at school with the majority of children with special needs receiving appropriate support. Most of the children are achieving at or above the expected level for their age, despite their prior adversities.

## **Kinship carers themselves experience stress, poor health and poverty**

Although children in kinship care settle down and make good progress, this is often at the expense of kinship carers' own wellbeing. 80% of survey respondents found bringing up kinship children more challenging than bringing up their own children. Six in ten (60%) describe themselves as 'tired' and almost half (45%) as 'stressed'. A high proportion of respondents (37%) are lone carers and four in ten have a disability or health condition. Three in ten respondents (32%) also provide care for someone else (for example their partner, an older relative or a neighbour). Many are managing on a low income, with three in ten (28%) dependent on welfare benefits and a quarter (23%) reliant on a pension for their main source of income.

## **Patchy help from children's services**

41% of children in kinship care with emotional or behavioural problems at home receive no help from children's services. In line with other recent research findings, this report finds that there appears to be little relationship between children's needs and the level of help they get from children's services.

## **Contact with parents is a major issue for kinship carers**

Although many carers report that contact with parents is beneficial for children, one in seven of those who have contact with the children's parents are concerned that children find it distressing. Half (51%) find managing contact problematic. Kinship carers would welcome help and guidance on managing parental contact.

## **Impact of benefits cuts**

The kinship carers in this survey are mainly older women aged 45 to 64 who are not working. 28% rely on welfare benefits as their main source of income and are thus likely to be disproportionately affected by welfare reform and benefits cuts.



## 6. Policy recommendations

### **Kinship carers tell us they want:**

1. Recognition for the vital role they play in looking after vulnerable children and keeping them out of the care system. As a minimum they deserve to be counted – we need official data on the number of families in this situation.
2. Respect and support from service providers, including legal advice when needed and information about financial and other support they may be able to access.
3. Support from service providers based on the needs of the children and a legal duty on local authorities to conduct a 'children in need' assessment when kinship families ask for help and provide appropriate services to them. One way in which this could be done would be to introduce an amendment to the definition of 'children in need' to include children being cared for by family and friends.
4. Protection from the impact of welfare reform and cuts to local authority children's services, which may hit kinship carers and the children they are looking after (especially those who are outside the care system) particularly hard. We also want to see the introduction of a national allowance for kinship carers who look after a child for more than 28 days.
5. Better access to services for them and for the children they care for, including help with parenting skills, contact with birth parents, respite care, peer support groups and family group conferencing.
6. 'Adjustment leave': a period of unpaid leave equivalent to parental leave for a kinship carer during the first year after a child moves in, to enable kinship carers to adjust whilst keeping their jobs.
7. A period of paid leave equivalent to adoption leave when they take on the care of a child. This would give them time to manage the upheaval in their lives whilst keeping their job and would reduce the number who feel they have to give up work.

