

STOCKTON-ON-TEES

FAMILY AND FRIENDS (KINSHIP CARE) CARE POLICY (April 2018)

1. Introduction

- 1.1 This policy sets out a framework for the provision of support to family and friends carers. In particular it provides a policy on the implementation of the duties of the Stockton on Tees Borough Council contained in the Children Act 1989 in respect of children and young people who, because they are unable to live with their parents, are being brought up by members of their extended families, friends or other people connected with them.
- 1.2 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 to promote their welfare, whether or not they are “looked after” by the Council.
- 1.3 Family and friends carers play a unique role in enabling children and young people to remain with people they know and trust if they are unable, for whatever reason, to live with their parents. These children may or may not be looked after by the Council. They may not even be known to the Council.
- 1.4 Many children who live in family and friends care do very well in life. Unfortunately some are vulnerable to failing to achieve good outcomes. Many family and friends carers both want and need support to enable them to meet the individual needs of the children in their care.
- 1.5 Each situation will bring a unique challenge to the family and friends carers. The children and their carers should receive good quality services which meet the needs of every child. Partner agencies and specialists need to work together with the Council to ensure a comprehensive approach to early intervention to enable family and friends to offer appropriate care for children and young people who cannot live with their parents, access to a range of high quality support services at universal, targeted and specialist levels.
- 1.6 Local Authorities and partner agencies should make sure that family and friend's carers are aware of the relevant support services, and that these can be readily accessed by those caring for children whether or not these are looked after by the Local Authority. Whilst recognising the requirements which may go with a particular legal status, it is essential that services are not allocated solely on the basis of the child's legal status, and that commissioners and providers of services are aware that many children in family and friends care have experienced multiple adversities similar to those of children who are looked after by the Local Authority. Where support services are identified as necessary to meet the child's or carers' needs, these should not be withheld merely because the child is living with a carer under an informal arrangement rather than in a placement with a foster carer or with a carer.

2. Policy Statement; Key Value Principles and Objectives

- 2.1 Stockton-on-Tees Borough Council is committed to ensuring that children and young people are securely attached to carers, capable of providing safe and effective care for the duration of their childhood, and as far as it is consistent with their welfare, to promote the upbringing of these children and young people by their families.
- 2.2 The responsibility for the upbringing of children and young people is inherent in the parental role and that of extended family members. The outcomes for children who live within family and friends care are positive when compared to similar children living with unrelated Foster Carers; so the local authority should only consider intervening when there is no other satisfactory way of promoting the welfare of children and young people, or of protecting them from harm.
- 2.3 Stockton-on-Tees Borough Council may become involved in family and friends arrangements for a variety of reasons and has a duty under The Children Act 1989 to support children in these arrangements if they are assessed as children in need, or if the local authority have agreed to voluntarily accommodate them, or have assumed shared parental responsibility by virtue of a Care Order.
- 2.4 The policy applies to all children living in family and friends arrangements and the level of service provision will be dependent upon the assessed needs of the child and the involvement of the local authority in the making of the arrangement.
- 2.5 The local authority acknowledges the principle that access to services should not be solely dependent upon the legal status of the child or the involvement of the local authority in the family and friends arrangement.
- 2.6 The local authority acknowledges that caring for someone else's child does, at times, require greater expenditure and use of resources which may require the Family and Friends Carer to adjust their lifestyle and make sacrifices. Some Family and Friends Carers may not be aware of local services for children as they may have previously not had children themselves or may be from a different generation to other parents. The authority will therefore ensure that information on services and how they can be accessed will be available.
- 2.7 The local authority should only look after children when there is no other satisfactory way of promoting their welfare or protecting them from harm.
- 2.8 The local authority will, when intervening in a child's life and deciding that a child does need to be provided with care and accommodation, consider all options for a child to be safely cared for by a connected person, relatives or friend before placing them with unrelated foster carers or in residential provision.
- 2.9 The first regard is to assess and meet the needs of the individual child or young person, and to assist in setting up arrangements which are self-sustaining in the long run. Family and friends care will be actively considered at the earliest stage and be the first option pursued, where it is considered to be in the best interests of the child or young person.

