



STOCKPORT
METROPOLITAN BOROUGH COUNCIL



Assistance to Children
Section 17 – Children Act 1989
CLA Maintenance

Guide to Social Workers

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Feedback:

We welcome feedback regarding our policies and procedures. If you have any comments about this guide, please e-mail: spend.hub@stockport.gov.uk

Section 17

1. Introduction

Children's Social Care services and budgets are not intended to provide income support, however in exceptional circumstances they can provide assistance to families where children are assessed as "being in need" in line with the definition in Section 17 – Children's Act 1989.

Section 17(1) of the Children's Act 1989 defines what is meant by children in need.

A child is defined as being in need if:

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

The family in relation to such a child includes any person who has parental responsibility for the child and any other person with whom s/he has been living (s17(10)).

The Act also makes it clear that any service provided by an authority (under this section) may be provided for the family of a particular child in need or for any family member, if it is provided with a view to safeguarding or promoting the child's welfare (s17(3)).

Services may be given in kind or in exceptional circumstances, in cash (s17(6)).

It is possible to attach conditions to the repayment of the assistance or of its value (s17(7)). However, no person shall be liable to make any repayment of assistance or its value at any time when s/he is in receipt of support under the Social Security Act 1986 (s17(9)).

This has the potential to include large numbers of children, and therefore priorities for services have to be determined based on assessment of the child's need. These priorities are set out in the continuum of need threshold document.

There will always be exceptions to the policy, when individual circumstances are taken into account, but the following provides a general framework for decision making.

All financial values in this document are valid from the effective date until review.

2. Loan or Grant?

- Section 17 says assistance may be unconditional or subject to conditions as to the repayment of the assistance or of its value (part or whole) – i.e. it can be a grant or a loan.
- If a person is in receipt of a means tested benefit such as Universal Credit, Income Support or Income Related Employment Support Allowance, Job Seekers Allowance or Tax Credit they will not be expected to pay back and any payments or assistance to people in this position will constitute a grant.
- For people not in receipt of Universal Credit, Income Support or Income Related Employment Support Allowance, Job Seekers Allowance or Tax Credit, Section 17 assistance should normally be given in the form of a loan unless there are exceptional circumstances making this inappropriate. When assistance is given on a loan basis, this should be made clear to the recipient and steps taken to see that the money is repaid. Written agreement must be obtained and witnessed.
- Social Workers should refer to Credit Union if applicable.

3. Who is not eligible?

- There are four categories of people who are excluded from support by the local authority according to immigration law (Schedule 3 Section 54 of the Nationality, Immigration and Asylum Act 2002) and they are as follows;
 - Nationals of the European Economic Area (Other than UK)
 - People with refugee status from an EEA state
 - People unlawfully present in the UK (Including those whose visas have expired)
 - Failed asylum seekers who have refused to cooperate with removal directions.
- In such cases the local authority must assess whether withholding or withdrawing support would constitute a breach of the individual's or family's human rights. Legal advice must be sought.
- The local authority may also conclude that the only support that is necessary to avoid a breach of human rights is the provision of assistance to the individual or family in returning to their country of origin.

4. Levels of Need

Stockport Family and partner agencies provide a range of services for children and their families from universal services available to all, targeted services for those requiring extra support, to specialist and rehabilitative services where crisis or urgent intervention is required.

The Stockport Family continuum of need provides a useful way of conceptualizing the different levels of need and the service response. The Children Act threshold for Children in Need is the threshold for a service provision by Social Care.

Criteria for s17 Financial Assistance

The criteria for s17 financial assistance are:

- The payment must be to support and promote the welfare of the child;
- An allocated worker should be actively involved with the family at least for the duration of the payments and if the financial assistance is more than one off emergency assistance, this must be assessed as part of an assessment or through the review of a child's plan

All alternatives should be explored with the family to assist in accessing and utilising their existing resources to the best effect and support the family in becoming self-sustaining, prior to any application for funding.

- Payments should be made directly to the supplier or provider of services. Monies should not be given directly to the family or carers except in exceptional circumstances;
- At point of request for financial support it should be confirmed that there are no alternate sources of finance from benefits or friend / family contributions, or other agencies and charities. Evidence should be included on the finance request form and if theft is alleged, a crime number should be provided and added to the request;
- All financial assistance is a one-off payment. There may be exceptional circumstances where multiple payments are required; these are to be considered on a case by case basis by the Service Manager. The period for which funding has been agreed must be clearly communicated to the person in receipt of the assistance.