# 7. Notes and references

- <sup>1</sup> S. Nancy, J. Selwyn et al, June 2011, *Spotlight on Kinship Care*, University of Bristol
- <sup>2</sup> Estimate from the Family Rights Group cited in Saunders, H. and Selwyn, J. 2008, *Evaluation of an informal kinship care team*, *Adoption and Fostering*, Summer, Volume 32:2, pp. 31-42
- <sup>3</sup> Nancy, S. and J. Selwyn, J. et al, June 2011, *Spotlight on Kinship Care*, University of Bristol and Buttle UK.
- <sup>4</sup> Wellard, S. and Wheatley, B. 2010, *What if We Said No?* Grandparents Plus
- <sup>5</sup> Gautier, A. and Wellard. S. 2012, *Giving up the day job?* Grandparents Plus
- <sup>6</sup> Farmer, E. & Moyers, S. 2008, *Kinship Care: Fostering Effective Family and Friends Placement*, London, Jessica Kingsley Publishers
- <sup>7</sup> Flynn, R. 2002. Kinship foster care, Research review, *Child & Family Social Work*, 7
- <sup>8</sup> Wellard, S. and Wheatley, B. 2010, *What if We Said No?*, Grandparents Plus
- <sup>9</sup> Wellard, S. and Wheatley, *ibid*  
[http://www.grandparentsplus.org.uk/wp-content/uploads/2011/03/Findings2010\\_ONLINE\\_NEW.pdf](http://www.grandparentsplus.org.uk/wp-content/uploads/2011/03/Findings2010_ONLINE_NEW.pdf)
- <sup>10</sup> Selwyn, J. & Farmer, E. et al, 2013, *The Poor Relations?*, University of Bristol and Buttle UK
- <sup>11</sup> Hunt, J., 2003, *Kinship Carers*, Department of Health, London.  
Office of National Statistics (ONS), 2004, Focus on Health, Census 2001,  
<http://www.statistics.gov.uk/cci/nugget.asp?id=916>
- <sup>12</sup> Hunt, J. & Waterhouse, S., 2012, *Understanding family and friends care: the relationship between need, support and legal status – Carers’ experiences*, Family Rights Group and Oxford University Centre for Family Law and Policy,  
<http://www.frg.org.uk/involving-families/family-and-friends-carers/e-publications-and-studies>
- <sup>13</sup> Selwyn, J. & Farmer, E. et al, *ibid*
- <sup>14</sup> Hunt, J., Waterhouse, S., Lutman, E., 2008, *Keeping them in the family, Outcomes for children placed in kinship care proceedings*, *Adoption and Fostering*, BAAF
- <sup>15</sup> Selwyn, J. & Farmer, E. et al, *ibid*
- <sup>16</sup> Selwyn, J. & Farmer, E. et al, *ibid*
- <sup>17</sup> Selwyn, J. & Farmer, E. et al, *ibid*
- <sup>18</sup> Wellard and Wheatley, *ibid*
- <sup>19</sup> Selwyn, J. & Farmer, E. et al, *ibid*
- <sup>20</sup> Selwyn, J. & Farmer, E. et al, *ibid*
- <sup>21</sup> Department for Education and Skills, 2006, *Care Matters: transforming the lives of children and young people in care*, <http://www.education.gov.uk/consultations/downloadableDocs/6781-DfES-CM%20Summary.pdf>
- <sup>22</sup> In 2011, the total number of children under 18 in England and Wales is 11,970,000 (ONS, 2012). Office for National Statistics. (2012) ‘*Census 2011: Usual resident population by single year of age and sex, England and Wales*’. Accessed on 30.05.2013 at: <http://www.ons.gov.uk/ons/publications/re-reference-tables.html?edition=tcm%3A77-257414>.  
In 2011, total number of DLA recipients under 18 in England and Wales is 353,880 (DWP, 2011). Department of Work and Pensions. (2012) ‘*Disability Living Allowance: all entitled cases Caseload (Thousands): Age of claimant by region*’. Accessed on 30.05.2013 at: [http://83.244.183.180/100pc/dla\\_ent/cnage/ccgor/a\\_carate\\_r\\_cnage\\_c\\_ccgor\\_feb11.html](http://83.244.183.180/100pc/dla_ent/cnage/ccgor/a_carate_r_cnage_c_ccgor_feb11.html)  
Thus, the percentage of DLA recipients/ total population= 3%
- <sup>23</sup> Department for Education, 13 December 2012, *National Curriculum Assessments at key Stage 2 in England, 2011/2012 (revised)* SFR 33/2012. Accessed on 03.06.2013 at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/167380/sfr33-2012v2.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/167380/sfr33-2012v2.pdf)

Grandparents Plus is the national charity (England and Wales) which champions the vital role of grandparents and the wider family in children's lives – especially when they take on the caring role in difficult family circumstances. We do this because we want to make children's lives better. We:

- Campaign for change so that their contribution to children's welfare is valued and understood
- Provide evidence, policy solutions and training so that they get the services and support they need to help children thrive
- Advise and support grandparents and family members who are raising children who cannot live with their parents by ensuring they have access to professional advice, information and peer support
- Advise, inform and support professionals to develop good kinship care practice.

Grandparents Plus Advice Service for kinship carers is open from 10am to 3pm Monday to Friday  
0300 123 7015 [advice@grandparentsplus.org.uk](mailto:advice@grandparentsplus.org.uk)



We champion the wider family who care for children

**Grandparents Plus**

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Charity number 1093975

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**LOTTERY FUNDED**

# Relative Experience

Issues and challenges for kinship carers





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# Relative Experience

## Issues and challenges for kinship carers

This briefing has been produced for the Relative Experience: North East Pilot project. The project is being delivered in partnership between Grandparents Plus, Family Lives, and the Family and Parenting Institute. It is funded by the Big Lottery Fund Silver Dreams Fund. Its author is Sarah Wellard of Grandparents Plus.

*February 2013*

### Who are kinship carers?

Kinship carers are family members – grandparents, older brothers and sisters, aunts and uncles – who have stepped in to bring up a child because their parents cannot look after them. It is estimated that there are around 200,000 kinship carers in the UK bringing up 200,000-300,000 children because of serious family difficulties such as parental death, drug or alcohol misuse, severe illness or disability, domestic violence, child abuse or neglect, or imprisonment. Many of these children would be in local authority care if their relative had not stepped in.

Children in kinship care have suffered similar difficulties in their early lives as children in local authority care. Many have experienced neglect or trauma, and may have emotional and behavioural problems or special educational needs.

Kinship carers often face huge challenges – including poverty, isolation and lack of support. Most receive little or no support from children's services. A high proportion of kinship carers have a long term illness or disability. They may have multiple caring responsibilities, for example caring for an older partner or the parent of the child they are bringing up. Many kinship carers give up work when they take on the care of a vulnerable child, and often end up on benefits as a result.

This briefing paper provides information on the challenges experienced by kinship carers and their support needs, and on the children they are raising.

### About the Relative Experience project

We are a new project based in the North East providing peer to peer support from trained volunteers for older kinship carers (aged 50 plus) who are bringing up a relative's child. The project aims to respond to kinship carers who may be experiencing isolation and stress or who are having particular challenges with the children they are raising. We are funded by the Big Lottery Fund Silver Dreams Fund and run by Grandparents Plus in partnership with Family Lives and the Family and Parenting Institute.

