



**STOCKTON-ON-TEES BOROUGH COUNCIL**

**CHILDREN'S SERVICES**

**Information for Kinship Carers**

FOR CARERS WHO ARE CONSIDERING TAKING A CHILD  
ARRANGEMENT ORDER OR SPECIAL GUARDIANSHIP ORDER ON  
A CHILD

(August 2019)

## Introduction

This information leaflet is being given to you because Children's Social Care are involved with a child that you are connected with in some way and the Social Worker is considering or is in Court proceedings to consider the future care of the child.

**Please read it carefully and ask the Social Worker to go through it with you so that you can ask questions.**

Sometimes there is a family crisis in the home and it is necessary for children to be cared for by someone other than the parents. This could be for a short term or for long term period. In these circumstances a **Family Group Conference (FGC)** is unusually convened by Children's Social Care which should involve family and friends of the child and then the family can come up with a plan to keep the child safe. Relatives and friends often come forward and take on the care of the child during this meeting this is known as **Kinship Care**. If an FGC hasn't been held the parent may still have identified someone as a potential carer for the child.

Each situation for a child is considered on an individual basis and Sometimes the children are initially cared for in this arrangement by agreement of the parent and it becomes a **'family arrangement'** or sometimes the parent may have agreed or the Court have ordered that the child can come into the care of the Local Authority in which case this arrangement becomes a **'Fostering arrangement'**.

If it is a **'Fostering arrangement'** the person caring for the child needs to have an assessment that looks at whether they are suitable to be foster carers.

If the arrangement you are involved in is a fostering arrangement you should have also been given an information leaflet called **'INFORMATION FOR FAMILY AND CONNECTED PERSON FOSTER CARE'**.

When it looks like the child needs to be cared for in the long term by someone other than the parent the Social Worker will apply to the Court to initiate Care Proceedings.

## Care Proceedings

Care proceedings is when the Social Worker thinks that the child may not be able to return safely to the parents care and asks the Court to look at the child's situation and decide if a legal order is needed to keep the child safe for a short time or for the duration of their childhood, this will include considering where and who the child should live with.

If it is agreed that the child cannot be safely cared for at home the Court will consider what Orders are needed.

In considering what Orders are needed the Social Worker in their Care Planning Process and the Court will consider **Permanence Planning** options for the child.

## Permanence Planning

Permanence Planning is about the child having a permanent and stable home, preferably within their own family and friends network. (**Kinship Care**) This is because the children are already familiar with you and you with the child their birth family and the birth history.

The advantages for children remaining within the known network is that they will be able to stay linked to the extended family and where appropriate their parents. They will often be able

to remain at the same school and keep their established friendship groups and feel less stigma, loneliness and isolation than living with carers who they do not know and who they then have to build a new relationship with. Maintaining attachments, identity and stability are known to support a child's resilience to adverse experiences and enables them to develop to their full potential. Recent research indicates that the outcomes for children living in Kinship Care arrangements can be better than for children living with unrelated carers.

The main focus of Permanence Planning is to ensure that the child has 'emotional and physical and legal permanence' a place to live where they feel loved and safe and secure and where ideally they live with people who can make day to day decisions for them and they receive continuity and commitment from the carer.

Whilst not possible for all children a prime consideration for permanence has to be preventing a child remaining unnecessarily in the care of the Local Authority. This because children often tell us that they don't want to be different and being in care can mark them out as being different to their peers as they will need to have ongoing involvement with several professionals such as social workers and Independent Review Officers and there needs to be regular meetings and monitoring checks undertaken on them and you for the duration of them being in our care. This is a legal process we have to undertake when children are in our care and is aimed at ensuring the child's welfare and to be supportive. Children however can see this as being different from their peers as well as being intrusive and not supportive.

The Courts when considering what final Order to give can give the Local Authority.

