

## Wiltshire Council Family and Friends Care Policy

### Purpose

The purpose of this policy is to set out Wiltshire Council's approach towards promoting and supporting the needs of children and young people who are unable to remain living at home, or with an adult with parental responsibility, and are living with family and friends carers in a range of legal circumstances.

### SCOPE

This policy relates to children and young people who are living away from home with family members or friends in any of the following circumstances:

- In an informal arrangement with a close relative
- Informal arrangement with friends or other family members lasting less than 28 days
- As a private fostering arrangement
- As a looked after child placed with family and friends foster carers
- Through a residence order or special guardianship order
- Through arrangements which may lead to an adoption order

### Introduction

Family and friends carers play a unique 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. These arrangements occur both for looked after children and others who are not looked after by the local authority. Children and young people **can** be cared for by family and friends **without** having to become a 'looked after' child.

Children and young people who are unable to live with their parents should receive the support that they and their carers need to safeguard and promote their welfare, whether or not they are looked after children in accordance with the Children Act 1989.

Family and friends carers should receive clear information about their

- Rights, responsibilities and options
- the support that is available to them from different sources,
- the policies, procedures and decision making processes of the local authority

where the child is a looked after child or assessed as a child in need.

## **Legal Context**

The following legislation and guidance applies:

- The Children Act 1989
- Fostering National Minimum Standards and Regulations 2011
- The Children Act 2004
- The Children Act 2008
- Care Planning, Placement and Case Review Regulations (England) 2010 (<http://www.education.gov.uk/childrenandyoungpeople/families/a0065502/care-planning-for-looked-after-children-and-care-leavers>);
- The Children (Private Arrangements for Fostering) Regulations 2005 and associated guidance
  
- Adoption and Children Act 2002 and associated guidance
  
- The Special Guardianship Regulations 2005 and associated guidance
  
- Family and Friends Care: A Guide to Good Practice for Local Authorities - Family Rights Group 2009
  
- Family and Friends Care: Statutory Guidance for Local Authorities 2011

## **DEFINITIONS**

- Family and friends carers are relatives, friends and other people with a prior connection with somebody else's child who are caring for him or her full time. This includes a **'connected person'** to a looked after child.
  
- A 'connected person'** means a relative (as defined in section 105 of the Children Act 1989, as amended by section 75 of the Civil Partnership Act 2004 (see below)), friend of, or other person connected with a **looked after child**. A person in the last category may be someone who knows the child in a more professional capacity such as a child minder, a teacher or a youth worker although these are not exclusive categories. Such people would not fit the term 'relative or friend' but nevertheless may be an appropriate person with whom to place a child because of this pre-existing relationship.
  
- Relative** as defined by the Children Act 1989 means grandparent, brother, sister, uncle or aunt (whether full blood or half blood or by marriage or by civil partnership) or step parent.
  
- A looked after child** is a person under the age of 18 who is subject to a care order under section 31 of the Children Act 1989, or an interim care

order under section 38 of that Act, or is voluntarily accommodated under section 20 of that Act.

- **A child 'in need'** is defined in section 17 of the Children Act 1989 as a child whose vulnerability is such that they are unlikely to reach or maintain a satisfactory level of health or development or their needs or development would be significantly impaired without the provision of services by the local authority.

## **1. MANAGEMENT ACCOUNTABILITY**

- 1.1 The Director of Children and Education will identify a senior manager who is accountable for monitoring the way in which the authority discharges its responsibilities in accordance with the Family and Friends Care Statutory Guidance.
- 1.2 The accountable manager will ensure that the partners in the Children's Trust are aware of their responsibilities towards children and young people living in family and friends care, and are proactive in meeting those needs.

## **PRINCIPLES**

- 21 The child's welfare is paramount. Their rights, wishes, needs and safety are central to decision making. The local authority recognises the value and long term benefits of supporting and helping a relative or friend to care for a child. The provision of such support, whether universal or targeted, can play a significant role in preventing the potential break down of an arrangement and ultimately preventing the need for a child to come into the care of the local authority.
- 22 Family and friends care is not appropriate for every child and professional skill is needed in making what may be finely balanced decisions. All assessments must consider how far a placement will meet the assessed needs of a particular child or young person given their previous history and their current circumstances.
- 23 All children need, and have a right to, safe, secure and permanent care with primary carers with whom they can develop a secure attachment. Permanence is the framework of emotional, physical and legal conditions that gives a child a sense of security, continuity, commitment and identity and enables the child to thrive and develop their full potential.
- 24 Children have the right to have this care provided by their parents wherever possible.
- 25 Every reasonable and practicable support will be given to enable a child assessed as being a child in need to live with their parents, as required under section 17 of the Children Act 1989, unless this is not consistent with their welfare.

- 26 Where a child assessed as being a child in need is unable to live with their parents, or other adults with parental responsibility, even with support, **the possibility of living with family members and friends must be explored before other arrangements are considered.** Research shows that outcomes for children cared for in this way are at least as good and often better than children brought up in non related foster care and that to be cared for within their family is important to children. This is in line with the Public Law Outline – New approaches to Care Proceedings 2008 and the Children Act 1989 Guidance Volume 1 (revised 2008).
- 27 The local authority will always follow the ‘No Order’ principle in the Children Act 1989.
- 28 In order for adults to be able to make informed choices about the best possible care arrangement for their child, clear and accessible information will be available to parents, relatives, friends and children setting out the range of legal arrangements available. This will detail the legal implications of each option as well as the statutory duties that may be upon the local authority to support any such arrangement.
- 29 Children should **not** become looked after if this is not warranted to safeguard and promote their welfare. Families themselves are usually best-placed to find their own solutions and to make safe plans within the family. Intervention from the local authority should be at a minimum needed to safeguard the welfare of the child. Supporting informal family and friends arrangements should be the first choice if children cannot live with their parents. Where the parents and family are able to agree their own arrangements to provide an alternative primary carer for a child in need, the carers can be supported by the local authority under section 17 of the Children Act 1989.
- 210 **Access to services will be based on the needs of the child, not the type of arrangement the child is living in or the child’s legal status.** Therefore, a child does **not** have to come into the care of the local authority in order for family and friends carers to access support services, including financial support.

