

Kinship Care (Family and Friends) Policy

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1. Introduction

1.1 Background

Our ambition is for Wakefield to be a safe, positive and ambitious place for children and young people to grow up in. There are approximately 70000 children and young people in Wakefield, and we want to improve outcomes for all of them. The council cannot deliver this ambition alone – we need the whole of the district to take part, and we are building a district-wide effort to put children and young people at the heart of our thinking, planning and action.

Wakefield recognises the major contribution of kinship care as a permanent placement option for children who cannot live with their parents. 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 range of different arrangements. These carers are often referred to as "kinship carers" or "family and friends carers", and we use both terms in this document.

Despite the often difficult circumstances of the carers, research shows outcomes are positive for most children living in family and friends care, and considerably better than for children in unrelated foster care. A major study published, by Buttle UK and the University of Bristol in 2013 (*The Poor Relations: Children and Informal Kinship Carers Speak Out*), shows that kinship arrangements provide stability for the children and the children have strong attachments to their carers and have good levels of academic attainment, particularly when compared to children in the formal care system. Nonetheless, over a third of the children have severe behavioural and emotional difficulties as a result of their experiences of abuse and neglect when living with their parents.

Wakefield Council acknowledges the personal cost and sacrifice that many kinship families make in order to care for their children, often having to change their life style and plans for the future. This policy sets out how Wakefield District Council will help kinship carers, in collaboration with its local partners to give all children and young people the best possible family experience whatever the child's legal status, needs and circumstances.

Although the exact number of children in Wakefield living with family and friends is not known, in 2017 it was identified that there are an estimated 180,000 children in the care of relatives in the UK. Most of these children will be in informal arrangements.

1.2 Our values and principles

The key principle of the Children Act 1989 is that children should be enabled to live within their families unless this is not consistent with their welfare. Support for kinship arrangements in Wakefield is based on the needs of the child rather than the child's legal status.

Wakefield District Council recognises that kinship care is a permanence option for children and young people, as it provides high levels of stability for large numbers of children.

We will take into account children's wishes and feelings in all relevant processes and we will seek the views of family and friends carers when designing services to support kinship carers

1.3 How children come to be cared for by people who are not their parents

There are a number of ways in which children can live with people other than
their parents and there are many different reasons why a child may be raised
by a kinship carer, e.g. parental death, imprisonment, mental illness, substance
misuse and separation of parents.

The majority of kinship carers are relatives of the child as defined by section 105 of the Children Act 1989 or have acquired parental responsibility for the child through a court order and there is no requirement to notify the local authority of the arrangement. (The definition of "relative", in relation to a child, means a grandparent, brother, sister, uncle or aunt (whether of the full blood or half blood or [by marriage or civil partnership)] or step-parent.") Many of these arrangements remain entirely private without the need for the involvement of the Wakefield District Council, although where support is needed Kinship Carers are encouraged to get in touch with Children's Services where help and advice is available.

1.4 Status of children living with kinship carers

Children have the following status when living with kinship (family and friends) carers:

- · A child who is not 'looked after'
- As a private fostered child (private fostering) (see section 3.7)
- As a "looked after" child (this includes those children in care or who are accommodated under s20 Children Act 1989.)

Where the child is 'looked after' by relatives or friends, we will refer to the carers as kinship foster carers (when the carers have been assessed and approved as Local Authority foster carers).

The different legal situations are set out on the table on pages 5 and 6 of this policy.

Arrangements where Children and Young People live with Kinship (family and friends) Carers

Kinship Care Arrangement	Child was previously looked after	Special Guardianship Order	Child Arrangements Order	Child was NOT previously looked after	Private Fostering
Who made the arrangement?	Local Authority placed the child	Local Authority placed the child or child's parents made the arrangements or carer stepped in because the parents were not available	Local Authority placed the child or child's parents made the arrangements or carer stepped in because the parents were not available	Child's parents made the arrangements or carer stepped in because the parents were not available	Child's parents made the arrangements or carer stepped in because the parents were not available
Is the child looked after?	Child is looked after	When a Special Guardianship Order is in place, the child is not looked after but may or may not have been prior to the arrangement	When a Child Arrangements Order is in place, the child is not looked after but may or may not have been prior to the arrangement	Child is not looked after	Child is not looked after
Did the local authority approve this arrangement?	Local Authority approved the carer	A Special Guardianship arrangement may be made in private law proceedings or be a permanence outcome identified by the Local Authority	A Child Arrangements Order may be made in private law proceedings or be a permanence outcome identified by the Local Authority	No approval made	Arrangement is assessed for suitability but not approved by the local authority. Arrangements may be prohibited if assessed as unsuitable because of the carer or the premises
What relation is the carer to the child?	The carer is a relative or friend of the family	The carer is a relative or friend of the family or may have been a non-related foster carer	The carer is a relative or friend of the family or may have been a non-related foster carer	Carer is a close relative of the child defined as: grandparent; brother; sister; uncle; aunt or step-parent	Carer is not a close relative of the child defined as: grandparent; brother; sister; uncle; aunt; or step-parent. May be a more distant relative, or a friend or a teacher