## Care Order

This means the child will remain in the care of the Local Authority and the Local Authority shares parental responsibility with the parent and a social worker remains involved and if the child remains living with you this is then a **fostering arrangement**. You will not share parental responsibility – for more information see leaflet '**INFORMATION FOR FAMILY AND CONNECTED PERSON FOSTER CARE**'.

**The Court** could decide with your agreement to give you a Child Arrangement Order or a Special Guardianship Order.

## Child Arrangement Order

A Child Arrangement Order is an order which specifies with whom a child is to live with, it gives parental responsibility to the person in whose favour it is made, and usually lasting until the child is aged 18 yrs. old. When considering whether to make a Child Arrangement Order (CAO) the court will also consider how important the involvement of the child's parents is to further the welfare of the child and this will include what the contact arrangements will be.

**The main effects of a Child Arrangement Order are;**

- It may include directions about who else the child should be spending time with.
- It gives you 'shared parental responsibility' which gives you the responsibility for the care and wellbeing of the child and are able to make decisions about the child's life including consenting to medical and dental treatment and school trips. Parents will continue to 'share' parental responsibility however you will normally be able to make decisions about the child's upbringing without having to constantly consult with their parents however it is a good idea to still discuss important matters with the parents as

the child will benefit from everyone who has an interest in their upbringing agreeing wherever possible.

- You can only take the child to live outside of the UK for up to **one month** without the agreement of other people who share parental responsibility.
- You can't change the child's surname without the written consent of everyone with parental consent or an order from the court.
- You cannot appoint a guardian to raise the child if you died.
- You cannot consent to the child being placed for or being adopted.
- Another person who shares parental responsibility may make an application to the court to have the order discharged or varied.

## Special Guardianship Order

A Special Guardianship Order is often seen as a more secure order than a Child Arrangement Order as it gives you parental responsibility and whilst it doesn't sever the parental responsibility a birth parent may hold for the child it does allow you to exercise parental responsibility on a day to day basis to the exclusion of any other person. A Special Guardian formally takes on the legal powers and responsibilities of parenting a child until their 18<sup>th</sup> birthday.

### **The main effects of a Special Guardianship Order includes;**

- It gives the Special Guardian parental responsibility which can be exercised to the exclusion of any other person with parental responsibility apart from another Special Guardian.
- The special guardian has responsibility for day to day decisions relating to a child's care and upbringing.
- This order allows a special guardian to remove a child from the UK for up to three months without consent of others with Parental Responsibility or the leave of the court.
- The court can give permission for the child to be taken out of the jurisdiction for longer than three months.
- On making a special guardianship order the court may give leave for the child to be known by a new surname.
- A Special Guardian can appoint a guardian to care for a child in the event of death of the Special Guardian.
- Parents have to ask for leave of the court before they can make an application to have the Special Guardianship Order discharged.
- In addition, it gives the child security and a long term placement. It may also help to give the young person links to their birth parents too if deemed appropriate.
- A Special Guardian cannot give consent to a child being placed for adoption or being adopted.

## What to do if you want to be considered for a Special Guardianship Order or Child Arrangement Order

Let the social worker know that you are interested.

## Legal Advice

Where Childrens Social Care are involved and are considering or have applied to the Courts to instigate care proceedings you we strongly advise you to seek **your own legal advice**. The

social worker maybe able to sign post you to local solicitors who have experience in child care law.

We advise you to seek legal advice so that you can make an informed decision about taking on the care of the child, the legal status and the consequences of access to support services at the outset.

Where Children's Social Care are supporting an application and If you are not eligible for free legal advice the social worker can consider applying for one off financial support from Childrens Social Care for you to be able to gain the initial legal advice. The social worker will ask to see evidence of your income and outgoing before making this application to the relevant managers.

It is an expectation that legal aid eligibility is explored before any payments are made by Childrens Social Care and the rate paid will be at the legal aid rate.