## **RESEARCH**

### **3 RESEARCH EVIDENCE – KEY MESSAGES THAT HAVE INFORMED POLICY**

- 31 Key messages from research have been the driver behind the development of the family and friends policy as a means of securing the best possible outcomes for children and young people who are unable to remain living with their parents.
- 32 It is recognised that few children or young people want to become looked after by the local authority: most would prefer their birth parents to be supported to continue to care for them, or if that is not possible to be able to live with members of their extended family.

- 33 Research indicates that family and friends placements have the capacity to deliver security of attachment and continuity of care. Children are generally reported to feel secure, happy and integrated into the family, with most studies indicating that this is more common than for children placed with stranger carers
- 34 Family and friends care is likely to contribute to:
- children's sense of security and personal identity through minimising the degree of disruption they experience in other ways;
  - children usually go to people they know, with whom there is a shared culture. They are more likely to stay in the same neighbourhood and school, are more likely to be placed with siblings and to have contact with siblings living elsewhere;
  - Although carer attitudes to parents are not necessarily favourable and relationship difficulties are more common than in stranger placements, studies report that contact is more likely, though not necessarily with both parents.
  - the high levels of commitment demonstrated by carers, their strong bonds with the children, the pleasure they find in the children themselves and the satisfaction they derive from caring;
  - family and friends placements last longer and that children have fewer moves. However, research highlights the impact of behavioural difficulties in the breakdown of both family and friends arrangements as well as non-related foster care.
  - There are some risk and protective factors although these are regarded as indicative of potentially vulnerable placements needing targeted support rather than barriers to placement. There is a need to focus the assessment on parenting capacity rather than on specific concerns which often fail to materialise
  - On the range of measures relating to child functioning – health, education, emotional and behavioural development – children appear to do about as well in family and friends placements as those in unrelated foster care placements with some studies suggesting they do better and only a few worse. There is, however, little research and therefore evidence as to how the children fare as adults.
- 35 Grandparents and aunts, usually on the maternal side, are the principle providers of family and friends foster care in the UK. Family carers are reported to be less well educated, more disadvantaged, less likely to have a partner in employment, more likely to experience financial hardship and overcrowding and have higher levels of health problems than the general population. However they are no older on average than non-related carers

and are just as likely or only marginally less likely to live with a partner.

- 36 There is limited evidence of the link between support and outcomes in family and friends care although research on other forms of care suggests this would be a reasonable assumption. Carers do report that they are uncertain as to what help is available, how to access it, reluctant to press their case, find the response variable and are frustrated by changes of worker.
- 37 Standards of care provided by family and friends carers may be variable and lower than the average stranger foster home and carers may be more inclined to use physical punishment.

## **REFERENCES**

- Aldgate J. (2006) Living in Kinship Care: A child centered view  
Broad B. (2007) Kinship Care: What Works? Who Cares?  
Family Rights Group(2009) Family and friends Care: A guide to good practice for local authorities  
Farmer E and Moyers S (2008)Kinship care:Fostering effective Family and Friends Placements  
Nixon P. (2007) Relatively Speaking; Developments in Research andPractice in Kinship Care (Dartington/Research In Practice)  
Hunt et al (2008) Keeping Them in the Family:Outcomes for Children Placed with Family and Friends Carers through Care Proceedings (BAAF)

Wiltshire Council propose to consult with family and friends carers via consultation events in early 2012.

## **Legal Basis of placement of child with family and friends carers**

In order to provide a clear framework for children cared for by family and friends, it is essential for the legal basis under which the child is placed is clearly stated. This is to ensure that the child and carers receive the support they need to safeguard and promote the child's welfare.

The majority of family and friends carers act informally by agreement with those holding parental responsibility for the children they care for. Providing they are a relative of the child as defined by section 105 of the 1989 Act (as set out below), there is no requirement to notify the local authority of the arrangement. Most such arrangements remain entirely private without the need for assessment or support from children's social care services.

Parents can make arrangements for children to be cared for by other family members without the involvement of or notification to the Department where the placement is with:

- A carer who is a relative, defined in s.105 of the Children Act 1989 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".

- A carer who is a person with parental responsibility arising from Special Guardianship, Residence Order, or a person who is a Testamentary Guardian.

Other relatives (not within the relationship at the first bullet point above), friends or other persons can care for children with the agreement of those with parental responsibility. However, carers in this category must:

- Register as childminders if they are paid to provide care for a child under the age of 8 years for longer than 2 hours and up to 27 days, this can include overnight stays.
- After 28 days this will become a private fostering arrangement and if they intend to act as carers for a child under the age of 16 years (or under the age of 18 years if disabled) for longer than 28 days, they must notify the Department, please refer to the **Private Fostering Procedures**

In these circumstances there is a requirement to notify the Department of the arrangements for the child.

### **Family and Friends arrangements and Social Care Involvement**

4. There will be circumstances when a child is not able to remain living with their parent and an alternative arrangement is required, despite efforts made to support a parent to care for their child. Children's Social Care may be actively involved with the family and there may be significant concerns regarding the parent's ability to offer appropriate care to their child. Families in these situations may require guidance, help and support to understand the options available to them and their implications.

