



MANCHESTER
CITY COUNCIL

**DIRECTORATE FOR FAMILIES, HEALTH &
WELLBEING**

FAMILY and FRIENDS CARERS

GUIDANCE AND PROCEDURE



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Family and Friends Care

1. Purpose of the guidance

This guidance provides details to staff on how Manchester City Council's (MCC) Directorate of Families, Health and Well-Being in collaboration with its colleagues and local services will support the arrangements for children to be cared for by family and friends when their birth parents are not able to do so.

The guidance covers

- the key principles underpinning the assessment, planning and decision-making processes for family and friends care arrangements
- the legal considerations to be taken into account so that that parents and carers are clear about the status of the arrangements
- the assessment, planning and review procedures for ensuring that such arrangements are safe and suitable for the child, and do not drift
- the support arrangements for carers so that they can meet the needs of the children they are caring for, in particular for those children who are not looked after and are children in need

The guidance covers the following types of arrangements:

1. Family and friends care arrangements made by birth parents without Manchester Children's Services' involvement
2. Family and friends care arrangements made with Manchester Children's Services' involvement for children in need
3. Family and friends care arrangements made with Manchester Children's Services' involvement for children who are looked after
4. Family and friends obtaining independent legal advice

2. Related Policies and Guidance

The following policies and guidance are referred to within this document and should be considered in conjunction with this document:

- The Children (Private Arrangements for Fostering) Regulations 2005
- Statutory Guidance on Private Fostering 2005
- Child in Need Guidance – Payments made under Section 17 Children Act 1989.
- "Caring for someone else's child - A policy to promote and support the needs of children living with family and friends carers." October 2011
- Family and Friends Care: Statutory Guidance for Local Authorities 2010
- The Framework for the Assessment of Children in Need and their Families
- Manchester City Council MCAF Handbook 2012
- Manchester Children's Services: "Practice Guidance for completing a Screening Assessment of Temporary Approval of a Connected Person" February 2015.

- The Care Planning, Placement and Case Review regulations; Statutory Guidance on Care Planning, Placement and Review 2010
- The Care Planning and Fostering (Miscellaneous Amendments) (England) Regulations 2015
- 2011 Fostering Service Regulations
- Working Together to Safeguard Children
- LASPO Guidance for Manchester Children's Services

There may also be other relevant policies and guidance which need to be considered.

3. Background and Context

What do we mean by family and friends care?

A “family and friends carer” means a relative, friend or other person with a prior connection with somebody else’s child who is caring for that child full time. An individual who is a “connected person” to a looked after child may also be a family and friends carer. A child who is cared for by a family and friends carer may or may not be looked after by the local authority.

The definition of relative in S 105 of the Children Act 1989 is “A grandparent, brother, sister, uncle or aunt (whether of the full blood or half blood) or by marriage or civil partnership or step-parent “

Children may be cared for by family and friends either under

- A statutory order –S31 (full care order) or S38 (interim care order)
- A voluntary accommodation under S.20
- A private arrangement made between the parents with a family member
- A private fostering arrangement

Why are children cared for by family/friend carers?

The most common reasons for family members and friends taking on the care of children are those related to parental factors such as domestic violence, alcohol or substance misuse, mental or physical illness or incapacity, separation or divorce, imprisonment, or death of a parent. Child related factors such as disability or challenging behaviour may also be reasons. In many instances the characteristics and needs of children living with family and friends carers in informal arrangements are very similar to, or the same as, those of children who have become looked after. It may be the particular circumstances giving rise to an emergency, the willingness of family members to intervene at a particular stage, or the response of the local authority which determines whether the child goes to live with family and friends carers on a private/informal basis or is placed by the local authority as a looked after child.

Family and friends therefore play a unique role in enabling children and young people to remain with people whom they know and trust if they cannot, for whatever reason, live with their parents. Mothers, many fathers, and other persons who have parental responsibility e.g. via Residence, Child

Arrangements or Special Guardianship Orders, have parental responsibility which gives them the authority to make such private arrangements.

National research tells us many children who live in family and friends care do well in life without local authority intervention, but others are vulnerable and are failing to achieve good outcomes.

MCC Children's Services Social Workers only become involved in these arrangements if there are welfare or protection issues with which the family needs support or intervention, if the arrangement falls within the definition of private fostering, or if the child is or becomes looked after.

Each case will bring different challenges but research evidence tells us that family and friends care can bring stability to children and enhance their behavioural development and emotional wellbeing.