- 2.10 Family and friends arrangements must be safe and practical and must be a better alternative for the child than living with an unrelated Foster Carer.
- 2.11 Where it is considered to be not possible to place a child immediately in an arrangement with a connected person then the local authority will be proactive and continue to explore the options of family and friends arrangements throughout their involvement.
- 2.12 Where the arrangement has been made independently of the local authority, between someone with parental responsibility and a close relative of the child either a sibling, grandparent aunt or uncle then the child must be assessed as a child in need to be able to access services other than universal services.
- 2.13 Where the arrangement is made in conjunction with the local authority whilst carrying out duties in relation to the Children Act 1989 and these children are placed with a family or friend either on a voluntary basis under Section 20 of the Act or by virtue of a Care Order, then these children will be accommodated or looked after children and as such, they and their carers, will be entitled to the range of services available for looked after children. If the child is subsequently discharged from local authority care and remains living with the Family and Friends Carer under a Special Guardianship Order or Residence Order then following an assessment of need the child and Family and Friends Carer may be entitled to similar services.
- 2.14 Where the arrangement has been made independently of the local authority and the local authority are involved whilst carrying out their duties in relation to Section 17 of the Children Act 1989, but the child is not subject of a Care Order and the local authority have decided that the child does not require to be looked after, then the service provision will be subject to an assessment of the child as a child in need. If the child is assessed as being in need of support this may be provided under section 17 of the 1989 Act.

3. Assessment of Informal Arrangements

- 3.1 The local authority does not have a duty to assess 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 their area or the child should legally be assessed for example under Private Fostering Arrangement.
- 3.2 In such circumstances the completion of a Single Assessment for the child and a Family and Friends Assessment of the carer will allow the Local Authority to satisfy themselves that informal family and friends arrangements are appropriate to meet the needs of individual children. The Social Worker should provide information for parents and carers about the stages of the assessment process, likely timescales and the contact points for enquiries.
- 3.3 In circumstances where the Local Authority feel children cannot remain in their parents care due to safeguarding concerns, parents will be given the opportunity to make alternative suitable arrangements for their children to be cared for by family and friends and full discussions will take place with parents and the proposed family

and friend member about the status of the arrangement and whether or not the child is formally looked after by the local authority.

- 3.4 No child or young person should have to become looked after by the local authority for the sole purpose of obtaining financial, practical or other forms of support as support will be offered under Section 17 arrangements as well as when a child is formally looked after as the local authority must seek to provide any necessary support services without the child becoming looked after unless the child meets the criteria at section 20(1) of the 1989 Act and requires accommodation.
- 3.5 The fear of losing support should not be allowed to become an obstacle to family and friends carers taking over responsibility for the long term care of a looked after child through applying for a Child Arrangement Order or Special Guardianship Order. Decisions by a local authority that a child should become looked after, or cease to be looked after, must be based on an assessment of the child's needs and circumstances. The views of the child's parents, any other person holding parental responsibility, and anyone else caring for the child should be taken into account within the assessment process
- 3.6 In assessing the suitability of a child living with a relative or friend or any other person connected the Social Worker will need to consider what support might be required to enable the arrangement to be successful which should include plans to secure the arrangement long-term by way of Special Guardianship Order or a Child Arrangement Order or by way of making the placement a fostering placement. It is essential that proper recognition and effective support are given to ensure that the carers are able to safeguard the child and promote his or her welfare, and so achieve their full potential.
- 3.7 In arrangements where children are living with a family member or friends and there is social care involvement it is recommended that a Family Group Conference takes place. This will enable all parties and the child to reach a shared understanding of the expectations of one another.
- 3.8 The Single Assessment considering the child's needs will be completed by the Social Worker, whilst the Family and Friends Care Assessment will be completed by both the Social Worker and a Child Placement worker. Additionally an Independent worker will complete a financial Assessment. Following the completion of these assessments the Social Worker will complete a Carers Support Plan for the Carer and a Care Plan for the child, detailing what support will be given whilst the child is in the arrangement. If the Family and Friends Care Assessment recommends that the child should become Looked After, part B must be approved by the Service Manager. Following this, Part B of the Family and Friends Care Assessment should then be completed by the Child Placement Worker. If during the course of the case management a request is made by the carers that they would like to care for the child under a Special Guardianship Order or a Child Arrangement Order Part C of the Family and Friends Carer report should be completed by the Social Worker and submitted to the court with the Financial Assessment and Support plan.