- 4.1 The role of Social Care in these cases is to undertake an Assessment of Need under section 17 of The Children Act 1989. The Framework for the Assessment of Children in Need and their Families, provides the assessment tool for local authorities to satisfy themselves that informal family and friends arrangements are appropriate to meet the needs of individual children.
- 4.2 Section 17(6) provides that the family support services provided by a local authority may include giving financial assistance to the family. Section 17(6) is amended by the Children and Young Persons Act 2008 and the restriction on the local authority providing financial assistance only in exceptional circumstances removed. A local authority can therefore provide regular financial support under section 17.
- 4.3 Where a child is unable to remain with their parents/carers (either in the short term or long term) family members and close family friends should be asked to suggest people in the child's wider network who could care for him or her.

Ideally this should be done through a Family Group Conference to enable the involvement of the widest possible network in the decision making and planning for the child.

- 4.4 The range of options, both legal and informal, available to family and friends wanting to offer a care arrangement to a child needs considering in light of individual circumstances. The local authority is under a duty to look to provision within the wider family and friends network as a means of providing care and accommodation for a child whenever safe to do so. Whether that provision is provided informally or under the provisions of s20 will depend upon the circumstances of the case.
- 4.5 Section 20(1) of the Children Act 1989 provides that every local authority must provide accommodation for any child in need within their area who appears to require accommodation as a result of there being :
- no person with parental responsibility for the child,
  - their being lost or having been abandoned
  - or the person who has been caring for him or her being prevented (whether or not permanently, and for whatever reason) from providing them with suitable accommodation or care.
- 4.6 No child or young person should have to become, or remain, a looked after child, whether by agreement with those holding parental responsibility or by virtue of a court order, for the sole purpose of enabling financial, practical or other support to be provided to the child's carer.
- 4.7 Support offered to children and carers in family and friends arrangements will be based on the assessed needs of the child **not** on his or her legal status. It will be informed by what research tells us about the particular stresses on, and needs of, family and friends carers. It should be noted that the entitlement to an assessment regarding support can differ dependent on the arrangement. For example, in a situation where a child was 'looked after' immediately prior to the making of a Special Guardianship Order the special guardian and parent have a right to receive an assessment of their support needs, including financial. However, special guardianship guidance makes it clear that children who were not looked after should not be unfairly disadvantaged.
- 4.8 For those where there is no right to an assessment of their needs, such as Residence Orders, the local authority does have the power to pay a residence order allowance if deemed necessary.
- 4.9 Where alternative care arrangements are made for the child with friends or more distant relatives and are expected to last over 28 days the Private Fostering provisions will apply.

- 4.10 **Whichever family and friends arrangement is chosen for a child it is incumbent on the local authority to ensure they are clear with the adult providing the care and the parent of the legal status of the arrangement.** This will also be clearly reflected in the outcome of the assessment. Having a written record is essential. Apart from when a child is looked after by the local authority, under Sec 20 or Sec 31, the arrangement is not a placement being made by Children's Services and support provided by the local authority, including financial, is at the discretion of the local authority under Sec 17 of the Children Act 1989. However access to financial support may change if a legal order is obtained through the courts.
- 4.11 Arrangements for a child may change over time and arrangements which started as an informal arrangement with a close family member may move onto a legal order being awarded through the courts such as a Residence Order or Special Guardianship Order, as the carers seeks to secure stability and permanency for the child.
- 4.12 Where the child meets the criteria in section 20 of The Children Act 1989 then the child must be placed with a Local Authority approved foster carer. The child may still be placed with a family member or friend **ONLY** if the carer is, or becomes, approved as a foster carer under Regulation 24 of the Care Planning, Placement and Case review (England) Regulations 2010.
- 4.13 Where the child's parent will not take part in planning for, or agree to family arrangements, and it is not consistent with his or her welfare to live with their parents then care proceedings will be initiated as neither an informal arrangement or s20 accommodation can be provided without the consent of at least one person with parental responsibility for the child.
- 4.16 The circumstances under which children in family and friends care may need to become looked after to safeguard them are:
- When parents do not agree, or may be inconsistent, as to their agreement to their child being cared for by the family and friends carers. Under these circumstances Private Law Orders (residence order or special guardianship order) may not be appropriate.
  - When there are immediate and significant child protection concerns which prevent a parent from safeguarding the child and the parent agrees to the child being looked after. If the child was not looked after then the local authority would seek a legal order to protect the child.
  - When there is concern that the child's placement with family and friends carers may be seriously disrupted by a parent whose behaviour may have been assessed as being potentially dangerous, or as posing a serious risk.
  - When a family and friends carer may feel threatened, or unsafe, in managing contact of the child with their parents.

- When a parent may be untraceable or incapable of giving agreement to the child being cared for by the family and friends carer, legal advice should be sought about the appropriateness of a Private Law application under these circumstances.

4.17 Local authorities **remain** responsible for looked after children placed with family members or friends in the same way as they do for all other looked after children. Fostering services must ensure that family and friends foster carers are provided with a service that is consistent with the service offered to other foster carers. The National Minimum Standards for Fostering services cover fostering services' responsibilities with respect to all their foster carers, including those who are relatives and friends.

4.18 A child placed by the local authority with a relative, friend or other person connected with the child is looked after until the child returns home, moves to an informal arrangement by agreement with those holding parental responsibility for the child and no longer meets the criteria in s20 or where the carer applies for an Order in respect of the child such as a Residence Order or Special Guardianship Order. In the case of a child subject to a care order, the Order will be discharged if the foster carer applies for an order which gives them parental responsibility for the child such as a residence order or special guardianship order.