## How people become kinship carers

Kinship carers often take on the care of children following a family emergency such as the death of a parent, a parent abandoning the child or a parent being admitted to hospital or prison. Children’s services may contact the carer without warning saying that unless they take the child in they will be taken into care. Sometimes the carer has been closely involved with supporting the family through difficulties for a long period of time, or they may have had little previous contact. Often children’s services have been involved with the family, and the child may have been on the child protection register or in council care.

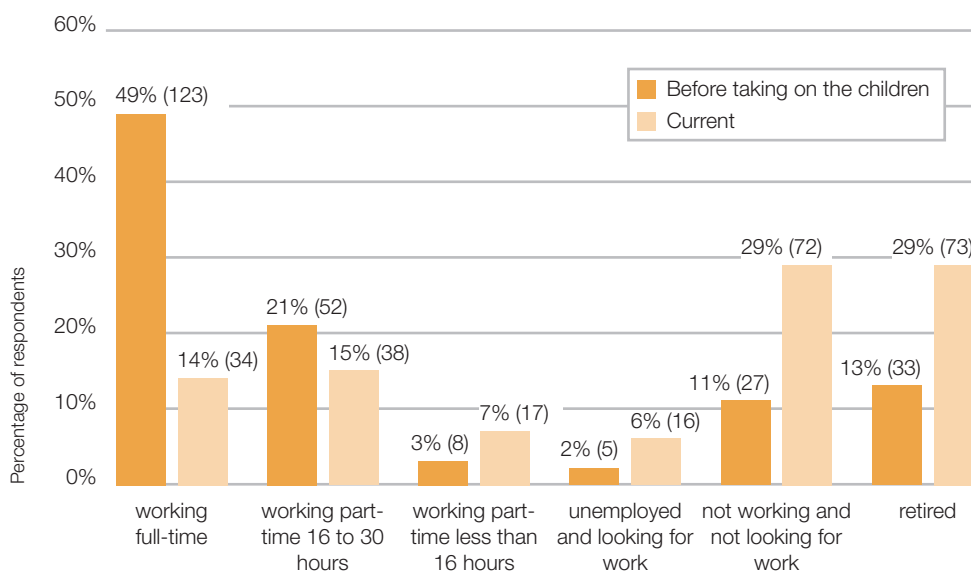
No-one plans to become a kinship carer; it is a step people take to provide a safe home for a vulnerable child. For most kinship carers it results in enormous stress and upheaval in their lives. They are often responding to their own bereavement or distress at what has happened in their family as well as looking after the child.

“A high proportion of kinship carers live in poverty or on very low incomes – 60% are on incomes below £300 a week.”

## Kinship carers and poverty

A high proportion of kinship carers live in poverty or on very low incomes – 60% are on incomes below £300 a week. Many are dependent on benefits as a result of giving up work to take on the care of children.

**Graph 1:** Employment status of kinship carers, before taking on the children and current



Source: Gautier, A. and Wellard, S. (2012) *Giving up the Day Job? London: Grandparents Plus.*



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## Older kinship carers

Around half of kinship carers are grandparents, of whom an estimated 60% are aged 55 or older. Around 25,000 are aged over 65. Older kinship carers may face particular challenges in terms of isolation, health difficulties and struggling to look after a vulnerable child.

## Wellbeing and health needs

Around six in ten grandparent carers report that they have a disability or chronic health condition, with arthritis the most commonly reported health condition followed by high blood pressure:

*“There’s things I can’t do with him, I can’t go and kick a ball about. I mean I tried and he said, ‘You’re rubbish Nanny, but then you’re old aren’t you?’”*

Kinship carers may neglect their health needs because of their caring responsibilities, or they may seek to hide ill health from children:

*“I used to rest in the day so I could be up when he came in from school. It is a worry for them if we are ill, they rely on us so much.”*

A significant proportion of kinship carers have a mental health condition such as depression or anxiety, and more than half describe themselves as stressed or depressed:

*“I get very tired and I get very stressed sometimes. A lot of people who know me say, ‘You must take some rest, make some time for yourself,’ but where? When?”*

But some older kinship carers feel that raising children keeps them fit and active:

*“There’s an upside to having these children, it keeps you young, it keeps you active... I’m not too stressed.”*

## Caring responsibilities

Around three in ten kinship carers are providing care and support for an older or disabled family member, friend or relative as well as bringing up the kinship child. Some kinship carers also have their own children living at home with them.