Kinship Care Arrangement	Child was previously looked after	Special Guardianship Order	Child Arrangements Order	Child was NOT previously looked after	Private Fostering
Is there a legal order?	Available legal orders: Adoption Order; Care Order; Special Guardianship Order, Child Arrangements Order	Available legal order: Special Guardianship Order (SGO). Section 8 contact Order or Supervision Order (usually for up to one year) can be considered alongside the SGO	Available legal order: Child Arrangements Order (CAO). Section 8 Contact Order or Supervision Order (usually for up to one year) can be considered alongside the CAO	Special Guardianship or Child Arrangements Orders or Adoption Orders are available as legal orders under private law	Not supported by a legal order
How long will the arrangement last?	Arrangement is intended to last as per the requirements or the care plan or the making of an alternative order	Arrangement is intended to last until the child becomes 18 unless varied or discharged by the court before aged 18	Arrangement is intended to last until the child becomes 18	Duration of the arrangement is subject to the discretion of the person with PR or dependent on a legal order	Arrangement is intended to last for 28 days or more
Who has Parental Responsibility (PR)?	Remains with the birth parents if the child is accommodated under S20 Children Act; or if the child is subject to a care order or Emergency Protection Order, the Local Authority shares PR and determines the extend it is delegated to others	Birth parents retain PR but do not exercise it and share this with the Special Guardianship carer. There are decisions that cannot be made without the consent of the parents; or if parents do not consent, without the permission of the court. These include: changing the child's last name; removing the child from the UK for more than three months; situation where consent is required by law, e.g. male circumcision; and giving consent for the child to be placed for adoption	Birth parents retain PR but do not exercise it and share this with the Child Arrangements carer. There are decisions that cannot be made without the consent of the parents; or if parents do not consent, without the permission of the court. These include: changing the child's last name; removing the child from the UK for more than three months; situation where consent is required by law, e.g. male circumcision; and giving consent for the child to be placed for adoption	PR remains with birth parents but the carer may do what is reasonable to safeguard or promote the child's welfare; and has delegated responsibility unless an alternative legal order is in force	PR remains with the birth parents

1.5 Legal orders which can support the kinship arrangement

A child may be living with kinship carers without a legal order to support the arrangement. However, there are legal orders than can be applied for by the carer. Described more fully later in this policy, these orders are:

- Child Arrangements Order (formerly known as Residence Order)
- Special Guardianship Order
- Adoption Order

These are private law applications, but can also be supported by the local authority when the child has either been in care or as an alternative care. This could include assistance with legal costs and advice on making the application. The carer may also be able to apply for legal aid, but only in certain circumstances (see 3.5.4).

1.6 What we know about the role of kinship (family and friends) carers

Kinship (family and friends) carers play a significant role in enabling children and young people to remain with people they know and trust if they cannot, for whatever reason, live with their parents.

Family and friends often start to care for other people's children in a crisis or emergency situation. These children are sometimes looked after by the local authority, but most are not. The majority of the relatives who provide care are grandparents, aunts and uncles and older siblings.

The advantage of these arrangements is that children are able to stay in touch with their parents, and other members of their family where appropriate, and to live with people they know. They will often be able to stay at the same school and may feel less stigma and loneliness than living with carers they do not know. Recent research indicates that the outcomes for children living with family and friends can be better than for children in unrelated foster care placements (Hunt et al 2012 and Selwyn et al 2013).

Wakefield District Council recognise that in order to enable family and friends to offer appropriate care for children and young people who cannot live with their parents, access to a range of high quality support services at universal, targeted and specialist levels may be needed.

Wakefield District Council often becomes involved if there are:

- Welfare or protection issues and where the family needs support
- If the arrangement falls within the definition of Private Fostering, (see section 3.7)
- If the child is, or becomes looked after by the Local Authority.

1.7 Some considerations for anyone thinking about becoming a kinship carer

- Does the child have an established relationship with you?
- Is there sufficient / appropriate space in the house for this particular child and their belongings?
- Do you have sufficient practical support?

- Do you have any financial constraints/debts?
- How many outside commitments do you have e.g. work, other caring commitments?
- The needs of your own children or other dependents?
- What support would you need from your own family network or from the Local Authority?

2. Our approach

2.1 Early help

The majority of kinship arrangements work well and meet the needs of the child with the support of universal agencies such as health and education and housing services. It is important, however, that any difficulties are responded to early. Families may need advice and assistance during the early stages of considering whether to care for a relative or a friend's child, in order to weigh up the options and to consider what support services they might require. This advice can be obtained from a variety of sources, including the Wakefield Grandparents' Association helpline; Family Rights Group; Grandparents Plus. Contact details are provided at the end of this policy.

Partner agencies such as Health, Education and Housing have a key role to play in identifying and supporting children who are living with family and friends carers. Services need to be aware of and sensitive to the needs of these children and their families and give priority to access services wherever possible.

To enable family and friends to offer appropriate care for children and young people who cannot live with their parents, access to a range of high quality universal and targeted services may be needed. Support services should not be withheld because a child living with a kinship carer is not a looked after child.

There are also a wide range of resources available to support children in the local area, including early year's provision, day care and out of school services, schools and colleges, health services, leisure facilities and youth support services. Kinship carers are encouraged to access all the universal services available both locally and nationally. Details are provided in the list of local and national organisations at the end of this policy.

Early help, underpinned by an Early Help assessment (including CAF, Common assessment Framework) may help prevent difficulties increasing to the point where specialist services are required. Early help may be provided through an increase in the levels of universal services, or services provided or commissioned in clusters; this includes family support provided by schools and third sector services.

We use a range of conversation opportunities to identify appropriate support for the child and the carer. When it is felt that the child's needs cannot be met through early help, practitioners contact the Wakefield District Council's Duty and Advice Team or the Kinship Care team for advice.

Wakefield District Council recognises that support may be required at different stages of the child's life, for example, during the transition to secondary school.

Where a child is assessed as 'being in need'; support may be provided under section 17 of the Children Act 1989. This may include practical, emotional and financial support. A child shall be taken to be in need if:

- a) s/he is unlikely to achieve or maintain, or to 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
- b) her/his health or development is likely to be significantly impaired, or further impaired, without the provision for him of such services; or
- c) s/he is disabled

2.2 Family Group Conferences

Where there are support needs or concerns about children's welfare and those at risk of harm, Wakefield District Council will always look within the kinship network for a short-term and / or permanent solution for the child and will offer the family a Family Group Conference to help achieve this. Family Group Conferences are meetings with family members, which aim to achieve the best outcomes for children.

The Family Group Conference (FGC) is arranged by someone who is independent of the case. They visit the child, their parents, and members of the child's wider family in preparation of the FGC. The child should be offered support to help them participate in the meeting.