## 5 The Role of Children's Services

### 5.1 Informal arrangements with a close relative

5.1.1 Social Care Services can be involved in supporting children to be cared for within their family network on an informal basis. As the parents will have been instrumental in making this arrangement, and therefore fully consenting, it is likely that no legal order will be in place or necessary. If the carer is not within the definition of 'close' relative and the arrangement is due to last more than 28 days then the local authority must be notified of the arrangement as this will be a Private Fostering Arrangement.

5.1.2 The local authority does **not** have to a duty to assess informal care arrangements unless it appears that services may be necessary to safeguard or promote the welfare of a child in need in their area or is a private fostering arrangement. The Framework for the Assessment of Children in Need and their Families (the Assessment Framework) is identified within the Family and Friends Statutory Guidance (2011) as providing a suitable model for local authorities to satisfy themselves that informal family and friends arrangements are appropriate to meet the needs of individual children..

5.1.3 Such an assessment will identify the needs of the child and the carers capacity to meet them. It will highlight areas in which the child, carer or parent may require support and advise how these gaps can best be addressed by services, universal or targeted, in order to enable the arrangement to be successful and for the child to meet their full potential.

5.1.4 If a child living with a family and friends carer is assessed by the local authority as being 'in need', the authority may provide services and support (including one off and regular financial support) under section 17 of the Children Act 1989. 'Local authorities must seek to provide any necessary support services without the child becoming looked after unless they meet the criteria at sec 20 (1) of the Children Act 1989.'

## 5.2 Private fostering

5.2.1 Some arrangements may fall within the definition of private fostering. If the carers of a child under the age of 16 (or 18 if he or she is disabled) are not the child's grandparent, brother, sister, uncle or aunt (whether full blood or half blood or by marriage or civil partnership) or step parent, and the placement continues beyond 28 days or is intended to do so, then the arrangement will fall within the definition of private fostering in the 1989 Children Act, and the Children (Private Arrangements for Fostering) Regulations 2005.

5.2.2 Parents and carers have a legal duty to notify the local authority of private fostering arrangements and the local authority has a duty to assess, monitor and support such arrangements in accordance with statutory regulations and guidance. Professionals who become aware of a private fostering arrangement are under a duty to notify the local authority of such an arrangement to enable an assessment to be undertaken to ensure the child is safeguarded.

5.2.3 In a private fostering arrangement the parent **retains** parental responsibility but enters into a private arrangement regarding the care of their child.

5.2.4 A range of statutory duties are laid upon the local authority with regard to private fostering in relation to the assessment of the arrangement, visiting frequency and on-going monitoring

5.2.5 Children and young people subject to these arrangements are monitored by the fostering social worker(private fostering) if they are not regarded as children in need.If they are considered as children in need they will be and caseheld within a Children's Social Care team.

5.2.6 Individuals caring for children under this umbrella may require support and guidance in order to underpin the stability of the placement. The role of the local authority includes signposting to relevant services and the provision of financial support (under s17) where required, on a one-off or on-going basis. This will be in addition to any universal benefits that should be claimed.

5.2.7 Those children and young people who cease to be privately fostered because they reach the age of 16 but who remain with their private fostering carer will be deemed to be living in an informal family and friends arrangement.

5.2.8 Some young people in private fostering arrangements will attain a 'qualifying' care leaver status at age 16 or 18 and will be entitled to leaving care services.

5.2.9 For further details and information see Wiltshire Council's private fostering procedure.

### **5.3 Family and Friends foster care**

5.3.1 Where the child becomes a looked after child as a result of the commencement of Care Proceedings, or as a result of being accommodated under section 20 of the Children Act 1989, a placement with family or friends foster carers will be the placement of first choice (Sec.22C Children Act 1989).

5.3.2 The Children Act 1989 makes it clear that if a **looked after child** is placed with a family member, friend or any other person who is connected with the child, then the carer must be approved as a local authority foster carer under the Fostering Services Regulations, or temporarily approved as a foster carer under the Care Planning, Placement and Case Review (England) Regulations 2010, and in accordance with the National Minimum Standards for Fostering Services.

5.3.3 Where an immediate placement is required family and friends carers can be temporarily approved as foster carers to enable the child to be placed within their own network for up to 16 weeks while the carers are fully assessed and approved as local authority foster carers for that particular child. In order to be approved as a local authority foster carer family and friends carers need to be assessed in accordance with the Fostering Services Regulations and meet the National Minimum Standards for foster carers as outlined in the Care Standards Act 2000.

5.3.4 Timescales for assessments of potential carers and placements are dependent on whether it is an emergency and unplanned placement or whether it is a planned move. In an emergency situation an assessment will be required and approval to place must be given by the Head of service Children in care.. For those where it is a planned move a viability assessment may be beneficial before proceeding with a full assessment to be placed before Panel.

Further information is accessed via Wiltshire Council's family and friends procedures.

### **5.4 SPECIAL GUARDIANSHIP, RESIDENCE ORDERS AND ADOPTION**

5.4.1 Where a relative, friend or other connected person wishes to make a long term commitment to caring for a child, they may apply for a Residence Order or Special Guardianship Order to obtain parental responsibility. The effect of such an order will be to give the person in whose favour the order is made parental responsibility for the child. A special guardian may exercise parental responsibility to the exclusion of all others with parental responsibility, and is responsible for all aspects of caring for the child or young person and for taking decisions to do with their upbringing.