## Children in kinship care

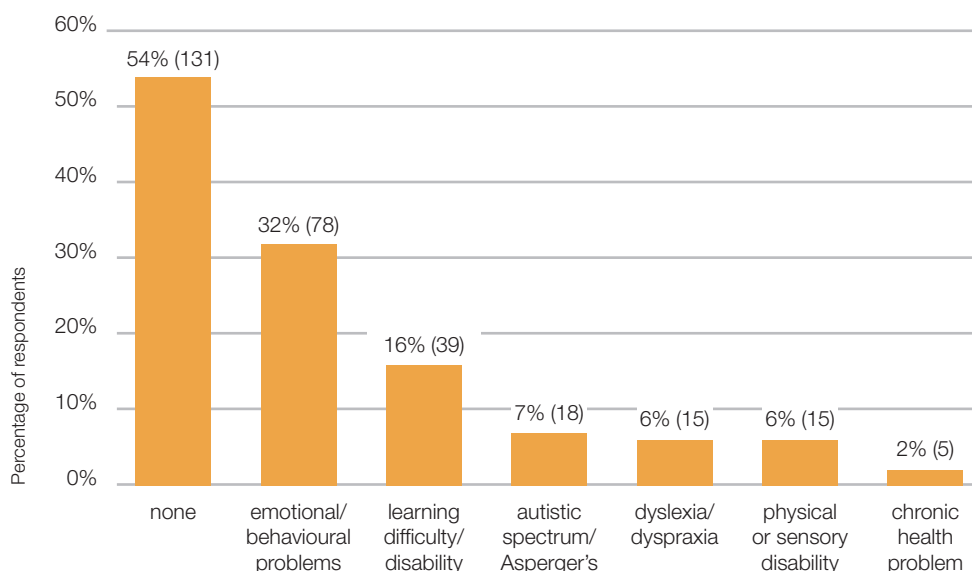
It is estimated that there are between 8,000 and 12,000 children in the North East living in kinship care. Almost half of children in kinship care have special needs or a disability, much higher than other children in the population. A high proportion also have difficulties at school of some kind, ranging from learning difficulties to behavioural problems and difficulties making friends with other children.

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*It is estimated that there are between 8,000 and 12,000 children in the North East living in kinship care.*

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**Graph 2:** Special needs/disability of children in family and friends care



Source: Wellard, S. and Wheatley, B. (2010) *What if we said no?* London: Grandparents Plus.

## Specific challenges in raising kinship children

Kinship carers often find parenting kinship children very challenging, much more so than raising their own children. The kinds of challenges they commonly face include helping children cope with contact with their parents or difficulties at school and dealing with children's emotional and behavioural problems and the effects of early traumatic experiences. In some cases children may be profoundly damaged. Children often display difficulties when they first move in, but usually settle down. However, problems may resurface at any time especially during the teenage years. Many children have been harmed by the disruption of the relationship with their birth parents, as well as other adverse experiences they suffered:

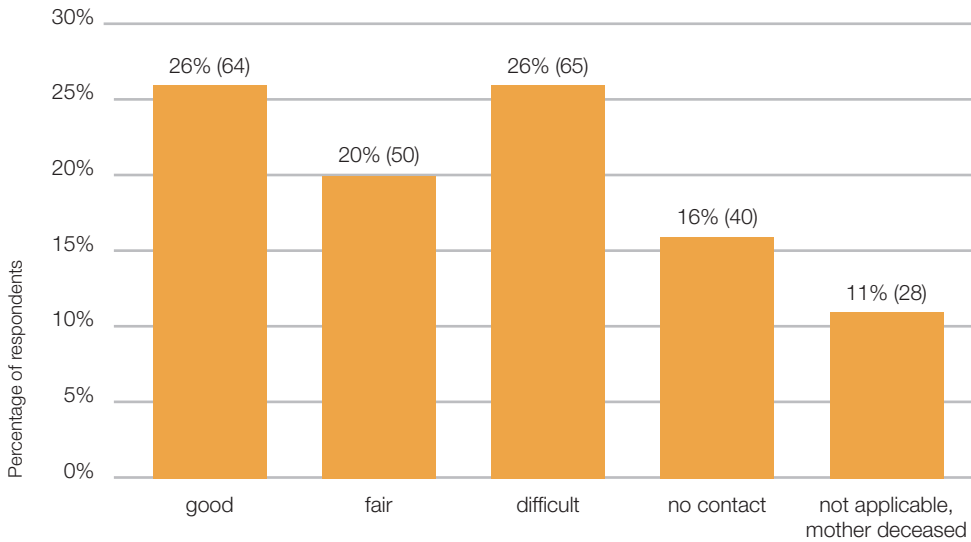
*"People don't always realise how damaged the children are. Social workers and GPs say they are not children in need, but they have emotional problems and behaviour problems. They don't appreciate the lasting impact of their experiences."*

## Relationships with children's parents

For many kinship carers, relationships with children's parents are a source of ongoing stress and difficulty. A recent survey found that one in four grandparent carers described the relationship with the mother as 'difficult', and the same proportion described it as 'good'.