FGCs are intended as a respectful and empowering process in which parents, children and members of the wider family are given clear information about the agency's concerns and are asked to produce a plan that addresses those concerns and answers specific queries. This plan may involve extended family members supporting the child and parents but it may also involve the child living with a kinship carer.

Where the plan meets the needs to safeguard the child, the Local Authority will agree the plan.

Family Group Conference referrals in Wakefield are only taken from Wakefield Children's Social Work Service and the Early Help Service. However, families can indicate to social care staff that they would like to be referred for a Family Group Conference.

Health and support.

Wakefield children should be able to access all the universal health services across the district. However there are a number of targeted services for children including CAMHS that will need a referral from a professional or GP services.

The Adoption Support Fund

The adoption support fund (ASF) provides funds to local authorities (LAs) and regional adoption agencies (RAAs) to pay for essential therapeutic services for eligible adoptive and special quardianship order (SGO) families.

2.4 Housing

Wakefield District Council is committed to ensuring that no child should become looked after because of inadequate housing.

The Councils Housing Needs Service (HNS) will provide tailored information on housing rights and options to help families who may be in need of urgent housing advice and assistance. They also work jointly with Children's Services to address housing issues relating to or impacting on the lives of young people, care leavers and homeless or potentially homeless 16 and 17 year olds.

Wakefield and District Housing (WDH) is a Registered Provider of housing who work in partnership with the Council. WDH own and manage a significant proportion of social housing in the district, and make an important contribution to promoting kinship care arrangements by assisting carers to secure suitable social housing via the districts Choice Based Lettings scheme known as Homesearch.

The HNS is responsible for the assessment of urgent housing needs where for example a household maybe threatened with homelessness or living in unreasonable or unsuitable housing circumstances. In emergency situations it may make immediate alternative accommodation available in the form of temporary accommodation.

The HNS also chairs and co-ordinates the multi-agency Housing Needs Panel (HNP) which can award additional priority for rehousing via the Homsearch scheme for households who have a need to move into alternative accommodation due to unsatisfactory living arrangements or for young people and care leavers who need to move on into independent accommodation from supported housing or from a local authority placement made by Children's Services. By awarding priority for rehousing and meeting housing needs the HNP promotes the opportunities of parents and carers to care for dependent children and prevent children becoming looked after.

The HNS can also provide advice and assistance about accessing private rented accommodation and non-commissioned supported housing where this is identified as the best solution for a family or young person.

Access into the pathways for commissioned housing support services is via the Single Point of Access (SPOA) administered by the HNS and social workers supporting families and young people in need of support to retain or obtain accommodation are encouraged to refer cases into the SPOA in order that they will be assessed and placed into the most appropriate housing related support pathway.

The Councils Adaptations Service responds to the needs of adults and children who have a disability or a long-standing illness, which stops them from carrying out everyday tasks in the home. The Adaptations Service may be able to help families by:

- Giving advice, providing equipment and / or adapting properties to make them suitable for families with special needs;
- Giving advice about moving to a more suitable home;
- Offering advice about financial help with major adaptations through a Disabled Facilities Grant or other funding alternatives.

Children's Services work with the Councils Welfare and Benefits Service to make applications for Discretionary Housing Payments. This fund can help families experiencing financial hardship who require help to meet their housing costs and retain their current accommodation and can also be used to help families and young people secure alternative

accommodation. Assistance with accommodation costs can be also be provided where families are eligible for Section 17 support.

Local Welfare Provision, also administered by the Councils Welfare and Benefits Service, is also available to families and young people experiencing financial hardship who may need assistance with for example purchasing essential household items such as cookers, fridges, beds and food.

2.5 Education

Wakefield District Council recognises the importance of continuity of education for children and young people. Advice and guidance on educational matters for children cared for by family and friends will be provided, by directing carers to the most appropriate helplines or services.

Young people aged 16 -19 in kinship placements may be entitled to the Government funded bursary scheme. For more information contact: www.gov.uk/1619-bursary-fund.

Although the fund is discretionary for non-looked after children, those children looked after or who are care leavers will be able to access the fund.

Priority schools admissions are available for those children who were in Local Authority care but who are now placed with their family under a Residence Order, Special Guardianship Order or Adoption Order. This is under Schools Admission Code 2012

2.5 Support Groups (2018 – 2019 devlopments)

With the support from Grandparents Plus, Wakefield will develop Grandparents' Association provide support groups for kinship carers around the district, and Wakefield District Council's Kinship care team will provide monthly support groups for Kinship Foster carers. There will also be regular a Support group for Special Guardians which will be run jointly by Wakefield District Council and Grandparents' Association.

3. Arrangements for children living with kinship carers who are not 'looked after'

3.1 About these arrangements

When families have difficulties and the child cannot at that time live at home with their parents, an arrangement may be made with a member of the family or a friend for them to live with them for a short period of time or longer term.

The arrangement can be made directly between the parents and the kinship carer or a social worker may also be involved because the child is a child in need or at risk of harm. Where the social worker plays a major role in making the arrangement and/or stipulates what may or may not happen to the child whilst in the arrangement, (e.g. supervised contact with the child's parents) the child is likely to be considered a "looked after child".

Parental responsibility will generally remain with the birth parents but with day to day parenting tasks and decisions delegated to the carers. On the whole, these arrangements work well and will rarely come to the attention of the council although there may be a need for some advice and support during the placement.

Children cared for under the following arrangements are **not** looked after children. The arrangements may be made under the following circumstances:

- Children living with close relatives (as defined by Children Act 1989; see also Appendix 1) as agreed by parents at the parents' own initiative
- Children living under a child arrangements order or special guardianship order made in favour of a family and friends carer
- Children living with close relatives as agreed by parents and with the support of the council, the arrangement may have been identified as part of a Family Group Conference
- Young people aged 16+ who are living with a relative or family friend of their own volition
- Children and young people living with friends or non-close relatives as agreed by parents for a period of less than 28 days
- Parents have made an arrangement with friends or non-close relatives for over 28 days under Private Fostering Regulations 2005. (NB: in such cases the Local Authority has a role to play in safeguarding these placements under the Private Fostering Regulations 2005. See section below about Private Fostering.) It is the responsibility of the Parents and the carer to inform the Local Authority of the arrangements they have made for their child.

