

Children's Social Care

Family and Friends Care Policy

PROCEDURE APPROVAL			
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Signature	<i>Emma Taylor</i>	Date Approved	Updated March 2018
Post Responsible for Reviewing	Senior Manager, Provider Services	Date to be Reviewed	March 2020

Family and Friends Care Policy

Related Guidance

Children Act 1989: Family and Friends Care: Statutory guidance for local authorities about family and friends providing care for children who cannot live with their parents.

Family Rights Group, Initial Family and Friends Care Assessment: A good practice guide outlines what a viability assessment for family and friend carers should look like, what social workers should consider and how to undertake international assessments.

Amendment

This chapter was reviewed and updated in March 2018 to reflect current practice and terminology together with local thresholds and resources. Links to relevant statutory guidance and the Family Rights Group, Initial Family and Friends Care Assessment guide (which identifies a model template assessment process), has been provided, (see above).

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1. Introduction

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

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

The manager with overall responsibility for this policy is the Provider Services Manager.

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

2. Values and Principles

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

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

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

3. Legal Framework

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

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

More information on who can get help from children's Social Care can be found on 'Who gets help from Children's Social Care' (Cheshire West and Chester)

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

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

For a detailed summary of the meaning and implications of different legal situations, the rights of carers and parents, and the nature of decisions which family and friends carers will be able to make in relation to the child, please see: '[Caring for somebody else's child – options](#)', and '[Different situation with family and friend carers](#)', which sets out the local authority's powers and duties in relation to the various options.

In relation to financial support, the local authority may provide carers of children in need with such support on a regular or one-off basis, under Section 17 of the Children Act 1989. This may include discretionary funding based upon a financial

means test. The status of the placement will determine the nature and amount of the financial support and who can authorise its payment. The legal status of the child may have a bearing on the levels of financial support which may be available to carers. However, there are different legislative provisions that apply to financial support for children living with family or friends in Looked After / Adoption / Special Guardianship / Child Arrangements Orders. The following sections of this policy set out the financial support that we may provide to family and friends who are caring for children in these different contexts.

4. Different Situations whereby Children may be living with Family and Friends Carers

4.1 Informal family and friends care arrangements

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

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

Where a child is placed by its parent, with a close relative, without any involvement from Children's Services it is the responsibility of the parent to ensure the placement of their child is financially supported. The carer may be able to claim universal benefits for the child. If advice in relation to this or other services were required they would be signposted to the relevant agency including Health and Education Services.

Where a child is placed by its parent, with a close relative, as part of a Child in Need Plan or Child Protection Plan and supported by the Children's Social Care Teams the local authority can make payments under Section 17 of the Children Act 1989

and provide additional services to prevent the child from becoming looked after these would include Health and Education Services. The carers for the child should be also sign posted to the universal benefits available to support them financially.

The financial support can be made to assist with day to day living costs, childcare costs, and additional equipment costs. These would be time limited and all other options for financial support should be considered.

Financial assistance request forms must be fully completed by the child's allocated Social Worker and submitted for authorisation to the Team Manager. The child's Social Worker will be expected to indicate on the request form that all other forms of loans or alternative assistance have been explored by the family.

4.2 Private fostering arrangements

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

The local authority 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, the local authority has a responsibility to provide services to meet the assessed needs of the child under Section 17 of the Children Act 1989. Following assessment, a Child in Need Plan will be drawn up and a package of support will be identified. As in 4.1 above, this can comprise a variety of different types of services and support, including financial support.

(See [Private Fostering Procedure](#))

4.3 Family and friends foster carers - 'Connected Persons'

Where a child is looked after by the local authority, we have a responsibility wherever possible to make arrangements for the child to live with a member of the family who is approved as a foster carer (Section 22 of the Children Act 1989). The child can be placed with the family members prior to such approval, subject to an assessment of their suitability for temporary approval as foster carers (Care Planning, Placement and Case Review (England) Regulations 2010, Reg 24). This temporary approval can only be extended in exceptional circumstances.

In this context the carer is referred to as a Connected Person. A Connected Person is a relative, friend or other person connected with a child. The latter is someone who would not fit the term 'relative or friend', but who has a pre-existing relationship with the child. It could be someone who knows the child in a more professional capacity such as (for example) a child-minder, a teacher or a youth worker.

Applications to be assessed as Connected Person will be accepted from employees within Cheshire West and Chester, including staff from Children's Social Care. The applicant's line manager will be contacted by the Connected Person's Team manager so that actual or potential conflict of interest can be considered, it may be appropriate for their assessment to be undertaken by another agency on behalf of the Service.

The process of obtaining approval for the placement is set out in the Placement with Connected Persons Procedure. Where temporary approval is given to such a placement under the procedure, the carers will receive financial support on a regular basis.

Financial support will be provided to the connected person by way of a fostering allowance for each of the looked after children in their care. The amount will be determined by the age of the child and paid to the carer on a fortnightly basis. An initial clothing allowance can be requested, agreement for this will be at the discretion of the Service Manager. Birthday, Christmas and holiday allowances will be available to the carer if the child resides with them during that period. A mileage allowance will be paid for travel in relation to the child's needs.