4. Statement of Values and Principles underpinning the policy

Manchester's Family and Friends Care Guidance is based on the following principles:

- The child's welfare and safety is paramount
- All children will be supported to develop their own identity, including self-confidence and a sense of self-worth
- Continuity of relationships is regarded as important and attachments will be respected, sustained, and developed
- Children are best looked after within their families, with their parents playing a full part in their lives, unless compulsory intervention in family life is necessary
- If a child cannot live with his/her birth parents, care by family and friends carers arranged by the parents for children in need **or** family and friends approved as foster carers for looked after children, is the arrangement/placement of choice where this meets the child's needs
- Children and young people will become looked after only where this improves their life chances and no child or young person will become looked after or be subject to care orders unnecessarily

In meeting the above principles we will:

- Assist families in resolving their problems which will enable children to be reunited with their birth families or for them to make arrangements for permanent stable placements with family or friends, if the child is not looked after
- Enable birth parents to retain their responsibilities and to remain as closely involved as is consistent with the child's welfare, even if that child cannot live at home either temporarily or permanently
- Be proactive in supporting birth parents to identify appropriate family and friends carers within their network early on in the process
- Ensure that there are clear agreements and arrangements for support between birth parents and carers where a child who has been referred

to Children's Services is cared for by a family and friends carer and is not a Looked After Child

- Ensure that if the child needs to be cared for away from home by family and friends carers, that the child does not become a Looked After Child unless this is necessary to safeguard the welfare of that child. (that is, the child will become looked after only where it will positively improve the child's welfare)
- If children have to live apart from their family, both they, their parents and carers will be given adequate information and support to enable them to make an informed choice about the most appropriate form of care
- If the child needs to become looked after, we will work with the birth parents to identify family and friends carers where it is possible and safe to do so
- Support family and friends carers to obtain an appropriate legal order giving them legal responsibility for the child through a Child Arrangements Order, Special Guardianship Order or Adoption order

5. Family and friends care arrangements made by birth parents without Manchester Children's Services involvement

Parents can elect to place their children with relatives for as long as they choose or with friends for a limited period without the involvement of Manchester Children's Services. Please be aware that private fostering procedures will apply if the child meets the legal definition of private fostering as detailed below:

Private fostering procedures will apply to:-

A child under the age of 16 (or under 18, if disabled) who is cared for, or proposed to be cared for, and provided with accommodation by someone other than:

- *A parent*
- *A person who is not a parent but has Parental Responsibility*
- *A close relative, i.e. aunt/uncle/step-parent/grand-parent/sibling but not a cousin or great aunt/uncle.*

and is

- *Cared for and accommodated by that person for 28 days or more, or the period of actual fostering is less than 28 days but the private foster carer intends to foster him/her for more than 28 days.*

“Relative” means grandparent, brother, sister, uncle or aunt (whether full blood or half blood or by marriage or civil partnership) or step-parent, as defined in section 105 of the 1989 Act

Young people similarly may elect to go to live with relatives, with or without their parents' consent once they have reached the age of 16.

The responsibility for funding these placements rests entirely with the parent(s) and or others with parental responsibility. Under these circumstances, unless there are other reasons, Manchester Children's Services need not become involved and if already involved could choose to withdraw. These arrangements are often referred to as private/informal arrangements.

Early identification and support

The majority of private/informal arrangements work well and meet the needs of the child with the support of universal agencies such as Health and Education services. It is important, however, that any difficulties are responded to early. Partner agencies have a key role to play in identifying and supporting children who are living with family and friends carers. These agencies need to be aware of and sensitive to the needs of these children and their families.

Support services should not be withheld because a child is living with a carer in a private/informal arrangement. Early intervention, underpinned by the Manchester Common Assessment Framework (MCAF) and the offer of early

help, will help prevent difficulties escalating to the point where specialist services are required.

These services are also key to the identification of those children who have a higher level of need e.g. those who are in private fostering arrangements where statutory intervention and the provision of specialist services are required.

As has been stated previously many of these arrangements will not require social work involvement. However a referral may be received by the First Response Team who may judge that, due to potential safeguarding or child protection concerns, an assessment is required by the Locality. In these circumstances, an assessment will be undertaken in line with current procedures and the parties will be advised in writing of the outcome.

The outcome of the assessment may be:

- that the arrangements are satisfactory and that no further support is required from a SW. In these circumstances, other services involved with the child and family will be asked to continue to support the arrangements via the MCAF process.
- that the arrangements are satisfactory and that no further support is required from a SW, other than, for example, a one off section 17 payment. In these circumstances, other services involved with the child and family will be asked to continue to support the arrangements via the MCAF process.
- that the child needs to be supported via the Child in Need planning process.
- that the arrangements constitute private fostering and private fostering procedures need to be followed.
- that the arrangements are potentially harmful to the child and a strategy discussion is required.