3.2 Arrangements made without the involvement of the local authority

Where kinship carers have stepped in to protect and care for the child without the involvement of the Local Authority, parental responsibility remains with the parents but day-to-day parenting tasks and decisions are delegated to the kinship carers. It is good practice for an agreement to be drawn up between the carer and the parents, so that everyone knows the arrangements for the care and protection of the child.

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. It is acknowledged that many of these arrangements will be temporary and short term but, if the arrangement continues, plans need to be made to secure permanence for the child.

Some arrangements may have been formalised by the court and in these cases the parental responsibility, delegated to the carers is much more clearly prescribed. Advice about legal options available to carers can be provided from Children's Social work Services as well as the local Grandparents Plus helpline; Family Rights Group and local child care solicitors.

In these arrangements, kinship carers may require support services and can request advice about what is available in their local areas. Wakefield recognise that all families go through challenging times at some point. Early Help services in Wakefield work closely with families to provide the right level of support at the right time. Getting early help prevents problems from growing or getting out of hand.

Early Help services are community based for families with children and young people, pre – birth to 19 years old and 25 years old where there are special educational needs or disabilities; services can be identified on the Wakefield Council Website: http://www.wakefield.gov.uk/schools-and-children/early-help

3.3 Request for services

Families requiring support will be assisted and signposted by workers to appropriate services that will help them care for the child, including access to any state benefits they may be entitled to. Support and access to services will be based on the needs of the child rather than their legal status, in order to ensure that family and friends carers are provided with support they need.

Wakefield District Council will provide advice and guidance to carers requesting information about kinship care and will signpost carers to appropriate organisations. These may include voluntary organisations, health and education services and welfare benefit services as well as independent legal advice, e.g. from Family Rights Group or Grandparents' Plus.

Where there is a request for services to the Children's Social Work Service, children who are not looked after and living with kinship carers will be treated as potential 'children in need' and entitled to an assessment for support services.

The assessment will determine if the child is in need and a plan will agree practical and any other support needed, including emotional support; access to psychological services or financial support and the role and responsibilities of the child's parents.

Where, in the child's best interests, an arrangement by the parents is facilitated by the council, but the council did not play a major role in making the arrangement or stipulating what can happen to the child whilst in that arrangement, the child is likely to be subject to a child in need plan or, where there are serious safeguarding concerns, a child protection plan. This will ensure the coordinated provision of a range of support to meet the child's needs, and ensure the arrangements are in the best interests of the child, and that the child's need for permanence is being met in the current arrangement.

Following assessment, Wakefield District Council may also provide financial support under Section 17 of the Children Act to support a child to live with kinship carers, to promote their best interests and prevent the child becoming looked after. Advice about entitlement to universal benefits will be provided.

In all cases, it is essential that the parents and the kinship carers have a clear understanding of the status of the arrangements and are able to make informed decisions, with the opportunity to access independent advice and advocacy.

3.4 Arrangements made where there has been involvement of the local authority The Council has a duty to safeguard and promote the welfare of children who are 'in need' and to consider how such children can live with their families and friends before considering any action that may result in them becoming 'looked after'

Where Wakefield District Council are supporting a child in need and it is clear that they cannot continue to live with their parents, either on a short term or long term basis, then we will broker or assist the family in discussing their care by a close family member or connected person.

In most cases this assistance will involve support in making decisions about whether or not legal orders are required and whether on-going financial support and social work support is available and how it can be accessed. This could include offering the family a family group conference (for details see below). This type of assistance will be provided under section 17 of the Children Act 1989 and so does not constitute a placement by Wakefield District Council.

In some circumstances Wakefield District Council will play a major role in facilitating and supporting the arrangement. This may happen when there is concern that the child may be at risk of significant harm and if an arrangement is not made to care for the child by a close family member of connected person and not return to the care of their parents, then the child would become looked after by the local authority. The basis of support being offered by Wakefield District Council will always be clarified in writing to the parent and the proposed kinship carer.

Where there is are serious child protection concerns or a possibility of the child becoming looked after, the family will be offered the opportunity of a Family Group Conference (FGC) to ensure the best arrangements are made to secure the child's welfare. The FGC will assist families in making support plans for children and potential kinship carers will be provided with advice and information to help them care for the child.

It is essential that everyone has a clear understanding of the status of the arrangements, is in agreement and that this is recorded in writing with a copy given to parents and carers.

The suitability of the arrangements to meet the child's needs and the range of support, including any financial support to meet the child's needs, will be reviewed via Wakefield District Council's Child in Need or Child Protection review procedures.

If the assessment is that the child may need to remain with the carers, even if the parents don't agree or the child's contact with parents needs to be supervised, legal advice for all parties may be appropriate to assist with the decision.

3.5 Support for kinship carers

Our aim is to ensure that kinship carers receive the support they need to meet the needs of the children they are caring for.

3.5.1 Contact

Children benefit from having contact with their parents unless there are specific reasons why this would not be safe or in the child's interest. In some cases, older children will want to make their own decisions about keeping in contact with their parents.

Contact arrangements must meet the needs of the child rather than just be for the benefit of the parent. It is acknowledged that management of contact can be a source of considerable anxiety and sometimes conflict for kinship carers. Advice and support may be needed to manage contact and Wakefield District Council will undertake to provide this advice or signpost the carer to another organisation / helpline who may be able to provide more specialist advice. See appendix 2.