- 5.4.2 Where a child is already living with a family and friends carer it may also be possible for them to apply for an adoption order, which will extinguish the parental responsibility of the birth parents.
- 5.4.3 Adoption is a legal means of providing permanency for a child and has very specific processes that must be followed. Alternatively, to support the stable placement of children with their families relatives can apply for a residence order or special guardianship order without the permission of the court after caring for the child for one year.
- 5.4.4 For details refer to Wiltshire Council's specific special guardianship order, residence order and adoption order policy and procedures

## **6. FINANCIAL SUPPORT**

- 6.1 Parents and others with parental responsibility retain their responsibilities for the maintenance of their children placed with informal family and friends carers, including care arrangements which fall within private fostering regulations, residence orders and special guardianship orders. Support should be given if necessary to help those with parental responsibility to come to financial arrangements with carers.
- 6.2 Financial support is available to carers across the full range of different family and friends placement options to ensure that a child is not prevented, solely for financial reasons, from being placed under the appropriate legal framework with a family who can best meet their needs.
- 6.3 However family and friends carers may experience significant financial difficulties as a result of taking on the care of a child or children. They may have limited income already, be on a pension or have to give up employment or reduce their hours of work to care for the child in the short or longer term.
- 6.4 Carers should be signposted to information and advice to ensure they are aware of their entitlement to any state benefits and allowances such as child benefit and child tax credit, and also how to apply for any discretionary financial support which may be available, such as sec 17 of the 1989 Act.
- 6.5 In some circumstances family and friends carers may still be struggling to cope financially even when they are in receipt of all appropriate benefits. They may need financial assistance for a significant one off expenditure, on a short term basis or even an on-going and regular basis. Local authorities have the power to make payments to family and friends carers in respect of children in need under section 17(6) of the Children Act 1989. The power to provide on-going financial support is now enabled following an amendment to Section 17 (6) within The Children & Young Person's Act 2008 which removed the restriction on local authorities to provide financial support only in 'exceptional circumstances'. Hence a range of informal arrangements, including private fostering, can now be financially supported, where appropriate to do so following a standard financial assessment being completed.

- 6.6 Allowances payable to family and friends carers across the range of family and friends placement options have been carefully constructed to ensure that children are not disadvantaged in achieving the best placement, because of financial inequalities. The primary consideration can therefore be the best legal arrangement with the carer who can offer security and good outcomes for the child. For individual allowances refer to policy and procedure relating to specific care arrangements.
- 6.7 Allowances payable to friends and family carers who are approved as local authority foster carers are equivalent to fostering allowances payable to all Wiltshire foster carers and are not means tested. Wiltshire's fostering allowances recognise the cost of caring for the child plus the additional costs associated with the responsibilities and obligations which have to be met by local authority foster carers under the Fostering Services Regulations and the Fostering National Minimum Standards.
- 6.8 Means tested allowances available to family and friends carers caring for children who are not looked after take fostering allowances as a starting point. The allowances recognise the core cost of caring for the child but do not include the additional costs associated with the roles and responsibilities required of local authority foster as these are not relevant.
- 6.9 All means tested allowances payable to family and friends carers will be reviewed annually and following a change in circumstances.

## **7. ACCOMMODATION**

- 7.1 Family and friends carers may need support with accommodation as their homes may not be of sufficient capacity to take on the care of a child or potentially a sibling group.
- 7.2 Discussions may be required with the local housing department to ascertain the best way forward in supporting a family and friends carer to offer care and accommodation to a child where there are physical limitations to the size of their property.
- 7.3 Financial support under section 17 of the Children Act 1989 towards accommodation costs can be considered where this is assessed as the most appropriate way to safeguard and promote the child's welfare.

## **8. SUPPORTING CONTACT**

- 8.1 Local Authorities have a duty to promote contact for all children in need, including children who are not looked after but live away from home, where the contact promotes and is consistent with his or her welfare. Contact should take place to meet the needs of the child, however management of contact can often be a source of considerable anxiety and conflict for family and friends carers.

- 8.2 Where required, support and guidance should be provided to assist carers in meeting the child's needs in relation to contact with parents and other family members.
- 8.3 For children assessed as being 'in need' the Child in Need Plan should identify the support required to manage contact arrangements (e.g. transport to or supervision of contact) and how this will be provided.
- 8.4 In a majority of situations where supervision of contact is required the friends and family carer is likely to do this themselves. However, where it is not safe to do so either because of safeguarding concerns or concerns that there is potential collusion. Children's Social Care may need to become involved in the management, monitoring and supporting of the contact arrangement to ensure it does not become detrimental to the child. This could include providing independent supervision of the contact.
- 8.5 In some cases there will be a court order in place which defines the contact arrangements, including supervision requirements.
- 8.6 In relation to a **looked after** child or young person the duties of the local authority are set out in the Children Act 1989. This duty requires the responsible authority, unless it is not reasonably practical or consistent with the child's welfare, to promote contact between the child and their parents, any other person with parental responsibility for the child, and any relative, friend or other person connected with the child.

## 9. FAMILY GROUP CONFERENCES

- 9.1 A Family Group Conference (FGC) provides an effective mechanism for engaging with families at an early stage to support them in identifying solutions to difficulties they face in caring for their own children. It can provide an opportunity to discuss contingency plans with families, such as potentially a family and friends care arrangement or even provide time to undertake a viability assessment of a potential future carer if initial plans do not succeed. Therefore a FGC will ideally be held before a child needs to leave their parental home but if this is not possible then it should be held as soon as possible in order to explore all appropriate options for that child on both an immediate and longer term basis.
- 9.2 For those children who have become looked after by the local authority a FGC should be convened as soon as possible to identify family members or friends who may be able to offer a placement for the child as a foster carer or under a friends and family arrangement.

## 10.0 SUPPORT AND SUPPORT GROUPS

- 10.1 Family and friends carers may sometimes feel isolated. Getting together with others in similar positions can be an invaluable source of support in itself, and

many family and friends carers derive great benefit from sharing their feelings and receiving peer support. Support groups are also a valuable way of helping carers to access information about services which will help them to care for the children.