Allowances for school uniform, school trips and activities can also be requested in line with that of mainstream foster carer's allowances. This information is detailed in the Foster Care Fees Guidance which will be provided to the connected person at the time of the placement being made.

In addition the child will have a placement plan drawn up by the child's Social Worker and the fostering Social Worker that sets out the specific arrangements surrounding the child and the carers including the expectations of the foster carers and the support they can expect to receive to enable to fulfil their responsibilities for the child.

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

Full assessments of connected person's foster carers are carried out by the fostering Social Workers (Family and Friends). A full range of safeguarding checks will be carried out and the assessment is presented to the Fostering Panel for recommendation to the Agency Decision Maker. This should be within sixteen weeks of the Approval on Regulation 24 Connected Person. If the assessment has not been completed it is presented to the panel with a request for an eight week extension.

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

While the child remains a looked after child, as a foster carer, they will be required to undertake 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, co-operating with the child's Social Worker and promoting the child's education and health needs.

4.4 Child Arrangement Order

A [Child Arrangement Order](#) is a Court Order which sets out the arrangements as to when and with whom a child is to live, spend time or otherwise have contact.

These orders replace the previous Contact Orders and Residence Orders.

A Child Arrangements Order may give [Parental Responsibility](#) to the person in whose favour it is made, usually lasting until the child is 18 years. Parental responsibility is shared with the parents.

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

The local authority may pay Child Arrangements Order Allowances to relatives or friends, unless they are a spouse or civil partner of a parent, with whom a child is living under a Child Arrangements Order. This is set out in paragraph 15 of Schedule 1 of the Children Act 1989 however this is discretionary. Where consideration for Residence Allowance is being requested the matter will be brought to the Special Guardianship Panel for consideration and a recommendation made to the Agency Decision Maker prior to the matter being placed before the court.

4.5 Special Guardianship Order

Special Guardianship offers a further option for children needing permanent care when their parents can no longer offer an appropriate level of care. It can offer greater security without absolute severance from the birth family as in adoption.

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

Special Guardianship Orders may be made in private family proceedings and the local authority may not be a party to any such arrangements. However, a Special

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

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

The Special Guardianship Support Services Assessment, including financial assessment will be undertaken by the Connected People's Fostering Social Worker presented to the Provider Services Senior Manager who will make the decision about the provision of the Special Guardianship Order allowance and other support services.

4.6 Adoption Order

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

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

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

(See [Adoption Support Procedures](#))

5. Provision of Financial Support - General Principles

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

1. **Subsistence crisis (one-off) payments**

These should be used to overcome a crisis, following the best assessment that can be achieved in the circumstances; (Section 17, Children Act 1989).

2. **Setting Up**

There may be an allowance available for such items as clothing, furniture, or bedding. The Social Worker must be satisfied that the carers' financial position justifies the payment through a financial assessment. Assistance may be given subject to conditions, including repayment in certain situations. However, in most situations, it will be inappropriate for the department to seek to recover money provided under these circumstances; (Section 17, Children Act 1989).

3. **Weekly living contribution**

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

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

4. If a child is looked after and the family member assessed to look after the child is their foster carer they will receive a monthly fostering allowance equivalent to a mainstream foster carer. (This allowance is not means tested) They will only receive any banding payment once they have attended the appropriate training.
5. In all cases a child that is "looked after" the care plan will consider permanency for that child. This may include a Special Guardianship Order, therefore if the carer's are granted an SGO for the child they were previously

caring for as a looked after child they will continue to receive their allowance for that child for the first two years of making of the SGO less the child Benefit element of their allowance. This can be claimed by the Special Guardian by making a Child Benefit Claim through HMRC. In addition the new Special Guardian's will not receive Christmas, Birthday and Holiday allowances from the making of the Special Guardianship Order. After the two year period has ended the Special Guardian's will be subject to a financial assessment review that will consider their incomings and outgoings. This may mean a reduction in the carers allowance or even this allowance stopping all together.

The following criteria will be applied to all such payments:

- The purpose of the payments must be to safeguard and promote the welfare of the child;
- As part of the assessment, a view should be taken as to whether the carers need financial support based on their reasonable requirements in taking on the care of the child;
- There are no other legitimate sources of finance;
- Payments will be paid to the carer, not the parents;
- The payment would not place any person in a fraudulent position.

6. Accommodation

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

7. Supporting Contact with Parents

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

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

Information in relation to contact may be available from the following organisations

Organisation	Contact No.	Website
The Local Offer	0300 123 7001	www.westcheshirelocaloffer.co.uk
Grandparents Plus	0300 123 7015	www.grandparentsplus.org.uk
Family Rights Group	0808 801 0366	www.frg.org.uk
Citizens Advice	0844 826 9695	www.citizensadvice.org.uk

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

8. Family Group Conferences

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

We will offer a Family Group Conference at Child in Need, Child Protection and before a Legal Planning Meeting is requested. If a child becomes Looked After, perhaps following an emergency, without a Family Group Conference having been held, then (where appropriate) we will arrange one as soon as possible.

The process is set out in the [Family Group Conferencing Procedure](#).

9. Complaints Procedure

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

<https://www.cheshirewestandchester.gov.uk/residents/contact-us/complaints-and-feedback/comment-complain.aspx>