*"People don't always realise how damaged the children are. Social workers and GPs say they are not children in need, but they have emotional problems and behaviour problems. They don't appreciate the lasting impact of their experiences."*

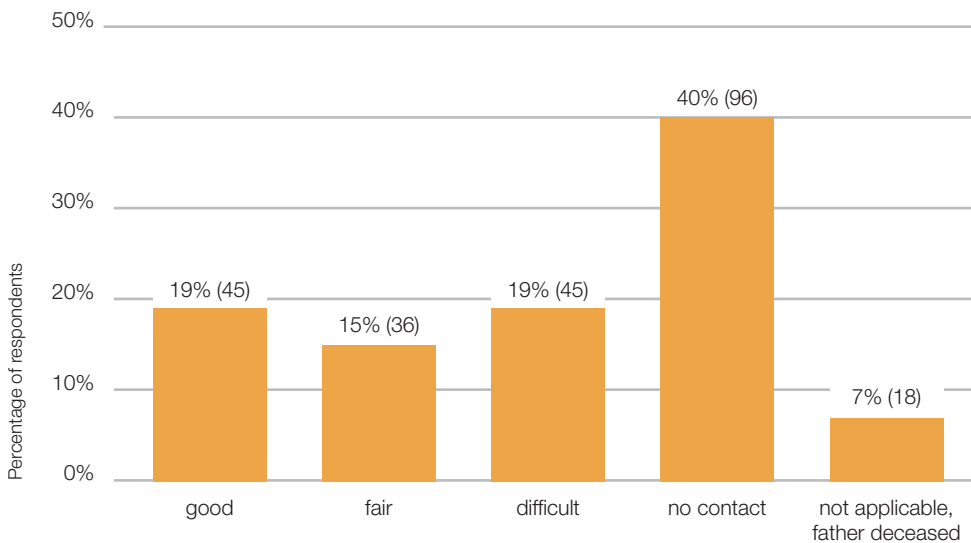
**Graph 3:** How would you describe your relationship with the child's/children's mother?



Source: Wellard, S. and Wheatley, B. (2010) *What if we said no?* London: Grandparents Plus.

One in five found the relationship with the father 'difficult', and the same proportion described it as 'good'.

**Graph 4:** How would you describe your relationship with the child's/children's father?



Source: Wellard, S. and Wheatley, B. (2010) *What if we said no?* London: Grandparents Plus.

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For some families, difficulties with the child's parent have a negative impact on wider family relationships:

*"The whole experience we have been through with our daughter [mother of kinship child] has been terrible and devastated the entire family. Our two sons now have a much more distant relationship with us and resent the fact that we are unable to give as much to their children."*

Often there has been a history of difficulties with the parent whose child the kinship carer is raising. Some grandparent carers are able to come to terms with the failings or difficulties of their children as parents, and focus their energies solely on their grandchildren:

*"We brought up his father and he was a nightmare. He went completely off the rails. We brought up the other two just the same – you can't understand why the other two turned out fine... We don't know where he is now."*

Many grandparents are continuing to support adult children through their difficulties at the same time as bringing up their grandchildren:

*"As a teenager my son got involved in black youth subculture and got into drugs... I had to bail him out from time to time. Now he goes to treatment and he's working – I think eventually we will be sharing the care [of the two grandchildren she is raising]."*

## Contact with children's parents

Often kinship carers are managing contact between the children they are raising and their parents. In one survey seven out of ten described helping children cope with parental contact as one of the biggest challenges they face in raising kinship children. This may involve helping children to come to terms with bitter disappointments:

*"She was seeing her dad and her nana and they just seemed to lose interest which we don't understand because she is such a lovely girl. It is very hard for her."*

They may also have concerns about the children's safety when they are with parents:

*"We've tried to keep as amicable as it can be with his mum, but the boyfriends are a worry. They have all been pretty grim, usually alcoholics or something. I used to think, 'Could he be a paedophile?'"*

In some cases the relationships with parents are extremely strained, and kinship carers may be at risk from or even suffer assaults from parents:

*"There is actually an injunction out for them being verbally or physically abusive in the street or in my home to me. So if he comes banging on my door I call the police."*

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*We've tried to keep as amicable as it can be with his mum, but the boyfriends are a worry. They have all been pretty grim, usually alcoholics or something.*

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## Support from children's services

While some kinship carers – around one in three – receive financial allowances and other support from children's services, the majority say that they fail to provide the support they need. Often, children's services are involved in placing the child but reluctant to provide support post placement:

*"If we hadn't taken the boys we were told they would be fostered then adopted – they had someone in mind for the youngest. But after we got the Residence Order we were dropped like a hot potato."*

Research from the Family Rights Group indicates that there is no relationship between the children's needs and the legal order kinship carers obtain – eg a Special Guardianship Order or Residence Order – to grant them parental responsibility, and that children with the highest levels of difficulties often receive the least support from children's services. Often at the time when children move in kinship carers lack the legal advice and information they need to enable them to make an informed choice.