### **Do you need to be assessed to get a Special Guardianship or Child Arrangement Order?**

The social worker has to provide the Courts with information in which to reach a decision about what order to give and also whether they think you and your circumstances will be able to offer the child safe a secure care for as long as is needed.

The social worker will collect information from you about your circumstances and will undertake checks on you and all people in your household over the age of 18 year old. They will use the information to assess whether in their opinion you can safely meet the child's needs. The type of things the social worker will look at is your home, accommodation and living conditions and whether you have space for the child in your home and your life. Your home life and who else lives in the household and you're own experience of being parented and being a parent (if you are). Your employment and your likes and interests as well your health and whether you have a criminal record. They will talk to you about how you feel about the child being separated from their parents and how you feel about the parents circumstances and what you feel about the experiences of the child as well as how you feel that you can keep the child safe. What you feel about maintaining contact with significant people to the child including their parents and how you feel you will cope with conflicts of loyalty in the family. They will also talk to you about practical issues such as finance, health and arrangements for childcare. The focus will be on your relationship with the child and how you meet the child's needs.

This assessment can be useful to you too as it will help you to consider if you could consider looking after the child in the longer term and will look at your need for support.

### **Will having health issue or criminal record prevent you from caring for the child?**

If you have a health problem or a criminal record these will not necessarily prevent you from caring for the child however the nature of your health issue or criminal offences will have to be taking into account. (Offenses against children may rule you out).

It is understandable that you may feel that a past criminal record may not be relevant today or the nature of the conviction shouldn't affect you caring for a child and you may be tempted to not say anything about it however it is very important that you declare health issues or past or present criminal records to the social worker as failure to do so may result in the social worker

feeling that you cannot be open and honest and may affect her final recommendation more than the actual health issue or offence would have done.

## Will you receive support?

### Special Guardianship

We have a legal duty to provide Information and advice to anyone affected by Special Guardianship.

We have a legal duty to undertake an assessment of support needs if a child is in or was in the care of the Local Authority immediately before the making of the Special Guardianship Order upon the request of a prospective Special Guardian or someone who is already a Special Guardian.

We can use our **discretion** as to whether we assess the support needs of Special Guardians or prospective Special Guardians where the child was **not** in the care of the Local Authority immediately before the making of the Order.

Stockton Council **will** assess the support needs in the same way and offer these services where children are **not** in the care of this Local Authority but where **we have** instigated Care proceedings to determine the future of the child.

Where the assessment identifies a need we can provide the following support services;

- Services to enable groups of children for whom a special guardianship order is in force or in respect of whom is being formally considered, special guardians and prospective special guardians, and parents of the child to discuss matters relating to special guardianship.
- Assistance, including mediation services, in relation to contact between the child and their parents or relatives or any other person with whom the child has a relationship that the Local Authority considers to be beneficial to the welfare of the child.
- Therapeutic services for the child.
- Assistance for the purpose of ensuring the continuance of the relationship between the child and his special guardian or prospective special guardian, including training for the special guardian or prospective special guardian to meet any special needs of the child; respite care; and mediation in relation to matters relating to special guardianship orders.
- Financial support

In delivering these services we can take into account the similar services already being delivered in our area. These support services are not considered in isolation from main stream services however we feel it vital that we assist people in accessing mainstream services. You will have an assessment of your support needs undertaken at the point that the application for the Special Guardianship Order is made and a support plan will be developed with you.

If the assessment concludes that you require support in the above areas the social worker will complete a Support Plan with you which will explain how these needs will be met and who will deliver the services and how the Support Plan will be reviewed.

You can also ask for an assessment of support needs after the making of the Order for as long as you live in the Stockton area.

If you live outside of Stockton and Stockton were involved with the making of the Order then we remain responsible for assessing your support needs for 3 years after the making of the

Order and then it will be your own Local Authority area who will be responsible for assessing your needs after the 3 years.

To ask for an assessment of your support needs you need to contact;

**The Children's Hub for Hartlepool and Stockton – 01642 130080 / 01429 284284**

Your request will then be passed onto a relevant social worker who will make contact with you and arrange to visit so that the assessment can start.