6. Family and friends care arrangements made with Manchester Children's Services' involvement

In situations where Manchester Children's Services is involved with a child and that child needs to be cared for away from home because the child's birth parents are not able to offer safe or adequate care, we will take a proactive approach to considering the suitability of the child being cared for by extended family or friends.

Legal Considerations

In March 2007, the Court of Appeal gave judgment in a case called *Southwark v D*, which has been considered and applied subsequently in numerous cases, including cases involving Judicial Review. For local authorities everywhere these are very significant decisions. The outcome of these cases must now inform the decision making in every case where arrangements are made for a child to be cared for by family or friends. It is therefore vital that staff, parents and (prospective) carers are clear about the legal status of the arrangements and the implications of this legal status, in particular about whether the child needs to be accommodated under section 20 of the Children Act (CA) 1989 or can be supported in the arrangements as a child in need under section 17 of the Children Act 1989. Private fostering procedures may apply in some cases and in some circumstances the child's safety may need to be secured by a legal order.

Arrangements which are not clear will only damage the working relationships with the child and/or his/her/their parents and carers and leave all involved, including MCC, vulnerable to further conflict. This is because whether the child is looked after or not and the arrangements under which the child/ren came to live with the carers is vital in determining a whole variety of issues, including where the carer makes an application for Special Guardianship assessment and associated application for financial support (*Suffolk v Nottinghamshire CC [2012] EWCA Civ 1640*)

Section 20 or Section 17

Section 20(1) of the Children Act (CA) 1989 says:

"Every LA shall 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 who has parental responsibility for him; or
- (b) his being lost or having been abandoned or
- (c) the person who has been caring for him being prevented (whether or not permanently, and for whatever reason) from providing him with suitable accommodation or care."

The third reason is the one most commonly encountered in practice and encompasses children whose usual carers cannot, due to their limitations, or the risk they pose, provide satisfactory care. If any of the triggers in section 20(1) of the Act are met, there is a duty on the LA to accommodate.

However, the Act also provides an element of discretion. Section 20(4) states that the LA **may** provide accommodation for any child within their area (even though a person who has parental responsibility for him is able to provide him with accommodation) if they consider that to do so would safeguard or promote the child's welfare. So this is a discretionary power.

Section 20(7) then states that

"a local authority may not provide accommodation under this section for any child if any person who-

- (a) has parental responsibility for him; and
 - (b) is willing and able to -
 - (i) provide accommodation for him
 - (ii) arrange for accommodation to be provided for him
- objects.

It is therefore important that we are able to differentiate between the following possible situations:-

- (a) cases where the duty to accommodate has arisen under section 20(1), no objection is received from any person under section 20(7) and the LA places the child under section 20 with a relative/friend carer and thus the child becomes looked after;
- (b) cases where a duty to accommodate under section 20(1) arises but the LA is prevented from fulfilling that duty because of an objection under section 20(7) and the child is instead placed with family/friend carers. These children will be children in need under section 17 of the Children Act 1989.
- (c) cases where there is a discretion to accommodate under section 20(4) and an assessment concludes that the child's welfare requires him/her to be looked after and therefore the child is placed by the LA under section 20 with a relative/friend carer;
- (d) cases where there is a discretion to accommodate under section 20(4) but assessments conclude that there is no need for the child to be looked after and so assistance is provided in order to enable parents to make arrangements for children to be cared for with family/friends carers. These children would be children in need under section 17 of the Children Act 1989.

As has been stated it is vital from the outset that all parties, including the parents and the carers, are clear about the legal status of the child and its implications. Southwark and Kent make it clear that it is not merely sufficient for the social worker to know what he or she is doing or intending to do. Such information **MUST** be shared with and understood by the lay persons (particularly the potential carer involved) and it **MUST** be done at the time.

If the child is not going to be looked after under s.20 CA 1989 and is to be a child in need under s.17 of the CA 1989, parents and carers must understand clearly the nature of the arrangement and it **MUST** be made plain to the proposed carer that she/he must look to the parent(s) for financial support.

It **MUST** be explained that any financial assistance from the local authority would be merely discretionary and that there is no right to the same.

Clearly, in many situations this is achievable. In other instances, a duty worker may come across a case which he/she knows little about which comes to their attention at a time of crisis. Here, it will be less easy to be clear about the nature of the arrangement. In this situation, it is **VITAL** that the worker clearly conveys that what is being put in place is an arrangement to deal only with the immediate crisis as an emergency measure and that on the next full working day, someone will be in touch to re-assess the situation. It is equally vital that there is such follow up and the worker then explains the position with the degree of clarity indicated above.