- 10.2** Family and friends foster carers should have access to support groups in accordance with fostering regulations and national minimum standards. A range of training is also available to this group of carers through the Fostering Service.
- 10.3** Local authorities must make arrangements for support groups for special guardians, children subject to special guardianship orders and their parents as prescribed by the Special Guardianship Regulations 2005. Local authorities are also required by the Adoption Support Services Regulations 2005 to provide support groups for adopters, adopted children and birth parents.
- 10.4** Whilst there is no statutory duty specifically to provide support groups for other family and friends carers the value of support is acknowledged at all levels. Hence where family and friends carers request support they should be signposted to the most appropriate resource to best meet that need. This may be within universal services or further along the 'windscreen of need' where issues and needs are more complex and require a more specialist and targeted response.

## **11. INFORMATION ABOUT SERVICES AND SUPPORT**

- 11.1** In situations where a child is no longer able to live with their parent and an alternative care arrangement within the family is being explored it is essential that all parties are clear about the range of legal options, and their implications, are considered. This will include knowing what elements of support they can access or are entitled to, including practical or financial.
- 11.2** In assessing the suitability of a child living with a relative or friend as an alternative to care proceedings, the local authority will consider what support might be required to enable the arrangement to proceed, to meet the child's needs in the immediate future and promote these through to adulthood.
- 11.3** Whether family members and friends are caring for a child or young person who would otherwise be looked after, who is already looked after, or is returning from a care placement, it is recognised that effective support must be provided to ensure carers are able to safeguard the child and promote his or her welfare, ensuring the achievement of the child's full potential.
- 11.4** Information about the meaning and implications of different legal situations and possible options for family and friends carers, and the main differences between entitlement to support by family and friends carers under Children Act 1989 section 17 (child assessed as being in need) and section 20 (child who is looked after), is outlined in Appendix A and Appendix B.

- 11.5 Relevant information is accessible to parents, family, friends and children regarding the range of informal care options available as well as the support offered from both universal and targeted services. This will be available in different formats and through a range of agencies including Health Visitors, schools, Children's Centres and community groups.
- 11.6 Family and friends carers should be signposted as appropriate to national and local voluntary organisations which exist to offer advice and support to family and friends carers in different situations. For example:
- The Family Rights Groups works with children, families and agencies to enable children who cannot live at home to be brought up safely by relatives and to ensure that the children and their carers get the support they need.
  - Adfam works with families affected by drugs and alcohol, and supports carers of children whose parents have drug and alcohol problems.
  - Grandparents Plus promotes the role of grandparents and the wider family in children's lives, especially when they take on the caring role in difficult circumstances.
  - The Grandparents Association provides information, advice and support to grandparents including those who care for children.
  - Independent sources such as Citizens Advice Bureau and carers should be signposted to such organisations as appropriate.

## **12.0 COMPLAINTS**

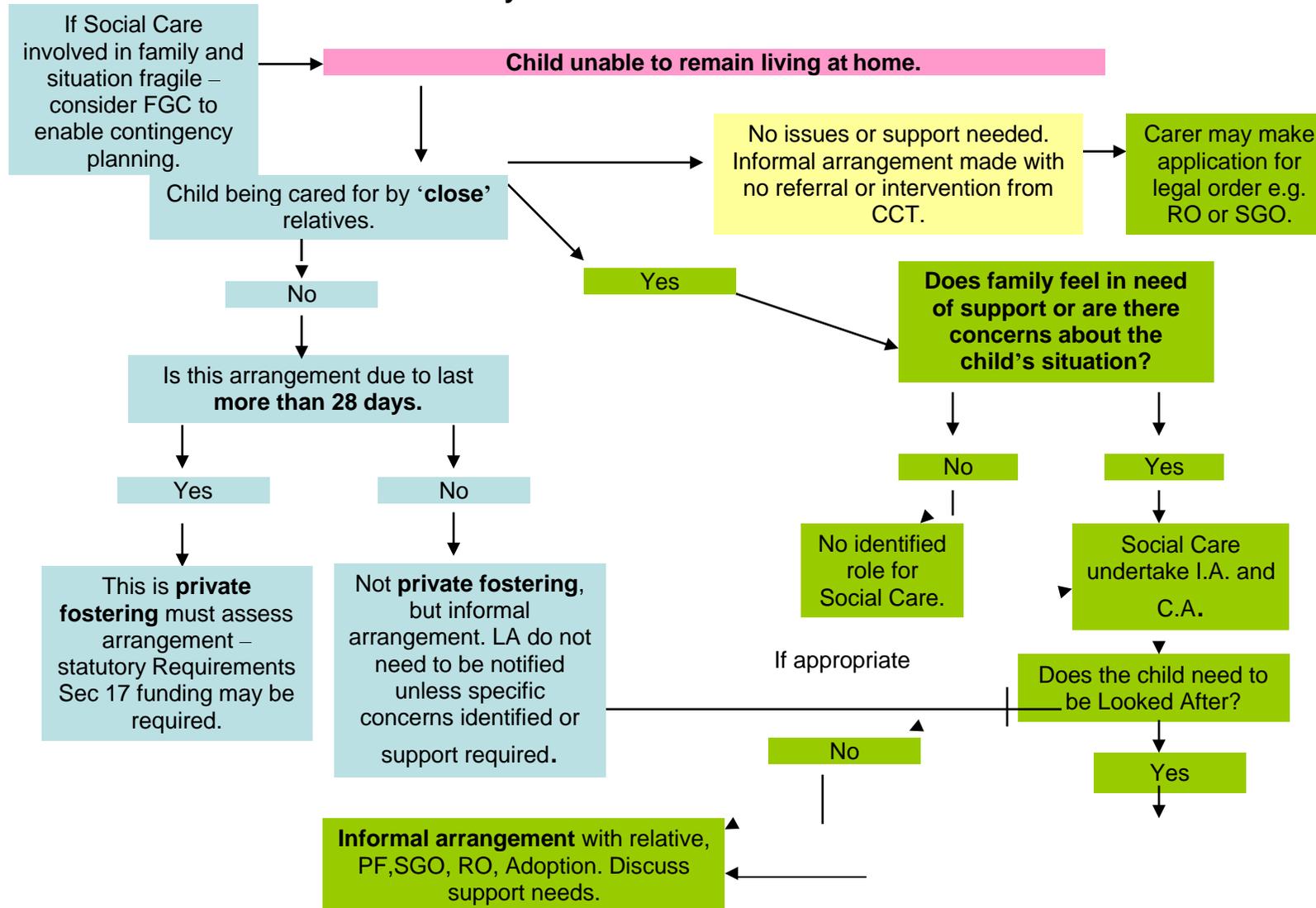
- 12.1 Wiltshire Council operates a Comments, Complaints, and Compliments Procedure. Any family and friends carer, family and friends foster carer or child or young person who feels they have grounds may make a complaint to the local authority in accordance with this procedure.
- 12.2 Adopters and special guardians also have a right to make complaints about support offered to them.