Kinship carers may have a negative view of children's services and avoid contact because they fear that they will interfere or even take the children away:

*"We're a bit scared of local authority stuff because they tried to take him away in the early years. They sort of backed off, thank God, because the mental health support team [working with the child's mother] could see I was fairly competent and willing... When they come near us from time to time it's very scary because obviously we don't want him to be taken away."*

## What kinship carers need

Kinship carers tell us they need financial and practical support from local authorities in bringing up children. They have also told us they would appreciate support from volunteers from their own communities. In a recent survey more than 90% said that raising kinship children was more challenging than raising their own children:

*"(Kinship) children are far more stressful because of challenging behaviour arising out of the traumas they have suffered."*

## What people from the North East say about kinship carers

On behalf of the project partners, YouGov conducted a poll to find out the extent of support from the general public for kinship carers. The poll found that in the North East, 74% of people felt kinship carers should receive support from their local communities and 73% wanted them to receive similar support to foster carers. This is even higher than elsewhere in the UK – overall 69% wanted them to be supported by their local communities and 71% think they should get similar support to foster carers.

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*Kinship carers tell us they need financial and practical support from local authorities in bringing up children. They have also told us they would appreciate support from volunteers from their own communities.*

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## To find out more

If you are interested in a referral to or volunteering with Relative Experience, or want to find out more about the project, email [relative.experience@gmail.com](mailto:relative.experience@gmail.com) or telephone **07904 675021**.

This briefing can also be downloaded from [www.familyandparenting.org](http://www.familyandparenting.org)

## Sources

Most of the statistics quoted in this briefing are from Grandparents Plus research based on surveys of Support Network Members: *What if we said no?* (2010) and *Giving up the day job?* (2012). Quotes are from kinship carers and mostly taken from *Too old to care?* (2011). All are available online at [www.grandparentsplus.org.uk](http://www.grandparentsplus.org.uk).

See also

*Nandy, S. and Selwyn, J. (2011) Spotlight on kinship care. London: Buttle UK.*

*Hunt, J. and Waterhouse, S. (2012) Understanding family and friends care: the relationship between need, support and legal status. London: Family Rights Group.*

## Who we are

**Grandparents Plus** is the national organisation that champions the role of grandparents and the wider family in children's lives, through the provision of advice and support, research and campaigning. We reach up to 5,000 kinship carers nationally through our peer support network and advice service. Our advice service is open Monday to Friday 10am-3pm on 0300 123 7015.

[www.grandparentsplus.org.uk](http://www.grandparentsplus.org.uk)

Reg. charity no: 1093975

The **Family and Parenting Institute** is a charity working to improve the lives of children and families now and in the future through campaigning, research and practical support. We have merged with the Daycare Trust and the new charity will be launched in April 2013.

[www.familyandparenting.org](http://www.familyandparenting.org)

Reg. charity no: 1077444

**Family Lives** is a charity that has over three decades' experience in helping parents deal with the changes that are a constant part of family life through a range of national and local services including a 24 hour helpline, live chat service and local services in community venues across the country.

[www.familylives.org.uk](http://www.familylives.org.uk)

Reg. charity number: 1077722



In association with  
**Daily Mail**

## Staying Put – The Fostering Network

A new duty on Local Authorities in England regarding Staying Put came into force on 13 May 2014, in part 5 Welfare of Children (98) of the Children and Families Act 2014.

This requires local authorities in England to facilitate, monitor and support staying put arrangements for fostered young people until they reach the age of 21, where this is what they and their foster carers want, unless the local authority consider that the staying put arrangement is not consistent with the welfare of the young person.

The Department for Education has [updated statutory guidance](#) in line with the new duty. A [Good Practice Guide](#) for the sector has also been developed in conjunction with the Children's Partnership.

[The DfE has announced how much has been allocated to individual local authorities to support Staying Put in 2014-15.](#)

A Staying Put arrangement is not the same as a foster placement. The young person staying put, who must be a former relevant child, is no longer a looked after child. They are a young adult and a care leaver. They are entitled to support as a care leaver and will be allocated a Personal Advisor. The foster carer is no longer acting in the capacity of foster carer for that young adult. They are their 'former foster carer'. The foster placement becomes a 'staying put arrangement' and is not governed by Fostering Services Regulations. The 'former foster carer' offering a staying put arrangement may at the same time be offering foster placements to children who are looked after. Such placements will continue to be subject to provisions of the Fostering Services Regulations. The former relevant child will, in this circumstance, require a DBS check as they become a member of the fostering household, although this is one of the things that is being looked at (see FAQs at the end).

The DfE has updated its [Planning Transition to Adulthood for Care Leavers guidance](#) to include reference to Staying Put in Chapter 7. This will help local authorities and foster carers plan how to establish a Staying Put arrangement. It also covers important areas such as the support foster carers might require, and advice and guidance that local authorities should provide to young people. The Fostering Network has been closely involved in assisting with drafting its content.

The Fostering Network collated all enquiries raised by member fostering services and foster carers which were passed to the DfE. The Fostering Network, TACT and the National Children's Bureau worked in partnership to develop good practice guidance to

assist fostering service providers and practitioners. This is built on the good practice that has already been developed in some local authorities.

## **Independent Fostering Provider issues**

There will need to be consideration given as to how Local Authorities and IFPs work together with IFP foster carers who want to offer staying put arrangements to a young person they are fostering. The staying put arrangement is not a foster placement, so can be negotiated separately to the fostering agreements and contracts, although some frameworks are including reference to staying put within their tendering processes. However, the IFP will need to be fully involved in the negotiations as decisions made will have an impact on that carer's availability and the assessment of their ongoing suitability to foster, as well as having financial implications for all involved.