Local mediation services can help parties to communicate better and resolve disputes taking account of the child's wishes in a supported environment and organisations like The Grandparents' Association may be able to help with such issues. Similarly if the courts are involved with the children, the CAFCASS officer may assist you in drawing up safe contact arrangements for you and your family. If necessary Contact Orders, (now called Child Arrangements Orders) can be made in the courts which spell out the arrangements by making a legal order about contact, although there is an expectation that families have tried mediation first.

Legal aid may be available for mediation in such circumstances if carers and parents meet the criteria.

3.5.2 Financial responsibility and benefit entitlement

Parents can elect to make arrangements for their children to live with close relatives for as long as they choose or with friends for a limited period (under 28 days for non-close relatives), without the involvement of Wakefield District Council.

The responsibility for funding these private arrangements rests with the parent(s) and or others with parental responsibility. Parents will always be expected to make appropriate financial arrangements with the carer to enable them to care for the child.

Arrangements can be made for the carer to claim Child Benefit or any universally available benefits for children payable by contacting the Child Benefit Centre. Only the person caring for a child is entitled to claim Child Benefit. Other benefits may be claimed.

3.5.3 Financial support

In some situations, if a child's needs cannot be met by a family member or friend without additional financial support, Section 17(children Act 1989) support can be provided where the child is assessed as being in need.

In all cases, the carers will be expected to access universal benefits in the first instance as the Local Authority cannot duplicate state benefits. Before considering taking on a commitment to a child, carers can access information from the Local Authority about the level of support, including any financial assistance, that they may be offered. This will include how finances have been or will be calculated and how long this support will last on a case by case basis from the team involved.

Advice, information and assistance on how to claim Welfare Benefits can be sought from the Citizens Advice Wakefield; to book an appointment or make enquiries call: 03444 111 444

It is an expectation that any Kinship Carer will access universally available financial and practical support in advance of approaching the local authority for financial assistance:

- Child Benefit
- Child Tax credits (or Universal benefit when this applies)
- Welfare benefits (or Universal benefit when this applies)
- Support available via Welfare Reform

For more information, see www.gov.uk/browse/benefits

Carers for example, who would have to give up their job to care for the child(ren) will then be able to make an informed choice about whether the placement is feasible for them to enter into.

Any payments made by Wakefield District Council will be monitored and reviewed regularly to ensure that they are still required.

Time limited payments may assist carers at any stage of the child's life. Examples of time limited financial support might be a contribution towards nursery care fees where the carer is working and the child is not of school age or where the carer needs to manage a change or interruption to their work commitments or to respond to the child's needs.

Basic equipment may be required, e.g. bed, bedding, clothing where the carer does not have essential equipment in the family home and cannot access these from other sources or it is required immediately for the child to be able to live with carer.

Where longer term support is required to maintain the child in the kinship placement including those on a Special Guardianship Order, Child Arrangements Order and Adoption Order, Wakefield District Council has the discretion to, subject to a Child and Family Assessment and a financial means test to pay an allowance to carers.

Those carers who may only be in receipt of welfare benefits payments for children, or who are on very limited incomes, may be able to receive a top-up payment for the child up to the age-related fostering allowance. This top-up will usually only be payable for a maximum of two years. These payments are to cover costs, for example, during the transitional period and to assist the carer in realigning their financial commitments. This would need to be agreed by a Service Manager within Children's Social Work Service. Any payments will be reviewed on a regular basis via the Child in Need plan or equivalent.

The relevant start date of the payments would be the date that Wakefield District Council assessed that this was a child in need and the arrangement has commenced where the child is living with the kinship carer.

The following criteria will be applied to all such payments:

- The purpose of the payments must be to safeguard and promote the welfare of the child and to assist the carer in meeting the basic needs of the child
- As part of the Child and Family assessment, a view should be taken as to whether the carers need financial support based on their reasonable requirements in taking on the care of the child
- There are no other legitimate sources of finance. Benefits advice should be sought immediately if carers are struggling with the costs of caring for the children. Where children are not looked after by the Local Authority, carers can access child benefit and child tax credits and other universally available benefits
- Payments will be paid to the carer, not the parents
- The payment would not place any person in a fraudulent position

3.5.4 Legal Aid ('public funding') and legal fees

Where an assessment of need has been carried out or where there is a child protection plan , family and friends carers will be given advice on how to apply for legal aid ('public funding') in order to secure legal orders for the child. In order to qualify for legal aid, a merits and means test is applied.

Wakefield District Council will consider the payment of the legal costs and / or early legal advice so that kinship carers can make an informed decision about taking on the care of the child, the legal status and the consequences for access to support at the outset. This will assist carers in considering whether to apply for a Special Guardianship Order or Child Arrangements Order where it supports the application and where not doing so would lead to the child becoming looked after or remaining looked after unnecessarily.

Decisions about these payments will be made by a Head of Service in Children's Social Work Service. It is an expectation that legal aid eligibility will be explored before any payments are made by the Wakefield District Council. If payments are made, they will be paid at legal aid ('public funding') rates and be subject to a review.

3.6 Legal orders to support these arrangements

There are legal orders that can be applied for by kinship carers who care for a child (or who wish to) and want to offer a greater level of security within the arrangement. These orders are: Child Arrangements Order, Special Guardianship Order and Adoption Order.

Carers may be given advice and guidance on applying for Child Arrangements Orders or Special Guardianship Orders under Private Law and will be encouraged to seek independent legal advice.

3.6.1 Child Arrangements Order

A Child Arrangements Order is a Court Order which specifies with whom a child is to live with, gives parental responsibility to the person in whose favour it is made, usually lasting until the child is 18. Parental responsibility is shared with the parents but the carer can make most major decisions about how the child is raised. Relatives may apply for a Child Arrangements Order after caring for the child for one year or earlier, with the consent of others who have parental responsibility or with the court's leave.