4. FAMILY SUPPORT SERVICES UNDER SECTION 17

- 4.1 Section 17 of the 1989 Act imposes a general duty on the Local Authority to safeguard and promote the welfare of children within their area who are in need, and so far as is consistent with that duty, to promote the upbringing of such children by their families, in particular by providing a range and level of services appropriate to those children's needs ("family support services"). "Family" in relation to such a child means not only a person who has parental responsibility for the child but also any other person with whom the child has been living.
- 4.2 The definition of a child in need in section 17(10) is broad. A child in need is a child whose vulnerability is such that they are unlikely to reach or maintain a reasonable level of health, or development or their health or development would be significantly impaired, without the provision of services by the Local Authority, or they are disabled.
- 4.3 The range and level of family support services which may be provided under Section 17 is wide, and is set out in Part 1 of Schedule 2 to the 1989 Act. As well as practical support, family and friends carers may need advice, guidance or counselling about how to manage issues such as those arising from contact or from caring for children with emotional or behavioural difficulties due to their earlier experiences. Such services may be provided by local Authorities to support both formal and informal family and friends care arrangements. The 1989 Act does not impose a limit on the amount of support which may be provided under section 17. Section 17(6) provides that the family support services provided by a Local Authority may include giving assistance in kind and may also include giving financial assistance to the family. Section 17(6) has been amended by the 2008 Act in order to remove the restriction on the Local Authority to provide financial assistance only in "exceptional circumstances". A Local Authority may now provide financial support on a regular basis under section 17. Local Authorities providing such financial support to family and friends carers under section 17 will need to be clear that this support is provided under Section 17. More information and procedures in relation to this type of support can be found in the Procedure Financial Support under Section 17.
- 4.4 Family and friends carers may need support with accommodation, as their homes may not be of sufficient capacity to suddenly take on the care of a child or possibly a sibling group of children. They may have long since downsized their accommodation, and suddenly find themselves under pressure for adequate living and sleeping space. Living in cramped conditions may well add to the pressures of caring for a child. Housing Authorities and registered social landlords should be engaged to ensure that their policies recognise the importance of the role performed by family and friends carers, and 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.
- 4.5 Local policies should help to ensure that housing and Children's Social Care work in partnership to support the housing needs which family and friends carers may face across the range of legal circumstances outlined in chapter 3.

- 4.6 Local Authorities have the power under section 17 of the 1989 Act to give financial support towards accommodation costs where they assess this as the most appropriate way to safeguard and promote a child's welfare.

Supporting contact

- 4.7 Local Authorities are under a duty to promote contact for all children in need, although there are differences in the way that duty is expressed depending on whether or not the child is looked after. Schedule 2 paragraph 10 of 1989 Act requires local Authorities to promote contact between a child who is not looked after but who is living away from home and his family where it is necessary to do so in order to safeguard and promote his or her welfare. Schedule 2 paragraph 15 requires local Authorities to endeavour to promote contact between a looked after child and his or her family unless it is not practicable or consistent with the child's welfare.
- 4.8 Contact with a child's immediate family is generally a positive experience for children who are not living with their parents, helping them to maintain a sense of belonging and identity. Contact arrangements should meet the needs of the child. Most children living with members of their extended families will be in contact with one or both of their parents, and often also with other relatives, and this will often help to promote positive relationships.
- 4.9 However management of contact can often be a source of considerable anxiety and conflict for family and friends carers. It can place emotional and practical strains on all the parties involved. Family dynamics and relationships may be fundamentally changed, particularly for grandparents and others who are becoming "second time round" carers and children may not understand why they are being brought up by relatives, whilst parents may resent the fact that their children do not live with them.

Family Group Conferences (FGC)

- 4.10 Family Group Conference can assist in families reaching decisions to support contact arrangements.
- 4.11 Where there are safeguarding concerns there may be a need for the involvement of Children's Social Care to support safe contact arrangements. Contact may be limited through a court order and family and friends carers may have difficulty in enforcing, or may not understand the necessity of, these limitations on contact with their own children or other close relatives. Contact may however need to be carefully managed, monitored and supported, to ensure that it does not become unsettling and possibly harmful for the child. These arrangements could be discussed, agreed and supported through the use of FGC.
- 4.12 FGCs may be particularly effective as part of an early intervention strategy and must be considered as a valuable tool to engage families in planning as soon as it is thought possible that a child may need to become looked after.
- 4.13 If a child becomes looked after, perhaps following an emergency, without an FGC having been held then this step must again be considered as soon as possible. A

conference at this stage will be a useful way to identify family members or friends who may be able to offer a placement for the child, or to provide a safe route out of care for children who are unable to return to their parents' care.

Support Groups

- 4.14 Stockton hosts a range of groups and agencies that can provide differing types of support and guidance for families both on a public, private and third sector basis. Due to the fluctuating areas of such services it is recommended families and Social Workers access Stockton's Information Directory (Families Division) <http://stocktoninformationdirectory.org/kb5/stockton/directory/family.page?familychannel=0> which offers further information and links to areas such as parenting and family support, money matters and activities for young people. Stockton's local offer can be found on the website <https://www.stockton.gov.uk/children-and-young-people/>. This can provide advice and support to parents and carers of children and young people with special educational needs or disabilities aged 0-25.

5. THE PROVISION OF ACCOMMODATION UNDER SECTION 20(1)

- 5.1 Sections 20(1) of the 1989 Act provides that every Local Authority must provide accommodation for any child in need within their area who appears to them to require accommodation as a result of:

- (a) there being no person with parental responsibility for the child;
- (b) their being lost or having been abandoned;
- (c) the person who has been caring for him prevented (whether or not permanently, and for whatever reason).from providing them with suitable accommodation or care.