**APPENDIX 4**

<b>Child in need supported under section 17</b>	<b>Child accommodated under section 20</b>
<ul style="list-style-type: none"> <li>• the child is not looked after by the local authority</li> <li>• the child will not have a care plan but there may be a child in need plan</li> <li>• if there is a child in need plan a social worker or other worker may visit the child and carers</li> <li>• the child may be offered access to an advocacy service</li> <li>• the carers will not usually have a separate social worker</li> <li>• the local authority has discretion to give financial assistance (which can be on the basis of regular payments) but there is no entitlement and payments may be means tested</li> <li>• Child Benefit and Child Tax Credit may be payable</li> <li>• support may be offered to the carers and/or child but is discretionary</li> <li>• there is no entitlement to leaving care support</li> <li>• any support offered will cease when the young person becomes 18, unless criteria are met for support from adult services</li> </ul>	<ul style="list-style-type: none"> <li>• the child is looked after by the local authority</li> <li>• the child must have a care plan (including health plan and personal education plan) which will be reviewed by an independent reviewing officer</li> <li>• a social worker will visit the child and carers and oversee the child's welfare</li> <li>• the child must have access to an independent advocate</li> <li>• a supervising social worker will be appointed for the foster carers</li> <li>• weekly fostering allowances will be paid in accordance with national minimum allowance</li> <li>• there is no entitlement to Child Benefit or Child Tax Credit</li> <li>• training and support must be offered to the foster carers</li> <li>• on leaving care the young person may be eligible for ongoing support under the Children (Leaving Care) Act 2000</li> <li>• the local authority is able to offer continuing support, including financial support, to the carers until the young person is 21</li> </ul>

***Main differences between entitlement to support by family and friends carers under Children Act 1989 section 17 and section 20***

### Family and Friends Care – Process Flowchart



	<b>Private fostering</b>	<b>Family care (informal)</b>	<b>Family and friends foster care</b>	<b>Unrelated foster care</b>	<b>Residence order</b>	<b>Special guardianship order (SGO)</b>	<b>Adoption</b>
<b>Route into the caring arrangement</b>	<p>This is a private arrangement whereby the child is being cared for 28 days or more (or the intention is that the arrangement will last for 28 days or more) by anyone who does not have parental responsibility, and who is not a close relative. Relative means grandparent, brother, sister, uncle or aunt (by full blood, half blood or by marriage or civil partnership) or a step parent. The child is not a looked after child.</p>	<p>The relative has chosen to take on the care of the child but does not have parental responsibility, and the arrangement was not made by the local authority. The child is not a looked after child. Relative may perceive the parents to be unable to care for the child; or the parents may be dead or otherwise not available (e.g. in prison); or there may be an agreement between relatives due to difficult family circumstances.</p>	<p>The child has been placed with the relative or friend by the local authority, because the person who had been caring for the child was deemed not to be providing suitable care. The child is a looked after child and so the local authority must approve the relative or friend as a local authority foster carer. The child may be accommodated voluntarily with the agreement of the parents or may be subject to a care order.</p>	<p>The child is a looked after child being accommodated by the local authority under section 20 Children Act 1989 or because the child is subject to a care order; but has been placed with a foster carer by the local authority. (Alternatively, the local authority may choose to place a child into residential care where this is considered to best meet the child's needs).</p>	<p>The child may be at risk of becoming 'looked after' and a friend or relative applies for an order, or The child may have been 'looked after' and their foster carer or other relative/friend applies for an order. In either circumstance, application can be made without the support of the parents or the local authority. Relatives may apply for an order after the child has lived with them for one year. Or, there can be benign reasons, e.g. after parents' death and in line with a prior agreement between the birth parents and the carer.</p>	<p>Looked after children: the LA may decide that the child should be placed for adoption. They can only do so with the consent of the birth parent or under a placement order made by a court. An approved foster carer can apply for an adoption order after a year of caring for the child. Other informal carers could apply for an adoption order if the child has lived with them for a period of 3 years.</p>	