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. It can also be made in care proceedings, either of the court's own motion or if the carer applies for a Child Arrangements Order within the care proceedings. In this situation, where the arrangement is an alternative to care, a Child Arrangements Order allowance will be payable up to a maximum of two years to assist with the transition to the new arrangement

A Child Arrangements Order in favour of a kinship carer with whom a child is living may be an appropriate outcome as part of a permanence plan for a Child in Need.

3.6.2 Special Guardianship Order

Special Guardianship offers a further option for children who cannot live with their parents and need permanent care. It can offer greater security without absolute severance from the birth family as in adoption. A special guardian formally takes on the legal powers and responsibilities of parenting a child until their 18 birthday. This includes taking most decisions to do with the child's upbringing, including where the child lives and goes to school, and what medical treatment they receive. A Special Guardian can appoint a Guardian to care for the child after their death. This is not the case with Child Arrangements Orders

Kinship carers may apply for a Special Guardianship Order after caring for the child for one year, or sooner with the leave of the court. 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.

Special Guardianship Orders may be made in private family proceedings and the local authority may not be a party to any such arrangements. However, Wakefield District Council will be responsible for sending a report to the court regarding whether a Special Guardianship Order is in the child's best interest. It can also be made in care proceedings, either of the court's own motion or if the carer applies for a Special Guardianship Order within care proceedings. A Special Guardianship Order can be made in favour of a kinship carer with whom a child is living and may be an appropriate outcome as part of a permanence plan for a Child in Need.

All Special Guardians are entitled to counselling, advice and support in addition to an assessment of their needs. More information can be provided through the Kinship Care team tel: 01924 302160

3.6.3 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 kinship carer with whom a child is living may be an appropriate outcome as part of a permanence plan for a Child in Need. However it is more unusual because of the impact it has on changing the family relationships order, e.g. the child's grandmother would become the child's mother and the mother, the child's sister.

Wakefield District Council's Adoption Service provides a range of adoption support services in conjunction with partner agencies. An assessment for adoption support services can be requested by 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 a range of support services and signposting to other services.

3.7 Private Fostering arrangements

Private fostering arrangements are arrangements made directly between the parents or those with parental responsibility without the involvement of the local authority.

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, or a Local authority foster carer, where the child is to be cared for in that arrangement 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 Looked After by a local authority.

In a private fostering arrangement, the parent still holds parental responsibility and agrees the arrangement with the private foster carer and is responsible for any financial payments in respect of the child. Child benefit and child tax credits can be claimed by the private foster carer.

Wakefield District Council 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, Wakefield District Council 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 provided to meet any identified needs. This may comprise a variety of different types of services and support, including financial support. See section 3.6.

4. Arrangements for children living with kinship carers and are 'looked after'

4.1 Definitions of a looked after child

A looked after child is 'in care' or 'accommodated' by the local authority under s20 Children Act 1989. To be 'in care', the court has made an order on the child giving the local authority the power to remove the child from the care of their parents. These orders are:

- interim care order
- · full care order or
- an emergency protection order

A child is 'accommodated' by the local authority with the agreement of the parents / others with parental responsibility and there has not been one of the orders stated made. This may

include the situation where the Local Authority has played a major role in making arrangements for the child to live with a relative because they are concerned about the child's safety.

In both cases, children may be cared for by family and friends only if the carers have been approved as Local Authority Foster Carers under the Fostering Regulations 2011 and where they meet the requirements of the National Minimum Fostering Standards 2011. Children may also be placed in an a emergency, by approving the kinship carer on a temporary basis under Regulation 24 of the Care Planning Regulations 2010.

4.2 Reasons why a child may be looked after

In Wakefield the Child and Family Assessment is used to identify a child's needs. The child may need to be looked after for a short period or longer term if some or all of the circumstances below apply. Each case must be assessed on its own facts. This list is not exhaustive and other factors may be relevant:

- 4.2.1 Where no known and suitable kinship options are available and
- A child is at risk of or experiencing significant harm and it is not safe for them to stay living at home
- Both of the child's parents may be deceased
- 4.2.1 Where kinship options are available:
- Birth parents may not agree, or may be inconsistent as to their agreement for their child being cared for by family and friends carers
- There may be a concern that an arrangement for a child to live with family or friends carers
 may be seriously disrupted by a birth parent, whose behaviour may have been assessed as
 being potentially dangerous, or as posing a significant risk to the child or family
- A birth parent may be untraceable, or incapable of giving agreement to the child being cared for by family/friends carers
- Wakefield District Council assesses that it needs to share parental responsibility with the birth parents in order to promote and safeguard the child's welfare and secure the placement

4.3 Looking within the kinship network

Where a child is looked after, and it is the most appropriate placement, Wakefield District Council will ensure that they will give preference to a member of the family/relative, or friend (connected persons) as the placement of choice for the child. The person will need to be assessed as a Foster carer under the Fostering Regulations 2011.

Wakefield District Council will take a pro-active approach to identifying, considering and supporting family and friends carers in the child's network who may be able to care for the child. There is an expectation that a Family Group Conference will be held as soon as possible to help identify any potential carers or family support (see earlier on Family Group Conferencing).

4.4 Assessment of kinship carers

When a child is looked after and placed with a kinship carer, the carer must be assessed and approved as a **kinship foster carer** by the local authority.

The child can be placed with a kinship carer on an emergency basis under Regulation 24 to grant the carer temporary approval as a foster carer for a period of 16 weeks. During this period of time, a full assessment of the carer and the arrangement is undertaken. This temporary approval can only be extended in exceptional circumstances for a further 8 weeks. In this context the carer is referred to as a Connected Person.

The assessment and approval process for family and friends who apply to be kinship foster carers for a specific looked after child 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 requirements are the same as for any other potential foster carers and the National Minimum Standards for Fostering apply, in particular Standard 30 refers directly to kinship foster carers. The aim of the assessment is to help the local authority decide whether to approve the prospective carer as a kinship foster carer and to consider what support needs the carer may have when caring for the child. The kinship carer will need to be registered as a kinship foster carer following approval.