It is Stockport Family policy that financial support and assistance that is provided under the Children Act 1989 should be supplementary to the benefit system and not an alternative to it. It is therefore important that steps are taken to maximise benefit income and rectify administrative problems or issues relating to claims to speed up the process of making a claim.

Payments under Section 17 are made to children and families according to need in the following categories:

4.1. Small payments to cover emergency situations

- Payments in lieu of benefits will not be paid and should be initially referred to the Department for Work and Pensions (DWP) for an advance, where appropriate.
- Before Stockport Family authorise payments, all other options should be explored such as food banks and charities (including Stockport Local Assistance Scheme / Penny Pantry) before providing any financial assistance. Where appropriate, food or vouchers should be given instead of cash. Where cash is given the guideline is £5 per child per day (nothing for adults). Subsistence should initially only be given for one day, three if covering the weekend, and the claimant will be asked to go to DWP the following working day.
- Money for gas / electric is only provided where exceptional circumstances prevail e.g. where there is a small baby or vulnerable child. The maximum should be £10 to cover immediate need. Vouchers will be issued.
- Payment for essential travel will only be considered for distances of more than 2 miles and for the cost by public transport. The only exception is when public transport is completely unfeasible, or if it is cheaper by taxi.
- In the case of lost or stolen money proof that they have informed the police will also be required.
- A directory of local services to help in emergency situations is available and should be used to re-direct requests for assistance wherever possible. A number of agencies are listed in Appendix 2.

4.2. Planned payments to support a specific outcome in a social work plan

- Returning children home to their parents when a child has been subject of S31 or S20, and where lack of provision would prevent the child returning home.
- Day Care e.g. child minders or nursery, and only in the short term as part of a child protection plan. Review monthly with Service manager authorisation.

- To facilitate temporary private care arrangements e.g. when parent may be hospitalised. Only appropriate if it is evident that the viability and success of the arrangement is dependent on financial assistance. The main financial responsibility for the arrangement lies with the child's family. At the very least, the parent should be expected to provide the person caring for the child with the child benefit received for that child. Any Section 17 payment should be based on actual costs.
- To enable a parent or guardian to attend a Child Protection Conference.
- To enact recommendations within the child protection plan drawn up at the Child Protection Conference.
- Telephone costs may be paid when this is essential for the child's protection e.g. significant risk of domestic violence to family.
- Furniture and essential household equipment. Charities should be approached for assistance but where this is not possible only essential items should be purchased and these should be second hand whenever possible. Beds and bedding should be provided for the children only – these should be sourced through the SPEND Hub to ensure best value for money.
- Educational expenses are not met by Social Care and schools / VST should be approached about the use of the Pupil Premium.
- After school and holiday activities will only be supported if part of a Child Protection Plan, or if preventing the need to accommodate. It is expected that free activities would be used and paid activities would only be funded in exceptional circumstances.
- Cost for family trips / holidays will not be met.
- Baby equipment such as fireguards, stair gates, bottles and sterilising equipment can be provided to maintain children safely at home. Pushchairs will only be provided in exceptional circumstances, and the least expensive suitable model available. Goods will be ordered by the SPEND Hub.
- Regular weekly payments should be authorised for a limited period only as part of a CIN, CP or CLA plan and reviewed before this period expires by the Social Worker and Team Manager. Review monthly.

- The maximum time for which payments can be made without being reviewed is 1 month. However, in most cases this should be less.
- If committed expenditure will ultimately exceed the initial authorising officer's delegated powers, approval of the next senior authorising officer must be sought at the outset. Full costs should be presented for authorisation.
- Families with disabled children who require support services or short breaks to enable them to safely care for their children may receive regular payments as part of a TAC plan or parents have the right to request that support is given through a direct payment or personal budget.