	<b>Private fostering</b>	<b>Family care (informal)</b>	<b>Family and friends foster care</b>	<b>Unrelated foster care</b>	<b>Residence order</b>	<b>Special guardianship order (SGO)</b>	<b>Adoption</b>
<b>Parental Responsibility (PR)</b>	Remains with birth parents	Remains with birth parents but the person who cares for the child may do what is reasonable to safeguard or promote the child's welfare.	Remains with birth parents if child accommodated under section 20 CA, or if the child is subject to a care order or emergency protection order the local authority will have parental responsibility and determines the extent to which it may be exercised by others.		Shared by parents and holder of residence order	PR shared with parents and any one else with parental responsibility for the child. The special guardian may exercise parental responsibility to the exclusion of all others with PR, apart from another special guardian.	Transfers to adopters and relationship with birth parents is severed.
<b>Approval basis</b>	The arrangement is assessed by LA, but the carer is not 'approved' as a local authority foster carer is. The arrangement may be prohibited if assessed by the local authority as unsuitable.	None	Approved as local authority foster carers in accordance with Fostering Services Regulations. (If child is looked after, carers must be approved as foster carers even if close relative.)		Appointed by court following application.	Appointed by court, following application from the applicant. LA must investigate the matter and prepare a report for the court dealing with the suitability of the applicant to be a special guardian.	Adoption agency assesses and approves prospective adopters, court makes order regarding specific child. If the child is not looked after then notice of intention to adopt must be given to the LA who then carry out an assessment / report for the court.

	<b>Private fostering</b>	<b>Family care (informal)</b>	<b>Family and friends foster care</b>	<b>Unrelated foster care</b>	<b>Residence order</b>	<b>Special guardianship order (SGO)</b>	<b>Adoption</b>
<b>Duration</b>	Subject to discretion of person with PR and readiness of private foster carer.	Subject to discretion of person with PR.	So long as placement remains in line with child's care plan, as determined by LA.		Age 18.	Age 18 unless varied or discharged by the court before the child reaches 18 years.	Permanent lifelong relationship.
<b>Placement supervision</b>	It is not a placement, but there are statutory visits to child by social worker (minimum 6 weekly in first year, then 12 weekly).	None	Statutory: visits to child by social worker and supervision of foster carers by supervising social worker			None	When child is placed for adoption by the LA, the placement is supervised and there are statutory reviews. Once the adoption order is made, none.
<b>Review of placement</b>	It is not a placement, but the LA may do formal reviews in addition to ongoing assessment during visits.	None	Statutory reviews of child's care plan (minimum 6 monthly) and annual reviews of local authority foster carers' approval		None	None	See above

	<b>Private fostering</b>	<b>Family care (informal)</b>	<b>Family and friends foster care</b>	<b>Unrelated foster care</b>	<b>Residence order</b>	<b>Special guardianship order (SGO)</b>	<b>Adoption</b>
<b>Support Services</b>	Provision of advice and support as determined necessary by the LA, which may assess the child as a child in need, with a child in need plan, and provide services / support for child/family under section 17 of the Children Act 1989.	No entitlement but the LA may assess the child as a child in need, with a child in need plan, and provide services / support for child/family under section 17 of the Children Act 1989.	Support to meet child's needs including health plan and personal education plan. Training and practical support to foster carers in accordance with the Fostering services Regulations, NMS and CWDC standards. Young person may be entitled to leaving care support services.		No entitlement (But LA has discretion to provide services / support for child/family under section 17 of the CA).	If child was looked after prior to making the SGO, LA must assess for need for special guardianship support services. LA has discretion whether to provide support. Young person may be entitled to leaving care support services if was a looked after child prior to making of the SGO	Entitlement to assessment for adoption support services, which may be provided at discretion of LA in accordance with Regulations and NMS.
<b>Financial support – entitlement</b>	Can claim child benefit and child tax credit if not being paid to parent.  Financial responsibility to maintain the child remains with holders of PR.	Can claim child benefit and child tax credit if not being paid to parent. Financial responsibility to maintain the child remains with holders of PR. Guardians Allowance payable if both parents have died, or the only surviving parent cannot be found or serving 2 years or more prison sentence.	Child benefit and child tax credit not payable. Weekly allowance to meet the costs of caring for the child. This should meet at least the national minimum rate set by DCSF.  The Manchester City Council judgment ruled that allowances must be the same for all foster carers, whether or not family & friends.		Can claim child benefit and child tax credit if not being paid to parent.	Can claim child benefit and child tax credit if not being paid to parent.	Can claim child benefit and child tax credit if not being paid to parent. Entitlement to assessment for financial support (part of adoption support) if child looked after prior to order.

	Private fostering	Family care (informal)	Family and friends foster care	Unrelated foster care	Residence order	Special guardianship order (SGO)	Adoption
Financial support - discretionary	LA has discretion to make one-off or regular payments under section17 Children Act.	LA has discretion to make one-off or regular payments under section17 Children Act.	<p>Some fostering providers pay their foster carers a fee to recognise the carers' skill, experience and commitment.</p> <p>The Manchester City Council judgement (which requires allowances to be paid on the same basis regardless of the relationship of the carer to the child) did not consider fees. However, Statutory Guidance for Fostering Services requires that any policy in relation to the payment of fees must be applied to all foster carers who meet the criteria in the same way and must not discriminate on the grounds of a pre-existing relationship with the child.</p>		LA has discretion to pay residence order allowance – usually if child was previously fostered by the carers, or exceptionally if making residence order prevents child becoming looked after. Any allowance reviewed annually.	Entitled to an assessment for financial support under the Special Guardianship Regulations 2005 if child looked after prior to order and meets the criteria in the regulations. Subject to assessment as above and for former foster carers can include an element of remuneration. Regular or one off payments.	Subject to assessment, one off payments or regular adoption allowance may be paid.