It is therefore essential that all parties are given written information, reinforced verbally about their rights and responsibilities under the different legal statuses. There are template written agreements for carers and parents where private arrangements are made between parents and carers and the children are therefore children in need. These agreements need to be given to both parents and carers. It is acknowledged that a pro forma agreement will not always adequately cover all the situations which could arise. It is therefore recommended that workers compare their letter against the following extract from the judgment (slightly amended so correct terminology used) to ensure it meets the necessary requirements:-

“If an authority wishes to play some role in making a private arrangement, it must make the nature of the arrangement plain to those involved. If the authority is facilitating a private arrangement, it must make it plain to the proposed carer that s/he must look to the parents or person with parental responsibility for financial support. The authority must explain that any financial assistance from public funds would be entirely a matter for the discretion of the local authority for the area in which the carer parent is living. Only on receipt of such information could the carer give informed consent to acceptance of the child under a private [fostering] agreement. If such matters are left unclear, there is a danger that the carer (and subsequently the court) will conclude that the local authority was acting under its statutory powers and duties and that the arrangement was not a private one at all.”

If the proposal is for the arrangement to be a “private” one as opposed to an accommodation under S 20 then one of the first tasks for the workers involved is to establish the nature of the relationship between the child and the carer i.e. does the carer fall within the definition of a relative under the Children Act 1989? If the carer is not a relative then this is a private fostering arrangement and must be dealt with in accordance with the relevant legislation and the procedures on the Children’s Manual.

Copies of all agreements/letters sent and accurate case notes must be kept.

The 2010 Statutory Guidance for Family and Friends Care

The 2010 Statutory Guidance for Family and Friends Care is clear that appropriate assessment and support should be provided for children and their carers whatever their legal status.

Effective implementation of the local authority's duty under section 17 of the 1989 Act will ensure that wherever possible children's needs are met through the best use of resources designed to safeguard and promote their welfare. This will help ensure that, subject to meeting the statutory criteria, children do not become looked after by the local authority unless to do so is the most appropriate way to ensure that their welfare is safeguarded and promoted.

Whether or not a child who is cared for by a family and friends carer should be looked after by the local authority will be a matter to be decided by the local authority on a case by case basis. In the context of family and friends care, the key question will be whether the child appears to the local authority to require accommodation for one of the reasons in section 20(1) of the 1989 Act. It may not always be easy to determine whether a child who is cared for by family or friends requires accommodation for the purposes of section 20(1) or whether that child's needs should be met by providing support under section 17 of the 1989 Act. In any event, where the local authority has instigated the arrangement for a child to live with a friend or relative, the local authority should provide an appropriate range and level of support for those arrangements.

7. Assessment and planning for family and friends care arrangements

It is not possible to prescribe the many types of situation the Locality teams may be presented with but it is important that staff follow the assessment and planning processes detailed below to ensure that the arrangements are appropriate. This will ensure that all involved are clear about the arrangements and their responsibilities, and that the needs of the child are the focus of decision-making.

If the child needs to be cared for away from home, an assessment must be undertaken which will explore whether care for the child can be safely provided by a relative or friend, the suitability of these arrangements and what is the most appropriate legal status for these arrangements i.e. Child in Need (CIN) or Looked After Child (LAC).

Does the child need to become looked after?

One of the first decisions to be made is whether the child needs to become looked after or whether parents can be supported to make their own arrangements for family/ friends to care for their child meaning the child is therefore a child in need. Professional judgement is required to assess a child's safeguarding needs.

If the judgement is that the child may need to become looked after, it may be appropriate to seek legal advice to assist with the decision, including whether there should in fact be a voluntary accommodation under Section 20 or whether care proceedings should be commenced. The case will need to be presented to Family Resource Panel (FRP) before the placement is effected or as soon as possible afterwards if the child becomes looked after in an emergency.

8. Assessment and planning for family and friends care arrangements for children in need under section 17 Children Act 1989

Family and Friends Care arrangements made by birth parents that are supported by MCC under section 17 of the Children Act 1989 (i.e. where the assessment is that the child does not need to become looked after) may need to be made in an emergency, e.g. following a section 47 enquiry, or may be agreed and planned as a result of contingency planning with the birth parents.

Emergency Arrangements

In these circumstances:

- An agreement is reached with the birth parents that the children need to be cared for elsewhere due to the known or potential risk factors;
- The birth parents are asked to identify any potential family or friend carers;
- Basic checks will be undertaken on all of the adults in the family / friend carer's household which will include LA and PNC checks. The accommodation will be seen to ensure it is adequate to meet the child's needs;
- If the arrangement is with a friend not a relative as defined under CA 1989, private fostering procedures will need to be followed if it appears that the arrangement will continue for more than 28 days;
- Initial arrangements will be made between the parties for contact with the birth family and for health and education needs to be met;
- The child will need to be consulted as appropriate (depending on age) and their views sought on the arrangement;
- Agreement for the arrangements will be required from the team manager/locality manager. They can also agree to immediate or any ongoing financial assistance under section 17 (only after a financial assessment has been first carried out);
- A written agreement (see template) will be made between the birth parents and the carers which details the expectations of the carers and the parents and that the arrangements will be supported by MCC under child in need or child protection planning. The agreement will make it clear that the child is not looked after.