Where an IFP has a continuing role in supporting foster carers who are providing a staying put placement it would not be unreasonable for a fee for this support to be agreed. Commissioning frameworks will need to take this issue on board.

## **Ofsted**

The new inspection frameworks have strengthened the requirement on Ofsted to consider the services for young people who have left care. This will mean that Staying Put arrangements should be a focus for inspections.

## **Staying Put across the UK**

Similar provisions for Staying Put have now been announced in Scotland (although these are not to be brought in until 2015 and will also apply to residential care) and Wales (though no additional funding has yet been agreed). In Northern Ireland, young people in education, employment and training already have the right to 'Stay Put'. The issue has not been resolved for young people in residential care in England. The Fostering Network joined a roundtable event organised by The Children's Partnership and The Who Cares? Trust to discuss the implications for children's residential care of the Staying Put foster care reforms and [has issued a statement](#).

## **Useful links**

- [Details of the Children and Families Act 2014](#)
- The [full text of the Children and Families Act](#)
- The new duty on LAs regarding staying put is found in [Part 5 Welfare of Children \(98\)](#)



## FAQs

### **Will DFE guidance set out requirements for the range and level of support?**

DFE guidance will not set levels of support but will describe the range of supports that need to be in place.

### **What will be the implications for the payment of the leaving care grant?**

Payment of leaving care grant – can be delayed until YP leaves placement

### **What if the young person is going to university?**

Placements can be kept open if the young person is going to university.

### **What will the foster carers get paid?**

Levels of financial support to former foster carers will be agreed and specified within Local Authority's Staying Put policies.

### **If young people leave their staying put arrangements, will they be able to return?**

Young people who leave will not have a right to return but this will be covered in guidance, is permissible and would be good practice.

### **Will the young person need to have been in the placement for a certain period of time in order to be eligible to stay put?**

There is no requirement on the length of time a young person is placed with their foster carer before they are eighteen for entitlement to 'staying put' is established – in theory it could be one night.

### **What will be the legal status of Staying Put arrangement?**

Placements will not be foster care placements.

### **How will the foster carer know what support, including financial support, will be offered so that they can make a decision about whether they can offer a staying put arrangement?**

LA will be required to publicise levels of support to young adults and former foster carers in staying put arrangements so that foster carers can make decisions about whether they can offer this.

### **What steps will LAs need to take to ensure young people and foster carers know their entitlements to stay put?**

There will be amendments to Care Planning, IRO and sufficiency guidance, not just leaving care guidance to ensure awareness and information about post 18 arrangements are known.

### **If the young person and foster carer want a staying put arrangement, will the LA have to agree to it?**

Guidance will clarify that it should only be in exceptional situations that LA decide a placement is not in the young person's best interest.

### **If the LA can decide not to agree to it, what rights will young people and foster carers have to challenge this?**

Guidance will cover how the foster carer and/or young person can challenge decisions

### **Will young people staying put be required and/or eligible to have DBS checks?**

1. If a foster carer wants to remain registered as a foster carer, the young person staying put will be subject to an enhanced check for DBS Children's Barred List.
2. If a foster carer is agreeing to a staying put placement for an adult who is not classed as vulnerable and they also do not want to remain a registered foster carer, then they do not need any type of DBS check to be carried out.
3. If a foster carer is agreeing to a staying put placement for an adult who is classed as vulnerable where they are providing personal care, then they will be classed as a carer and will be subject to an enhanced check for DBS Adults Barred List.
4. If a foster carer is agreeing to a staying put placement for an adult who is classed as vulnerable where they are providing personal care as a carer, and they are also remaining as a registered foster carer, then they will need a DBS check to cover both the DBS Adults Barred List and DBS Children's Barred List.

## Is the funding for Staying Put adequate?

When the Government introduces a new 'burden' on local authorities, the convention is that they give local authorities funding to meet this burden. The Government will usually agree with Local Government Association how much this will cost local government. We understand this happened in this case and that there was agreement regarding the sum of £40m to cover the first three years.

It is very difficult to assess the cost to local authorities as it depends on:

- the numbers of young people staying put
- the length of time they stay put,
- the level of financial support offered
- other unknowns

As part of our campaigning, we looked at the above variables, took into account the take up rates in the Staying Put pilot sites in England and the levels of allowance and fee paid to foster carers, and the take up rates and the length of time young people stay put in Northern Ireland. Given the above, the Fostering Networks' view is that the overall financial settlement between the Government and LGA is not unreasonable. If take-up of the option to stay put is greater than that experienced in the pilots and in Northern Ireland, there remains the possibility that the funding could prove to be inadequate.

In terms of opportunity and outcomes for care leavers, there is good reason and research evidence to support the belief that when significant numbers of young people are staying put, this will lead to increased stability, higher engagement in further and higher education and lower teenage pregnancy rates for young people in care. All of this promotes cost savings for local authorities in the long term. We are, however, a long way from achieving this.