## Financial Support

The payment of financial support could be available, it is not an entitlement and is at the discretion of the Local Authority and is subject to an assessment of need undertaken by the social worker.

Financial support will only be considered if the child was looked after by the Local Authority immediately before the making of the Special Guardianship Order or where the Local Authority have instigated Care proceedings in respect of the child.

Financial support will only be considered if the Local Authority following the assessment of need, concludes that;

- It is necessary to ensure that the Special Guardian can look after the child; **and or**
- The child's assessed needs require a greater expenditure of resources than would otherwise be the case because of illness, disability, emotional or behavioural difficulties or the consequence of past abuse and neglect and it is envisaged that the needs are long term and reoccurring.

Financial support can also be given in order for you to seek your own legal advice so that you can make an informed decision about taking on the care of the child, the legal status and the consequences of access to support services at the outset.

Where Children's Social Care are supporting an application and If you are not eligible for free legal advice the social worker can consider applying for one off financial support from Childrens Social Care for you to be able to gain the initial legal advice. The social worker will ask to see evidence of your income and outgoing before making this application to the relevant managers. It is an expectation that legal aid eligibility is explored before any payments are made by Childrens Social Care and the rate paid will be at the legal aid rate.

### Financial support can be

- Paid periodically as an ongoing allowance
- As a single payment
- Payment by instalments
- Time limited or long term
- Payment towards equipment/ furniture or reasonable child care costs that arise from taking on the care of the child.

Any financial support will cease If financial support has been time limited and the time limit expires **or** if the child ceases to have a home with the Special Guardian **or** the child ceases education or training and begins employment **or** if they are entitled to claim benefits in their own right **or** the child reaches the age of 18 years old.

The assessment of need undertaken by the social worker will take into account your individual circumstances and reasons why you may need financial assistance and will take into account your financial information such as your income and outgoings. The reasons you may need financial support will vary on a case by case basis and could include the need for you to take some time off from work to support the child or that you may be prevented from seeking employment due to the age of the child or you may need a period of time to adjust to your new financial responsibilities.

You will be required to provide evidence of your financial circumstances such as 3 months of bank statements and wage slips and evidence of mortgage or rent payments or payments for essential loans related to home improvements and evidence of any benefit claims. You will be given an application form to complete and sign and further guidance on what evidence is needed is explained in the guidance notes attached to this form.

You will be expected to claim relevant benefits for the child and any financial support paid by the Local Authority cannot duplicate any other payments available to the Specials Guardian or prospective Special Guardian and the Local Authority must take into account any other grants, benefits, allowances or resources available to the Special Guardian in respect of their needs as a result of becoming a Special Guardian of a child.

If financial support is agreed then the amount you will receive will be determined by the financial means test. The means test model we use is a snapshot of your financial circumstances and considers your projected family income, 20% of this projection is disregarded for the means test. Your projected family expenditure is considered which includes things like mortgage or rent payments, council tax payments and any other regular payments on loans which have been taken out to improve the property and reasonable child care costs. Core regular family expenditure (spend on food, heating clothes etc.) is calculated using the income support allowance rates plus 25% and from this information your monthly disposable income is calculated.

The maximum rate payable is based on the Local Authority age related fostering allowance that would have been payable and then deductions are made – for example if you have a disposable income you will receive 50 p less than the fostering allowance rate for every pound above £0 . Other deductions will be the child benefit you will be entitled to and any child tax credits you are entitled to.

This assessment and decision on financial support will be completed prior to you getting the Order.

You will be given notification of the decision in writing and you will be given 28 days to consider the financial support offer.

The notification should include the amount of financial support, the frequency in which the payment will be made, the period for which the financial support is to be paid and when payments will commence as well as information on how to appeal.