4.3 Support for housing costs to prevent children being accommodated from a homeless family

- While the local authority has a duty to promote the upbringing of children by their families, housing needs for homeless / vulnerable families are discharged through the relevant housing authority. The family or carers are responsible for securing and maintaining housing.
- Payments in lieu of benefits will not normally be paid and should initially be referred to the Department for Work and Pensions (DWP) for an advance where appropriate.
- Section 17 payments will not be used to discharge regular and on-going payments to meet housing costs, these should be met through families own resources or housing benefits. **In exceptional circumstances** consideration to meeting interim housing costs and deposits on accommodation will be given when all the following criteria are met:
 - Discussion has taken place with the relevant housing authority and it is evident it is not the relevant housing authorities' responsibility.
 - The family do not have any money or assets.
 - It can be clearly demonstrated that no alternative accommodation for the child(ren) is available from the extended family and a rent deposit would prevent a child being looked after.
 - Upon completion of the tenancy the deposit should be reclaimed.
 - Rent guarantees under Section 17 are not offered by Stockport Family except in exceptional circumstances.
- Requests initially to Service Managers who will request authorisation from Director of Operations.

- Guidance on how to respond to claims of intentional homelessness is available from Stockport Homes.
- In all intentional homeless cases please consult with your Service Manager before financial decisions are taken on support with housing associated costs.

4.4. Provision of support to families with no recourse to public funds

- To be eligible for care services from a local authority in the UK, including accommodation and financial support, an individual with no recourse to public funds (NRPF) must be:
 - An adult, including adults with responsibility for children.
 - Ordinarily resident in the local authority area.
 - Assessed as having community care or mental health needs under the National Assistance Act 1948, or
 - Be someone whom there is a duty to support under the Children Act 1989.
 - Eligible for support under immigration law: or
 - Someone who has to be supported to prevent a breach of their human rights, under the European Convention on Human Rights.
- In all NRPF cases consultation must take place with your Service Manager before financial decisions are taken on support with housing associated costs. Legal advice must be sought.

4.5. Support for “Friends and Family” caring for children assessed as being in need

- These are set out in Family and Friends Care Policy.
- If needed set-up money e.g. new bed / clothes will be provided. Financial assistance, for subsistence, provided at £5 per child per day until benefits are in place. A maximum of 4 weeks will be paid.
- A template letter to assist carers in claiming entitled benefits is available at Appendix 1.
- Educational expenses are not met by Social Care and schools / VST should be approached about the use of the Pupil Premium.
- After school and holiday activities will only be supported if part of a Child Protection Plan, or if preventing the need to accommodate. Preferably free activities available locally should be identified.

- Cost for family trips/holidays will not be met.

4.6. Arrangements when children move to Stockport and are in receipt of Section 17 support from originating authority

- Stockport requires formal written notification from the originating authority of a transfer of a child or family that they consider need on-going support under Section 17.
- An assessment of the family will be carried out within 28 days to consider if they meet the threshold for services. During the 28 day period the transferring authority must retain responsibility. Stockport will review any services or financial support being provided by the transferring authority, however Stockport is not obliged to continue this service.
- Before assistance is offered under Section 17 (6) it is expected that families will have maximised their income from other sources. This could include benefit maximisation, as well as assistance from charitable agencies and child support payments where relevant.

5. Process for making payments

5.1. Payments

- Payments will be made by the Bank Automated Clearing Systems (BACS) – directly into a Bank or Building Society account where appropriate.
- Payments are paid weekly in arrears, based on the information supplied by the child's social worker.

5.2. Remittance Slips

- The remittance advice giving information about the payments will be emailed to the payee.
- The SPEND Hub can be contacted on 0161 474 5020 Monday to Thursday, between 08:30 hrs and 17.00 hrs and 08:30 hrs and 16.30 hrs on Friday.
- Any queries concerning the child(ren) should be referred to the child's social worker at the locality office.
- Any change in circumstances, that will affect payments, will need to be reported immediately to the child's social worker who in turn is obliged to inform the SPEND Hub to avoid any overpayments.

5.3. Overpayments

- It is corporate policy that any overpayments are reclaimed, even when the overpayment is our error. Arrangements will be made between the SPEND Hub and Social Worker for repayments that are fair and reasonable, and fit the individual circumstances.

6. Financial Authorisations

The schedule for authorisation applicable to this budget is as follows

Financial Approval Limits	Authorised to Sanction
£1 - £50	Team or Duty Manager
£50 - £1000	Service Manager
£1000 and above	Director of Operations

- Payments below £50 must have the approval of a Team Manager and payments above £50 must have the approval of a Service Leader. **If you are requesting a regular payment, then it is the total cost of the request that requires authorisation not the weekly cost.**
- Payments above £1000 must have the approval of the Director of Operations.
- Spend will be reviewed monthly with the Locality Leads and any high value payments referred to the Director of Operations to ensure the correct procedures for authorising / agreeing payments have been followed and also that in the case of support payments any that have been requested more than twice i.e. to extend beyond 6 months, will be referred to the Director of Operations.