Planned Arrangements

In many cases the child will be open to a social worker under child in need or child protection planning, and there may be an opportunity to plan with the birth parents the arrangements for the child to be cared for by family / friend carers if the need arises. It is therefore best practice, as part of the assessment and planning process, to identify with birth parents any family and friends from their support network who may potentially be able to care for the child in the future. This will be an expectation if the Public Law Outline (PLO) pre-proceedings processes are being followed. The genogram facility on MiCARE will assist this process.

If the need arises for the child to be cared for elsewhere and the need is **not** immediate:

- The assessment concludes that the child does not need to become looked after
- An agreement is reached with the birth parents that the child/ren may or will need to be cared for elsewhere due to the known or potential risk factors
- The birth parents are asked to identify any potential family or friend carers
- Consideration will be given to convening a family meeting/family group conference within 7 working days so that an agreement can be reached by the parents and family for the arrangements for the child to be cared for.

If a carer is identified and parents are in agreement, do the following:

- Family and friends carers are often motivated by the wish to help a child already known to them, who might otherwise enter the care system. It is important therefore to consider and record the potential carer's motivation to care for the child and the impact of taking on a caring role on with wider family relationships
- Basic checks will be undertaken on all of the adults in the family or friend carers household which will include LA and PNC checks. The accommodation will be seen to ensure it is adequate to meet the child's needs;
- If the arrangement is with a friend not a relative as defined under CA 1989, private fostering procedures will need to be followed if it appears that the arrangement will continue for more than 28 days;
- Initial arrangements will be made between the parties for contact with the birth family and for health and education needs to be met;
- The child will need to be consulted as appropriate (depending on age) and their views sought on the arrangements;
- Agreement for the arrangements will be required from the team manager/locality manager. They can also agree to immediate or any ongoing financial assistance under section 17 (only after a financial assessment has been first carried out);
- A written agreement (see template) will be made between the birth parents and the carers which details the expectations of the carers and the parents and that the arrangements will be supported by MCC under child in need or child protection planning. The agreement will make it clear that the child is not looked after.

Remember

- The decision as to where the child should live remains with the birth parents
- MCC can offer advice to the birth parents as to the most appropriate arrangements / which family member will meet child's needs

Planning for the child

When the social worker supports arrangements made by parents and the child is not looked after, the child will be treated as a child in need and appropriate assessments if required will be made under the Framework for Assessment for Children in Need and their Families to inform a Child in Need plan or Child Protection (CP) plan if required. If the child is subject to a Child Protection plan, the CP planning and core group process will continue. The CP review conference will decide if a CP plan is still required.

If a CP plan is not in place, it is recommended that child in need meeting will need to be convened by the social worker to agree a child in need plan. (NB private fostering procedures will apply if the child is cared for over 28 days by someone who is not a relative as defined by CA1989).

The child in need plan will agree the practical and other support, including any financial support (see below), to be provided for the child or to the child's carer and the role and responsibility of the child's parents. This is particularly important as neither the carer nor MCC has parental responsibility for the child in these circumstances, since no court orders have been made conferring it.

The carer may do what is reasonable to safeguard and promote the child's welfare (s.3(5) Children Act 1989) but should be supported to refer back to the parent or other person with parental responsibility about significant decisions.

If, at any point, the child becomes looked after, LAC procedures will apply.

Financial support under Section 17

Parents will always be expected to make appropriate financial arrangements with the carer to enable the carer to care for the child. However, if a child's needs cannot be met by a family member or friend without financial support in the short term, MCC may, with the agreement of the parents, provide financial support to the placement under Section 17 (Children Act 1989) rather than accommodate the child under Section 20 so long as this is consistent with the child's welfare.

Under these circumstances, after a financial assessment has been first carried out, financial support under Section 17 could range from a one off payment to the provision of an agreed level of financial support which will be regularly monitored and reviewed.

There is a social work financial assessment available and a review date for updating the assessment should be fixed.

One-off payments under Section 17 - one-off payments made in respect of costs arising during the course of a child's private placement with family/relatives and friends will be made in accordance with the criteria outlined in the policy on financial support under Section 17.