In considering whether a relative, friend or other connected person should be approved as a foster carer, account must be taken of the needs, wishes and feelings of the child whom it is proposed to place with them and the needs of the carer to meet those particular needs.

The assessment will balance the strengths of the carers arising from their position within the family network against any aspects which may make them less suitable. The carer's past experiences of parenting will be assessed as part of a fuller picture of their capacity to care for the child.

4.5 Support for kinship foster carers

Kinship foster carers will be involved 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, working with professionals, including the child's social worker and promoting the child's education and health needs.

Once approved as kinship foster carers, kinship foster carers will receive support from the local authority. 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 kinship foster carers and the support they can expect to receive to enable to fulfil their responsibilities for the child. A Delegated Responsibility agreement will be drawn up in order to clarify day to day/specific and longer term decision making the carers and child are allowed to make. The support that is provided to kinship foster carers is set out below.

4.5.1 Supervising Social Worker

When looked after by a kinship foster carer, the child's care continues to be managed by a social worker to ensure their needs are being met. The kinship foster carer on being approved will be allocated a supervising social worker from the kinship care team to provide them with support and supervision. The supervising social worker will meet with the kinship foster carer weekly until the child's first looked after child review. Following this, the visits will take place on a regular basis by both the child's social work and the supervising social worker.

A foster carer agreement will be drawn up and signed by the kinship foster carer which sets out how the carer will work with the local authority and about the support and training that will be provided.

4.5.2 Financial support – fostering allowance

Kinship foster carers will receive a weekly fostering maintenance payment to cover the costs of caring for the child. This is in line with all foster carers and is based on the age of the child and is set out in the placement plan.

When receiving this allowance, the carers **will not** be able to claim other benefits, such as Child Benefit or Child Tax Credits because the fostering allowance includes this element of payment. Kinship foster carers will receive fostering allowances for as long as they care for the child as a foster carer, following approval.

4.5.3 Corporate offer to foster carers

Kinship Foster Carers have the same access to the Corporate Offer for foster carers as unrelated foster carers. This includes free access to certain leisure activities. For more information see the online information: <u>Support for carers – corporate offer</u>

4.5.4 Training, development and support groups

All kinship foster carers, temporarily approved or fully approved under the Fostering Service Regulations 2011, are in all respects foster carers and entitled to the same level of training and support as unrelated foster carers.

The allocated supervising social worker will be responsible for the kinship foster carer's support, supervision, training and development.

Wakefield Fostering Service ensures that all kinship foster carers temporarily or fully approved will receive support which is equivalent to that provided for unrelated carers, including basic and incremental fostering allowances. Kinship foster carers are able to progress within the payment for skills model should they meet the Tasks, Skills and Competency requirements of the levels.

Wakefield District Council will ensure that kinship foster carers have access to family and friends preparation groups, post approval training and support in order to achieve the Children's training, support and development standards within 18 months of approval.

Separate family and friends support groups are arranged to specifically to address the needs of kinship foster carers. They may also attend foster care support groups in their locality and join with other foster carers.

Further training and development needs will be identified with the carer by the supervising social worker and recorded in the kinship foster carer's personal professional development plan.

4.6 Care planning and alternatives to children being looked after

Permanency planning is based on the philosophy that every child has the right to a permanent and stable home, preferably with his or her own family. The primary focus of permanency planning is to prevent children remaining unnecessarily in care and to ensure the child's needs are met in a secure and loving family.

Wakefield District Council, as corporate parent for children looked after, will work diligently to find permanent, safe homes for children in care, in a timely manner. The best possible care involves giving children security, stability and love through their childhood and beyond.

At any stage of the assessment process where it is considered in the child's best interests, promote their welfare and achieve a permanence arrangement, consideration will be given to

supporting the kinship foster carers to apply for an appropriate legal order giving them parental responsibility. The relevant orders are a Child Arrangements Order, Special Guardianship Order or an Adoption Order. See 3.6.1 to 3.6.3 for an explanation of these orders.

Wakefield District Council will review the child's care plan through the care planning process to ensure that the child does not remain looked after for longer than is needed and where financial support is not the primary reason for maintaining that status. The review will be chaired by an Independent Reviewing Officer for the child.

4.6.1 Legal fees

Wakefield District Council will consider the payment of the legal costs of carers to apply for a Special Guardianship Order or Child Arrangements Order where it supports the application and where not doing so would lead to the child/ren remaining or becoming looked after unnecessarily. Decisions about these payments will be made by a Head of Service in Children's Social Work Service.

4.7 Care leavers and 'Staying Put'

Wakefield District Council is committed to young people staying with their kinship foster carers after the age of 18 and has a 'Staying Put' policy. Staying Put" is the name that the government has given to arrangements whereby a young person aged 18 and above, remains living with their former foster carer. The aim of "Staying Put" is to help young people make the transition to independence and adulthood at a pace, and within a timescale that suits them, rather than having to move when they reach the age of 18.

Planning for a 'Staying Put' arrangement in Wakefield starts to take place before a young person reaches the age of 16. The supervising social worker and the young person's social worker will meet with the carer and young person prior to the young person's 16th birthday to explain the 'Staying Put' policy and to discuss options. The Leaving Care team will provide guidance and support to young people and their carers.

5. Comments and suggestions to Children's Services

Where a kinship carer or a young person living in a kinship arrangement would like to make a comment or suggestion they can contact the Customer Services Team. To find out more, visit our webpage, ring, email or write to us.

Comments and suggestions Emails are sent from the webpage

Customer Services Team Tel: General Council enquiries - 0345 8 506 506

6. Glossary and definitions

Looked after child – the child is 'in care' or 'accommodated' by the local authority

In care – a court has made an interim or full care order, or an emergency protection order on the child which gives the local authority the power to remove the child from the care of their parents

Accommodated – the child is being looked after by the local authority with the agreement of the parents / others with parental responsibility under s20 Children Act 1989

Connected person – the term used in regulations and guidance to include relatives, friends, and other persons connected to the child and who are approved as foster carers

to look after the child.