These days, funding is only exceptionally ring fenced and usually goes into the general allocation of funding. Local authorities then have the freedom to decide for themselves how they will allocate spending. We know that local authorities are under enormous financial pressure and that, just because funding is allocated centrally, it does not mean all of this will find its way to fund staying put schemes

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**Report of the Head of Scrutiny and Member Development**

**Report to Scrutiny Board (Children and Families)**

**Date: 19 March 2015**

**Subject: Work Schedule**

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**1 Purpose of this report**

1.1 The purpose of this report is to consider the Scrutiny Board's work schedule for the forthcoming municipal year.

**2 Main Issues**

2.1 A draft work schedule is attached. The work programme has been provisionally completed pending on going discussions with the Board. The work schedule will be subject to change throughout the municipal year.

**3. Recommendations**

3.1 Members are asked to:

- a) Consider the draft work schedule and make amendments as appropriate.

4. **Background papers<sup>1</sup>** - None used

<sup>1</sup> The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

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## Draft Scrutiny Board (Children and Families) Work Schedule for 2014/2015 Municipal Year

Schedule of meetings/visits during 2014/15			
Area of review	19 June	24 July – Full	August
<b>Inquiries</b>		Board Agree Reports* Cluster Partnerships	
<b>Annual work programme setting - Board initiated pieces of Scrutiny work (if applicable)</b>	Consider potential areas of review		
<b>Budget</b>		Budget Update 2014/15	
<b>Policy Review</b>			
<b>Recommendation Tracking</b>		Private Fostering Inquiry (LSCB and Director of CS)	
<b>Performance Monitoring</b>		Performance Report	
<b>Working Groups</b>			

\*Prepared by S Pentelow

## Draft Scrutiny Board (Children and Families) Work Schedule for 2014/2015 Municipal Year

Schedule of meetings/visits during 2014/15			
Area of review	11 September – Full	16 October – Full	13 November – Full
<b>Inquiries</b>	Agree scope of review for ** 1) Learning Improvement Service	Agree scope of review for ** 2) Kinship Care  <u>Inquiry Response</u> Cluster Inquiry	<b>Evidence Gathering</b> Learning Improvement Service
<b>Recommendation Tracking</b>			
<b>Policy Review</b>	Basic Need Update and sufficiency of Early Years Provision		
<b>Performance Monitoring</b>	NEET a) recommendation tracking b) supporting Care Leavers c) geographical challenges  SEN- preparing for and providing a destination in EET  Leeds Safeguarding Children – Draft Annual Report	Implementing the Children and Families Act – update	
<b>Working Groups</b>	Working Group – School Transport – 11 <sup>th</sup> Sept	CSE – Scrutiny Working Group	

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\* Prepared by S Pentelow



## Draft Scrutiny Board (Children and Families) Work Schedule for 2014/2015 Municipal Year

Schedule of meetings/visits during 2014/15			
Area of review	18 December – Full	29 January	26 February - Full
<b>Inquiries</b>		<b>Evidence Gathering</b> School Visits – Learning improvement	<b>Evidence Gathering</b> Learning Improvement Service
<b>Budget</b>	Initial Budget Proposals 2015/16 and Budget Update		
<b>Policy Review</b>	Children and Young Peoples Plan – Formal Consultation (B&P framework)		
<b>Recommendation Tracking</b>			
<b>Performance Monitoring</b>	Performance Report  Free School Meals a) Update on supply of meals to infant age children. b) Promoting take up of fsm for all school age children.  Universal Activity Funding – performance, consistency and delivery since the delegation of responsibility and budgets to Community Committees		Transforming Social Care in Leeds, Social Services Care System update and impact report.
<b>Working Groups</b>	Working Group – School Transport 18 Dec	Working Group – Learning Improvement Inquiry	

## Draft Scrutiny Board (Children and Families) Work Schedule for 2014/2015 Municipal Year

Area of review	Schedule of meetings/visits during 2014/15		
	19 March - Full	23 April – Full	May
<b>Inquiries</b>	<u><b>Evidence Gathering</b></u> Kinship Care	<u><b>Evidence Gathering</b></u> Learning Improvement Service - (to include Annual Standards Report: Early Years Foundation Stage, Primary & Secondary Schools Provision)  <u><b>Board to Agree Report</b></u> Kinship Care	
<b>Budget and Policy Framework?</b>			
<b>Recommendation Tracking</b>			
<b>Performance Monitoring</b>		Ofsted Report	
<b>Working Groups</b>	Inquiry – Learning Improvement 25 <sup>th</sup> March	CSE working Group - 2 <sup>nd</sup> April	

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Need to schedule:

LTHT report following the Savile investigation – feedback from Safeguarding Boards (joint work with HW&ASC Scrutiny Board)

Cluster Recommendation tracking

School Transport Statement – Exec Board

Updated – 11 March 2015

\*Prepared by S Pentelow

Key: SB – Scrutiny Board (Children and Families) Meeting

WG – Working Group Meeting