7. Financial Checklist

All of the following should be considered by the Social Worker when making a request for payment;

- Is the payment legal and within these departmental guidelines?
- Have all options been investigated? Can any other agency assist?
- Which method of payment is the safest / most appropriate?
- Is it the most economical option?
- Is the Section 17 budget the correct one to use?
- Have any other payments been made recently?

- What is the most appropriate means of meeting the need? (loan, cash, grant, voucher, goods in kind etc.)
- Have you got Team Manager approval?

CLA Maintenance Spend

Where support payments are made for children and young people who are Looked After then the spend is classified as CLA Maintenance and not Section 17.

1. Regular Payments

1.1 Support Payments

- Support payments under Section 38 (6) can be requested pending an order being made. These requests must be authorised by Service Managers and will be for a maximum of 3 months. Social workers should inform the SPEND Hub as soon as the order has been made or an outcome agreed so that payments can be stopped. Payments will be stopped at 3 months if a further authorisation request has not been submitted.

1.2 Contact Payments

- Parents can claim the cost of bus fares travelling to contact sessions. Where children are placed a considerable distance from home and travel arrangements are more complex, financial assistance will be considered in each case.
- Financial assistance may be provided to facilitate the quality of contact for a child where necessary, e.g. for an activity or meal and should be approved by Team Manager.
- Where assistance with travel arrangements has been agreed value for money should be ensured by arranging the most suitable type of transport and if using rail services off peak travel used where possible.
- Activities / food during contact is £10 per child.

2. Irregular Payments

- Requests for other types of claims should be raised with Team Manager or Service Manager dependent on the value.
- Payments in lieu of benefits will not be paid and should be referred to the Department for Work and Pensions (DWP) for an emergency payment.

- Where payments are for expenses relating to Direct Work the rate is £8 for one child / young person and one worker and then £4 for each additional child or young person.

Appendix 1 - Template Letter to support claiming CB & CTC

Services to People Children's Social Care Services

Service Manager :		Please	Scanning and Support Team,
Ref : 3 rd Floor Stopford House		reply to	Services to People, Lower Ground
North		Postal	: Floor, Stopford House, Piccadilly,
Ask for :		Address	Stockport, SK1 3XE
Direct Line : 0161 474 XXXX			Fax - 0161 476 3504
Mobile :			
Email : yourname@stockport.gov.uk	Office	:	3rd floor Stopford House North
Date :	Address		Piccadilly Stockport SK1 3XE
	Contact	:	0161 217 6028

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To whom it may concern

RE: Name of Carer & Address

On (Date) (Name of Child/ren) was/were placed with (Name of Carers) at (Address) due to (Explain circumstances for placement – Hospitalisation of parents etc).

This letter is to support (Name of carer)s application for Child Benefit(CB) and Children's Tax Credits in respect of (name of child).

Since (Date of placement) (name of carers) have been financially supported by the Local Authority.

Should you require any further information regarding the processing of this claim please contact (Name and contact details of Social Worker)

Regards

Name of Social Worker
Address
Contact Details

Appendix 2 - List of Charitable Organisations

Stockport Local Assistance Scheme (SLAS)

Fred Perry House – Edward Street, Stockport SK1 3XE

Stockport Homes – Penny Pantry

Adswood & Bridgehall – 5 Cuddington Crescent, Bridgehall, Stockport SK3 8LX

Brinnington – First House, 367 Brinnington Road, Brinnington SK5 8EN

Mottram Street – Mottram Towers, Mottram Fold, Stockport SK1 3NY

Penny Lane – Hanover Towers, Lancashire Hill, Penny Lane, Stockport SK5 7RJ

Food Banks

Trussel Trust - Hazel Grove Baptist Church, Station Street, Hazel Grove, Stockport SK7 4EX

Chelwood – Chelwood Baptist Church, Adswood Road, Cheadle Hulme, Stockport SK8 5QA

Furniture Station

Hazel Grove Baptist Church, Station Street, Hazel Grove, Stockport SK7 4EX

Fuel Bank

Trussel Trust - Hazel Grove Baptist Church, Station Street, Hazel Grove, Stockport SK7 4EX

GLO Church – The Garage

GLO Central, 20 Hexham Close, Stockport SK2 5PR