Parental Responsibility – the legal right to make decisions about a child's care and how they are raised

Child in Need – Under Section 17 (10) of the Children Act 1989, a child is a Child in Need if: he/she 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 him/her of services by a local authority; his/her health or development is likely to be significantly impaired, or further impaired, without the provision for him/her of such services; or the child is a disabled child

Private Fostering – an arrangement where a child under 16 (or 18 if the child is 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 arrangement for 28 days or more

Close relative – is defined as: grandparent, brother, sister, uncle, aunt or step-parent by marriage or civil partnership

Child Arrangements Order specifying with whom a child will live. It usually lasts until the child is 18. Parental responsibility is shared with the parents. Carers can apply after caring for the child for one year

Special Guardianship Order – Like a Child Arrangements Order specifying with whom the child will live, this court order states where a child should live and gives the carer parental responsibility. An SGO gives the carer more authority to make decisions than a residence order.

Adoption Order – a court order made as part of the adoption process. All parental rights and responsibilities for a child are permanency transferred to the adoptive parent.

Family Group Conference – a decision making meeting in which a child's wider family network come together to make a plan about the future arrangements for the child

7. Local and national organisations providing support, advice and opportunities

The following provide a wealth of information about local and national resources that kinship carers can tap into. In particular, families and professionals may wish to consult the Kinship Care Guide for England, an information booklet written by Grandparents Plus.

Services in Wakefield provided by the local authority and health services.

Local and National Organisations

Grandparents Plus - www.grandparentsplus.org.uk

Grandparents Plus is the national charity which champions the vital role of grandparents and the wider family in children's lives - especially when they take on the caring role in difficult family circumstances.

Tel: 020 8981 8001 Email: info@grandparentsplus.org.uk https://www.grandparentsplus.org.uk/Pages/Contact.aspx

Family Rights Group - http://www.frg.org.uk/

Charity that advises whose children are involved or need children's services because of welfare needs or concerns.

Tel: 020 7923 2628 - Advice line: 0808 801 0366 E-mail: advice@frg.org.uk

Coram. BAAF

Provides information and advice about adoption and fostering and publishes resources.

Tel: 020 7520 0300.

https://www.coram.org.uk/contact-us

The Fostering Network - www.fostering.net

The Fostering Network – is a national charity leading on foster care and provide advice and information to prospective approved foster carers.

Tel: 020 7620 6400

Department for Education - www.education.gov.uk/childrenandyoungpeople/families Lists details of telephone help lines and online services to provide information, advice and support on a range of issues that parents and families may face in bringing up children

West Yorkshire Family Mediation Service (Wakefield) - www.wyfms.co.uk

Wakefield Early Support Advice Information and Liaison Service (WESAIL)

Provides free, impartial information, advice and support to parents and carers that are caring for a child or a young person, who have, or may have, special educational needs and/or disabilities (SEND) aged 0-25 years who are living within the Wakefield District.

Telephone: 01924 304 152, available Monday to Friday 9am to 5pm

Email: WESAIL@barnardos.org.uk

Post: Barnardo's Wakefield, Castleford Civic Centre, Ferrybridge Road, Castleford, WF10 4JH

Action for Prisoners Families - www.prisonersfamilies.org.uk

Action for Prisoners Families work to reduce the negative impact of imprisonment on prisoner's families. Produces publications and resources and provides advice, information and training as well as networking opportunities.

Email: info@actionpf.org.uk info@prisonersfamilieshelpline.org.uk

Addaction - www.addaction.org.uk

Addaction offers a range of support developed for families and carers affected by substance misuse

Tel: 020 7251 5860 Email: info@addaction.org.uk

Adfam - www.adfam.org.uk

Works with families affected by drugs and alcohol and supports carers of children whose parents have drug and alcohol problems.

Tel: 020 3817 9410 Email: admin@adfam.org.uk

Advisory Centre for Education - www.ace-ed.org.uk

Offers free independent advice and information for parents and carers on a range of state education and schooling issues, including admissions, exclusions, attendance, special education needs and bullying.

General advice line: 0300 0115 142

Coram Children's Legal Centre: 0808 802 0008 Provides family, Child and Education legal advice Community Legal Advice - Education: 0845 345 4345

Citizens Advice Bureaux - www.citizensadvice.org.uk

Helps people resolve their legal, money and other problems by proving free independent and confidential advice through local bureaux and website.

Cruse - http://www.cruse.org.uk/ Bereavement Care and helpline

Helpline: 0808 808 1677

Email: helpline@cruse.org.uk

Family Fund Trust - https://www.familyfund.org.uk/Pages/FAQs/Category/contact-us

The Family Fund Trust helps families with severely disabled or seriously ill children to have choices and the opportunity to enjoy ordinary life. Gives grants for things that make life easier and more enjoyable for the disabled child and their family.

Tel: 01904 550055 Email: infor@familyfund.org.uk

Families Forward - www.familiesforward.org.uk

Families Forward is dedicated to helping families and children cope with the aftermath of divorce and separation. Provide support in contact matters in private proceedings and work closely with CAFCASS in private law proceedings. Tel: 0113 2359322

Kidscape - www.kidscape.org.uk

Bullying advice, helpline, information Tel: 020 7823 5430

Winston Wish - http://www.winstonswish.org.uk/

Winston's Wish is the leading childhood bereavement charity and the largest provider of services to bereaved children, young people and their families in the UK.

They offer practical support and guidance to families, professionals and anyone concerned

Support with Contact

National Association of Contact Centres - http://www.naccc.org.uk/
Can signpost to centres around the locality that offer support for contact services.
There is a centre in Wakefield at: Pudsey Parish Church (St Lawrence and St Paul)
Church Lane, Pudsey, LS28 8BE Tel: 0845 4500 280