Provision of funding for child maintenance costs subject to monitoring and review - payment for the child maintenance costs may be made, at the department's discretion, under Section 17, where an assessment has concluded that:

- Financial assistance is required to meet the child or young person's needs and to promote and safeguard his/her welfare and
- The child's needs can be best met without the provision of accommodation under section 20 and the assessment indicates the need for financial support for the arrangements
- A financial assessment indicates that no person(s) with parental authority is able to fund the placement and the placement cannot be funded by recourse to the national benefits system

The level of any allowance payable will be based upon current benefit rates for the child, excluding child benefit as there is an expectation that the person in receipt of child benefit will pass these funds on to the carer.

Parents and carers will be informed in writing (there is a template agreement which covers this though be careful to delete those sections which do not apply) of any arrangements for financial support and will be advised that these are discretionary, made under section 17 of the Children Act 1989, and will be monitored and reviewed with the expectation that parents will fund the arrangements.

(See template agreements for carers and birth parents.)

Supporting contact for children in need

Parents and carers will make contact arrangements that meet the needs of the child. It is acknowledged that management of contact can be a source of considerable anxiety and sometimes conflict for family and friends carers. Contact arrangements may therefore need to be explicit and can be set out in the child's plan . If necessary, information will be made available to family and friends carers about local contact centres and how to make use of them. Contact will need to be monitored to ensure it does not become unsettling or harmful to the child.

Avoiding drift and achieving permanence

The CIN and CP plans will need to be regularly reviewed in order to ensure that the arrangements continue to be safe and appropriate, and meet the needs of the child. Consideration should always be given to the child's need for permanence and to their legal status.

It is acknowledged that many of these arrangements will be temporary and short term as the child will be returned to birth parents when it is safe to do so. However, if the arrangement continues, plans need to be made to secure permanence for the child and prevent drift.

Each case will need to be assessed in line with its individual circumstances. It is recommended, however, that if the arrangements are going to continue and are meeting the child's needs, consideration is given to ending social work involvement and transferring the lead professional functions and package of support

- At the three month review of the plan if the child is placed out of the authority. The LA in which the child resides will be informed
- At a maximum at the six month review of the plan if the child resides in Manchester

Consideration should always be given to the child's need for permanence and to their legal status.

Carers may be given advice and guidance on applying for Child Arrangements Orders or Special Guardianship Orders under Private Law. Carers may qualify for public funding if the child was assessed by a social services department as being, or at risk of being, a victim of child abuse and/or a child protection plan was put in place to protect the child from abuse or risk of abuse. Carers should be provided with a LASPO letter by the social worker or via one of the alternative providers e.g. Health Visitor (see MCC LASPO guidance)

In the event that LASPO provisions do not apply, after assessment of the carer's circumstances, consideration may be given by a Locality Manager to MCC funding a one-off legal consultation (see guidance/framework agreements). When any funding agreement is being considered it must also be established whether or not the carer qualifies for all or any part of the Court Fees to be remitted. If the carer makes their own application for a Child Arrangements Order, the court is likely to direct the social worker to provide a written assessment, in the form of a s7 Report.

When MCC is given Notice of Intention to Apply for a Special Guardianship Order the SW must, before agreeing to start any assessment, establish the circumstances in which the child came to live with the carer(s) and in doing so determine whether the child is in fact looked after by any local authority.

Points to remember for children in need:

- No arrangements can be made for the child to be cared for by the family/friend carer until the child's parent and the identified family/friend carer have given permission for the arrangements to happen.
- The family / friend carer and the child's parents should be informed as soon as possible of the legal status of the child and of how the local authority intends to support the living arrangement (e.g. under Section 17, Children Act 1989). The child's parents and the identified family/friend carer must be informed that whilst support under Section 17 is being provided the child's parent(s) are to provide the primary means of financial support to care for the child. This includes the signing over of any state benefit (such as child benefit, income support

payments, and disability living allowance) that is available for the child's maintenance.

- The family/friend carer should also be advised to seek their own advice regarding their entitlement to any state benefits with respect to the child living with them, including any entitlement to child tax credits if they are working and in low paid employment.
- The family/friend carer must be informed, in writing, that any section 17 financial support provided by the local authority is discretionary and will be subject to regular review.
- Where financial support is offered, the written agreement will detail the level and duration of the support that is to be provided, and the mechanism for review, to ensure that all parties remain clear about the arrangements.
- The social worker should encourage the family / friend carers to work with the child's parents / those with parental responsibility as long as this does not impact on the welfare and safety of the child.
- The birth parents retain PR and the social worker must be respectful of the legal authority of the child's parent(s) / those with parental responsibility when becoming involved in decision making with respect to the child.
- The arrangements need to be kept under review to prevent drift and achieve permanence for the child.

