

Swindon Borough Council

Fostering Service

Kinship Care

Relevant 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.

Looking After Someone Else's Child: Government advice on the support and financial help you can get if someone else's child is living with you full time.

Kinship care: statutory guidance for local authorities, updated October 2024.

Guidance setting out a framework for the provision of support to kinship families, and how family networks can be engaged to support the needs of children throughout the children's social care system

Relevant Policies:

- Applications for Special Guardianship Orders
- Permanency Planning Guidance
- Special Guardianship Policies and Guidance
- Adopt Thames Valley – Statement of Purpose: Adopt Thames Valley provide post Order Support to Adopters within Swindon
- Court Reports in Placement Order Applications and Adoption / Special Guardianship Guidance
- Assessment and Approvals of Foster Carers
- Placements with Connected Persons
- Private Fostering Statement of Purpose
- Private Fostering Procedures

Introduction

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

This policy sets out Swindon Borough Council'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. This policy will be regularly reviewed and made freely and widely available.

Values and Principles

Consideration of children's welfare and best interests will always be at the centre of the work we do and all decisions that are made.

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

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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 cared for by the local authority. Where a child cannot live within his or her immediate family and the local authority is considering the need for a child to be 'cared for' by the Local Authority, we will make 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 kinship carers are provided with support to ensure that children do not become 'cared for' by the local authority, or do not have to remain 'cared for' longer than is needed.

We will provide support and training in ways that are appropriate and encouraging for family and friends carers.

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.

**A Child in Need is defined in Section 17(10) of the Children Act 1989 as a child who is disabled or who is unlikely to achieve or maintain a reasonable standard of health or development without the provision of services by the local authority.*

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.

Children who are Cared for by the Local Authority 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 are 'cared for' 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 child who is 'cared for' by the local authority 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

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carers will be able to make in relation to the child, please see Annex A: Caring for Somebody Else's Child - Options. Section 4, Different Situations whereby Children may be Living with Family and Friend Carers, which sets out the local authority's powers and duties in relation to the various options. <https://www.gov.uk/looking-after-someone-elses-child>

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. However, the status of the care being provided 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 which apply to financial support for children living with family or friends in looked after/adoption/special guardianship/child arrangements order arrangements. 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.

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

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 falls under private fostering (see 4.2), or it appears to the authority that services may be necessary to safeguard or promote the welfare of a Child in Need. In such circumstances, 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.

Parental responsibility remains with the birth parents, but the carer may do what is reasonable to safeguard or promote the child's welfare.

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 Cared for by a local authority. In a private fostering arrangement, the parent still holds parental

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responsibility and agrees the decision-making arrangements 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.

Family and friends foster carers – 'Connected Persons'

Where a child is 'cared for' 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 the placement, for up to 16 weeks. This temporary approval can only be extended in exceptional circumstances. In this context the carer is referred to as a Connected Person and the process of obtaining approval is set out in the Placement with Connected Persons Procedure. Where temporary approval is given, the carers will receive financial support on a regular basis. This may cover care arrangements at very short notice.

In addition, the child will have a placement plan which 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 child who is cared for by the local authority 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.

Once approved as Connected 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.

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While the child remains a child who is cared for by the local authority, as a foster carer, they will be expected to cooperate with 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, cooperating with the child's social worker and promoting the child's education and health needs.

Authority for day-to-day decision making about the child should be delegated to the carer(s), unless there is a valid reason not to do so.

Child Arrangements Order

A Child Arrangements 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. Parental responsibility is shared with the parents.

Authority for day-to-day decision making about the child should be delegated to the carer(s), unless there is a valid reason not to do so.

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 child who is cared for by the Local Authority.

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.

Special Guardianship Order

Special Guardianship offers a further option for children needing permanent care outside their birth family. It can offer greater security without absolute severance from the birth family as in adoption.

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 Arrangements Order.

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Special Guardianship Orders may be made in private family proceedings and the local authority may not be a party to any such arrangements. There is criteria in respect of who can apply and if the criteria is not met, permission from the court will be required in order to make the application - further guidance can be found at <https://www.gov.uk/applyspecial-guardian>

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.

Further information is also contained the Special Guardianship Policy.

Where the child was 'cared for' 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. Post order support is provided directly by Swindon Borough Council and the responsible team can be contacted directly at SGOSupportDuty@swindon.gov.uk

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 'Cared For' 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.

Post order support is provided to Swindon Adopters by Adopt Thames Valley - <https://adoptthamesvalley.co.uk/>

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:

Subsistence crisis (one-off) payments

These should be used to overcome a crisis, following the best assessment that can be achieved in the circumstances;

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These are 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;

Legal Fees

Swindon Borough Council will consider contributing to the legal costs of carers applying for a Special Guardianship or Child Arrangement Order where it supports the application and where not doing so would lead to the child remaining or becoming 'cared for' by the Local Authority unnecessarily. Decisions about these payments will be made by the Director for Corporate Parenting

Accommodation

Swindon Borough Council is committed to ensuring that no child should become 'cared for' due to inadequate housing. Housing services provided by the Council can make an important contribution to promoting family and friends care arrangements by assisting carers to secure suitable accommodation.

Family and friends carers may need support with accommodation as their homes may not be of sufficient capacity to take on the care of a child or potentially a sibling group. Discussions may be required between Children's Social Care and Housing Services to ascertain the best way forward in supporting a family and friends carer to offer care and accommodation to a child.

Financial support under section 17 of the Children Act 1989 towards accommodation costs can be considered where this is assessed as the most appropriate way to safeguard and promote the child's welfare.

Education

From 1 September 2021, the School Admissions Code provides that children being raised by kinship carers under a Special Guardianship Order or Child Arrangements Order, who struggle to get a school place during the year, will be supported in finding one. Further support in terms of Pupil Premium is also available to support in Education in certain circumstances for children where a Special Guardianship Order is in place.

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 'cared for' by the Local Authority.

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Where the child is not 'cared for' by the Local Authority, we are required to promote meaningful 'family time' 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 family time 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.

Where a child is 'cared for' by the Local Authority, 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 family time arrangements will be included in the child's Care Plan and the specific arrangements will be set out in the child's Placement Plan.

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 in Need and may help to identify short-term and/or permanent solutions for children within the family network. We will offer a Family Group Conference or other form of family meeting at an early stage. If a child becomes 'cared for', perhaps following an emergency, without a Family Group Conference having been held, then (where appropriate) we will arrange one as soon as possible.

Complaints procedure

Where a kinship 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, then a formal investigation will be arranged.

The timescales and process are set out in the Complaints and Representations Procedure.