You will be required to sign to say if you accept the financial support offer and if you do the you will be required to send in an annual statement of your financial situation for as long as the payments are being made and you will be required to inform us if the child is no longer in your care or reaches the age of 18 years or the child ends full time education and becomes employed or is in receipt of benefits in their own right in which case the payments will cease.

If your annual financial statement shows that your financial situation has changed then another means test assessment will be completed to see if the rate of payment being made to you needs to adjust.

If time limited payments have been agreed then the financial support will automatically cease when the time limit expires and if you feel that you require more financial support you need to contact the department and request an assessment of your financial support needs.

## Child Arrangement Order

There is **no** legal duty to assess Child Arrangement Support needs for those kinship carers who apply for this order however Stockton on Tees Council **will** offer similar assessment of support needs and similar services to those that are offered under a Special Guardianship arrangement for those children who **were** looked after prior to the making of the Child Arrangement Order or where we have instigated care proceedings **and** we have supported the making of the application for a Child Arrangement Order.

## Specific support

### Universal Services

Universal services such as health and education and housing services can support you and the child. These agencies have a key role to play in identifying and supporting children who are living with Kinship carers and these services need to be sensitive to the needs of these children and their families and give priority access to services where ever possible.

Most Kinship arrangements work well and meet the needs of a child with the support of these universal services.

In Stockton there are a wide range of resources available to support children in the local area including early year's providers, day care providers, out of school services, schools and colleges, health services, leisure activities and youth support services.

**The Family Hubs** also offer families a range of services, information and support and these offer services to 0-19 year olds including activity sessions, variety of workshops on a number of themes, a café, advice and information on things to do access to additional support if needed. The Family Hubs are based in Ochil Terrace Billingham, Redhill Road Roseworth, Yarm road Stockton and Tedder Avenue Thornaby.

Kinship carers are encouraged to access universal services.

For more information on what is available locally go to The Stockton Information Directory.

<https://www.stocktoninformationdirectory.org>

## Early Help

Sometimes a bit more help is needed and the right help, at the right time, in the right place may help identify any additional support needed from universal services to prevent difficulties escalating to a point that more specialist services are needed.

When a bit more help is needed this is called **Early Help**.

For children and young people who need some support a multiagency approach is usually best based on current information being gathered to understand the child's situation and decide what needs to happen next and what additional support may be needed from universal services to prevent difficulties increasing to the point where specialist services are required. This is called an Early Help Assessment. To obtain an Early Help Assessment you can ask anyone in the Universal Services to organize this for you.

## Leaving Care provision

Time spent subject to an SGO is relevant when considering a young person's entitlement to leaving care services. Section 24(1) of the Children Act 1989 provides that a young person aged 16-17 who is the subject of an SGO, or a young person aged 18-21, who was the subject of an SGO when he reached 18, and in either case immediately before that order was made was looked after by a Local Authority, falls into the category of a 'person qualifying for advice and assistance'. As such he qualifies under s24a and b of the Act for advice, befriending and assistance with needs associated with employment, education and training.

Regulation 22 provides that, for the purpose of providing advice and assistance, the relevant authority shall be the Local Authority which last had the care of the young person. Depending on the service required, it may however be more appropriate for the young person to seek specific support locally where he is resident, (i.e. health care).

For care leavers, who were previously in the care of OCC, financial support may be provided if they are eligible under the Leaving Care Act. However consideration will be given to the young person's financial situation and the level of support available to him from his special guardian(s) or close family members.

## Education

Local authorities have a specific duty to promote the education achievement of children who are looked after or those who were looked after but discharged from Care and made subject to a Special Guardianship Order or Child Arrangement Order.

This duty includes providing information and advice to;

- Any person with parental responsibility
- Designated teachers for looked after and formally looked after children
- Providers of funded early years education
- Any other person the Local Authority considers appropriate

To seek advice and support in relation to education matters you need to contact the Designated Teacher in the school or contact the Virtual School Head Teacher for the council.