9. Assessment and planning for family and friends care arrangements for children who are looked after

Immediate placements

Where the assessment concludes that the child needs to be looked after AND that the child needs placing immediately with a family/friend carer or other connected person (where that person has not been previously approved as a foster carer for this child prior to the placement), the temporary approval of connected persons procedures under Regulation 24 of the Care Planning, Placement and Case Review (England) Regulations 2010 will apply.

Those regulations state that the authority must be satisfied that the placement is the most suitable means to safeguard and promote the child's welfare, and that the placement cannot wait until the full approval process can be completed.

To enable them to care for a looked after child; relatives, friends or other persons who are connected with the child must be approved as foster carers under the 2011 Regulations or temporarily approved as foster carers under the 2010 Regulations. The National Minimum Standards (NMS) for Fostering Services apply, and standard 30 relates specifically to family and friends foster carers.

Whilst many of the issues that go with being a family and friends carer are likely to be the same whether or not the carers are approved as foster carers, being a foster carer brings with it additional responsibilities and obligations which have to be met. The local authority will be responsible for the child's care plan and for supervising the family and friends foster carer, whilst the family and friends foster carer will exercise delegated authority within the overall framework of the care plan and the placement plan and will be expected to demonstrate they are meeting the child's needs as set out in the care plan and engage in appropriate learning and development.

Regulation 24 defines an emergency placement as being dictated by the child's circumstances. It can include placements which are required immediately on the same day but also includes any placement where the timetable for the child dictates that the child should be placed before a full fostering assessment can be completed.

Examples are:

- A need to place a child immediately due a family crisis or child protection concerns which necessitates the child becoming looked after.
- A change in the child's legal status e.g. from CIN to LAC which requires the placement to be regulated.
- LAC placement breakdown.
- A LAC child votes with their feet and chooses to live with a relative/friend
- Imminent LAC placement breakdown and a connected person comes forward to care for the child where the child's timescale dictates that there is insufficient time to complete a full fostering assessment.

Considerations prior to placing children

Pre-placement Planning

The 2010 Regulations emphasise that pre-placement assessment and planning must take place prior to a child becoming looked after and if this is not possible (for example, when there is a need for an emergency placement) that this assessment and planning must be carried out as soon as possible afterwards in order to inform the Care Plan.

The 2015 Regulations also require that the carer(s) must be included in decision-making for the child and their views must be sought and taken into account prior to placement and at each subsequent review.

Family Resource Panel

A referral must be made to the Family Resource Panel to agree the child becoming looked after.

What the regulations say

The 2010 Care Planning, Placement and Case Review Regulations require arrangements to be made for the Temporary Approval of a Connected Person.

The Regulations state:

- Emergency/immediate placements with a connected person can be made only after an urgent assessment of the suitability of the connected person to care for the child has been undertaken, the requirements of which are set out in Schedule 4 of the 2010 Regulations.
- Before making such a placement, the local authority must be satisfied that there are no obvious barriers to undertaking a full foster carer assessment under Foster Service Regulations. If there are indications that the carer or the carer's home will not meet Fostering Service Regulations (for example, the child will not have adequate sleeping arrangements) and these cannot be rectified in the longer term, then the carer should not be assessed as this will delay a child achieving permanence.
- Although the approval is temporary, a connected person approved under these Regulations is in all respects a local authority foster carer.
- It is acknowledged that for some children it is in their best interests for these immediate arrangements to be made. The guidance states, however, that if immediate checks cannot be undertaken and the requirements of the Schedule 4 cannot be substantially satisfied as much as possible in the circumstances of the case, then the child **cannot** be placed with the proposed connected person.
- If there are any doubts about the suitability of the placement, consideration must be given to using an approved short term foster placement which facilitates contact between the carer and the child,

pending the completion of the full foster carer approval process. Prior consideration must also therefore be given to the prospect of the foster carer not being approved at 16 weeks and the need to move the child from a placement in which they have become settled.

- If approved, the temporary approval lasts for 16 weeks. Exceptionally, the period of temporary approval may be extended by one period of **8** weeks if the fostering assessment takes longer than expected.

The process for obtaining a TACP24 assessment is set out within the “Practice Guidance for completing a Screening Assessment of Temporary Approval of a Connected Person” February 2015.

The assessment form is completed by the assessing supervising social worker but with input from the locality social worker on the sections relating to the child, the birth parents and the special guardianship support plan.

Planned placements

Where the timetable for the child does not require the placement to be effected immediately, a screening assessment will be completed followed by, if appropriate, a full connected persons’ assessment.

The process for completing a screening assessment is set out within the “Practice Guidance for completing a Screening Assessment of Temporary Approval of a Connected Person” February 2015.