When a Local Authority is considering whether a child cared for by family and friends "requires accommodation", the question at (c) will be particularly relevant: does the child appear to the authority to require accommodation because the person who has been caring for the child is prevented from providing the child with suitable accommodation or care? If it appears to the authority that the child does require accommodation, then it must provide that accommodation. Under section 20(4) the Local Authority may also provide accommodation for any child in their area (even though a person who has parental responsibility for the child is able to provide them with accommodation) if they consider that to do so would safeguard or promote the child's welfare. Short breaks are frequently provided under this provision.

- 5.2 Before providing accommodation under section 20, the Local Authority must, so far as is reasonably practicable and consistent with the child's welfare, ascertain and give due consideration to the child's wishes and feelings regarding the provision of accommodation. If a person with parental responsibility for the child, is willing and able to provide accommodation or arrange for accommodation to be provided for the child and they object to the Local Authority providing accommodation, the authority should consider whether the child is suffering or is likely to suffer significant harm unless he or she becomes looked after by the authority, and if so seek an Interim

Care Order under Part 4 of the 1989 Act (section 20 (7)). Further information on this can be found in Children Act 1989 Guidance and Regulations Volume 1: Court Orders.5

- 5.3 Where a child is provided with accommodation under section 20, or is subject to a Care Order, the child is looked after and the duties in Part 3 of the 1989 Act, particularly sections 22 to 22D, and the 2010 Regulations will apply. For further information regarding Looked After Children, please refer to Regulation 24 Policy and Procedure.

See Fostering Assessment Procedure for more guidance.

6. PRIVATE FOSTERING ARRANGEMENTS

- 6.1 If the carers of a child under the age of 16 (or 18 if disabled) do not have parental responsibility for the child and are not the child's grandparent, brother, sister, uncle or aunt (whether full blood or half blood or by marriage or civil partnership) or stepparent, and the placement continues for 28 days or more or is intended to do so, then the arrangement will fall within the definition of private fostering in the 1989 Act, and the provisions in that Act and in the Children (Private Arrangements for Fostering) Regulations 2005 will apply. Unless the young person is disabled within the meaning of the 1989 Act, the young person will cease to be privately fostered at the age of 16, but if the living arrangements continue then this statutory guidance will continue to apply as the arrangement will revert to that of informal family and friends care.
- 6.2 A child who is privately fostered may also be assessed as a child in need, and be provided with support under section 17 of the 1989 Act.

See Private Fostering Policy & Procedure for more guidance.

7. SPECIAL GUARDIANSHIP, CHILD ARRANGEMENT AND ADOPTION

- 7.1 Where a relative, friend or other connected person proposes long term commitment to caring for a child, they may apply for a Child Arrangement Order or a Special Guardianship Order. The effect of either such 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 (although the special guardian cannot consent to the adoption of the child), and is responsible for all aspects of caring for the child or young person and for taking decisions to do with their upbringing. To support the stable placement of children within their families, the 1989 Act has been amended by the 2008 Act to allow relatives to apply for a Special Guardianship Order without the permission of the court after caring for the child for one year, instead of three years as was previously the case.

- 7.2 In the case of a child who was looked after immediately prior to the making of a Special Guardianship Order, the child, special guardian or parent has a right to receive an assessment by the Local Authority for support services, which may include financial support.¹¹ The statutory guidance makes it clear that it is important that children who were not looked after should not be unfairly disadvantaged by this approach, as in many cases the only reason that the child was not looked after is that a relative has stepped in quickly to take on responsibility for the child when the parent could no longer do so.¹² In the case of a special guardian who was previously the child's foster carer, financial support may include not only an allowance but also an element in lieu of a fostering fee for up to two years, or longer if the authority considers this to be appropriate. In its calculation of any ongoing special guardianship financial support, the Local Authority should have regard to the fostering allowance that would have been paid if the child was fostered.
- 7.3 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, this would extinguish the parental responsibility of the birthparents.¹⁴ Local Authorities are also required to make a range of adoption support services available in their area to meet the needs of people affected by adoption, and adopted children and adopters have the right to be assessed for certain support services, the details of which are set out in the regulations and statutory guidance.
- 7.4 Requirements for the assessment of people who wish to become special guardians or adopters are set out in the relevant statutory guidance and in Stockton-On-Tees Special Guardianship Policy & Procedure and Adoption Procedures.
- 7.5 To support them in making the transition to adulthood, children who were looked after by a Local Authority immediately before the making of a Special Guardianship Order may qualify for a range of support under the 1989 Children Act.¹⁷ Where a person intends to apply for a Special Guardianship Order, or in the case of a non-agency adopter and adoption order, they must give notice to the Local Authority who will investigate and prepare a report for the courts. Further information is found in the relevant statutory guidance.