Special guardianship/child arrangements orders

Where the plan is for Special Guardianship/Child Arrangements Order, the carer will be temporarily approved as a foster carer for 16 weeks and assessed as a foster carer for approval under the 2011 Fostering Regulations. The assessment will be recorded on the assessment form which will assist with clarifying whether a Special Guardianship or Child Arrangements Order is an appropriate route to permanence for this child. If this is deemed appropriate a further assessment will not be required. Depending on a number of factors which must first be identified and established by the social worker (as set out in s14 of the Children Act 1989) including whether the child was or was not previously LAC, a support plan, including arrangements for payment of allowances, and a social history report on the child and family may be required if a Special Guardianship Order is recommended.

Ceasing to be Looked After

When a family and friends care arrangement under section 20 (ie where the child is looked after) is to come to an end, the 2015 Regulations place obligations on the local authority to assess the suitability of where the child will live, how they will be cared for and what support they might need after they cease to be looked after. Where the child is returning home, this includes assessing the support that their parents might need if reunification is to be successful. The decision for a child to cease to be looked after must be made by a nominated officer who must be satisfied that the proposed arrangements will safeguard and promote the child’s welfare.

Annex

DRAFT CHILD IN NEED CARER/S AGREEMENT

Name of Child(ren)	Dob	

Name of carers

Relationship to child

Address of carers

Name of Parents or person with Parental Responsibility

Name of Parent(s) have arranged for name of child(ren) to be cared for by me/us from date....

The parents will retain parental responsibility and will remain financially responsible for the child for the time the child is cared by me/us.

I understand that these current arrangements mean that name of child(ren)..... will not be a Looked After child whilst in my/our care and I confirm that I have been provided with information explaining what this means for me/us in relation to the level of support (financial and otherwise) which will be provided to me/us.

In order to help me/us care for the child(ren), I/we will agree to the social worker carrying out a child and family assessment to identify whether and what range of services we need to look after the children us under section 17 of the Children Act 1989. I /we will receive a copy of the Child and Family Assessment when completed

This assessment will also help decide if these arrangements are in the best interests of the child.

I have been given a copy of the LASPO letter and advice on how to access the family and friends policy.

(link if possible to website)

**I/We agree to care for Name of child(ren)
Need**

as a Child/ren in

From date

**I/We understand that Name of parents..... will continue to have parental
responsibility for the child(ren) including financial responsibility.**

**I/We agree to inform Manchester Children's Services if and when I/we
are no longer able to care for the child(ren)**

Name of Carer

Signature

Name of Carer

Signature

Date

Copy to Birth Parents+

**If you have any queries, please contact name of child's social
worker/telephone number**

DRAFT CHILD IN NEED BIRTH PARENTS AGREEMENT

Name of Child(ren)	dob	

Name of birth parent(s)

Name of identified carer(s)

I/we have arranged for *name of child(ren.....)* to be cared for by (*Name of carer(s)*) from date....

I confirm that I do not wish my child(ren) to be Looked After by Manchester City Council because I am able to arrange alternative accommodation for him/her/them with (*Name of carer(s)*). I confirm that I have been provided with information about what this means for my family in relation to the level of support (financial and otherwise) that will be provided to (*Name of carer(s)*).

In order to help them care for the child(ren), I/we will agree to the social worker carrying out a child and family assessment to identify whether and what range of services they need to look after the children under section 17 of the Children Act 1989. I/we will receive a copy of the **Child and family** assessment when completed

This assessment will also help decide if these arrangements are in the best interests of the child.

As my/our child(ren) are not looked after by Manchester City Council, I/we will retain parental responsibility and will be financially responsible for the child(ren) for the time the child is cared by (*name of carer(s)*)

The Arrangements

Financial

I/we agree to pay £0.00 (from Child Benefit/Income Support) weekly for each child to the above carers

Education

Name of School/Nursery

Head Teacher/Manager

Address

Contact telephone number

Health

Name of GP

Surgery address

Contact telephone number

Contact

Who is/are the children to have contact with?

How often?

Who will make the arrangements?

I/we agree to (name of carer(s)) signing consent for routine medical examinations and school trips for name of child(ren)

I/We agree to for (name of carers) to care for Name of child(ren).....

From date

I understand that he/she/they will be supported by Manchester City Council as Child(ren) in Need and these arrangements will be reviewed to ensure they are in the best interests of the children

I/We understand that I/we will continue to have parental Responsibility for the child(ren) including financial responsibility.

I/We agree to inform Manchester Children's Services if and when name of carer(s) are no longer able to care for the child(ren)

Name of Parent

Signature

Name of Parent

Signature

Date

Copy to carers

If you have any queries, please contact name of child's social worker/telephone number: