

# Section 17 Policy Children's Services

May 2020



Coventry City Council

## 1. Introduction

### 1.1 Overarching policy objectives for financial support

This section 17 policy sits within the context of the following overarching policy objectives for financial support. These include:

- Consistent Financial Assessment criteria to be applied where possible
- Policies that are in line with and clear on the council's statutory requirements
- Where goods are procured, they should always be through LA Procurement contracts
- Cashless system wherever possible
- If there are other support funds available these should be accessed in the first instance (e.g. Budgeting loan or Grant from the Social Fund or Charity Application)
- Introduce consistency, equity and protection for staff administering across all areas of financial support
- Policies tightened, with an exceptions process/panel in place
- Agreed levels of authorisation – for levels of support – ideally in line with NAT WEST
- Authorisation levels
- Standardisation of paperwork
- Sets out clearly the position, where we make payments in lieu of benefits
- Corporate parenting – principle – setting out what level of support we will provide as a corporate parent (e.g. particularly relevant for care leavers, staying put, some aspects of Section 17)
- Single point of access, wherever possible

1.2 This Policy is intended to provide guidance on the circumstances when it would be appropriate to provide financial assistance / support to the families of **Children in Need** under Section 17 of the Children Act 1989.

1.3 Parents and others with **Parental Responsibility** for children have a moral and legal responsibility for their support. National Government has defined the minimum income which is required for the support of children ("needs allowance") and the national welfare benefits system exists to ensure that family income is maintained at a sufficient level to facilitate the care of children. **A Short -Term Advances Scheme is now available for families waiting benefit claims to be processed through the Department for Work and Pension.**

1.4 It follows from the above that Children's Services do not have a role in supplementing family income and that any financial assistance / support to parents or those with parental responsibility must be limited to emergency / **exceptional** situations, which may 'include giving assistance in kind or, in exceptional circumstances, in cash', **not** covered by national income maintenance arrangements. Exceptional occasional payments may also be made to meet a special need of a child / or children which would not otherwise be met

## 2. Legal Framework

2.1 Section 17 of the Children's Act 1989 establishes a general duty for local authorities to:

- 'safeguard and promote the welfare of children within their area who are in need'; and
- 'so far as is consistent with that duty, to promote the upbringing of such children by their families'.

2.2 Under **Section 17 of the Children Act 1989**, local authorities are required to provide services for children in need for the purposes of safeguarding and promoting their welfare.

Local authorities undertake assessments of the needs of individual children to determine what services to provide and action to take.

2.3 A child in need is defined under the Children Act 1989 as a child who is:

- unlikely to achieve or maintain a satisfactory level of health or development; or
- their health and development will be significantly impaired, without the provision of services; or
- a child who is disabled.

### **3. Assessment Process**

3.1 Following acceptance of a referral by the Council Children's Services, a social worker should undertake an assessment [no matter how brief] under Section 17 of the Children Act 1989, with the assessment carried out in a timely manner reflecting:

- a child's age; and
- the needs of the individual child.

3.2 The purpose of the assessment is to:

- gather important information about a child and family;
- analyse their needs and/or the nature and level of any risk and harm being suffered by the child to inform a decision as to whether the child is a 'child in need' under section 17 [and / or is suffering or likely to suffer significant harm under section 47]; and
- determine the support [including financial assistance] to address those needs to improve the child's outcomes to make them safe.

3.3 The social worker must then establish whether the child[ren]'s identified needs should / could be met through:

- the national welfare benefit system; extended family; friends; charities or other voluntary organisations; or
- alternative discretionary funding schemes operated by / administered through the Council, for example Discretionary Housing Payments and the Community Support Grants Scheme.

3.4 If the identified needs of the child[ren] are to be met through Section 17, the social worker must record:

- the outcome of the assessment, clearly outlining the need that is to be met and how the financial assistance will meet the need established; and
- the way the financial assistance will be provided, for example: providing physical goods (such as nappies), fuel payments through PayPoint, shopping vouchers and / or travel warrants, with small cash payments being made only in very 'exceptional' cases.
- A request for financial funding should be completed and submitted to their relevant manager for consideration of approval and once agreed uploaded onto the Child's LCS file under documents labelled Financial Approval S17.

[https://coventrycc.sharepoint.com/:w:/r/teams/People/HelpProtection/SCFI/CENTCS/\\_layouts/15/Doc.aspx?sourcedoc=%7BA3BCDAB1-E838-41E5-A81B-73FA50E5F730%7D&file=Funding%20request%20form%20May%202020.docx&action=default&mobileredirect=true](https://coventrycc.sharepoint.com/:w:/r/teams/People/HelpProtection/SCFI/CENTCS/_layouts/15/Doc.aspx?sourcedoc=%7BA3BCDAB1-E838-41E5-A81B-73FA50E5F730%7D&file=Funding%20request%20form%20May%202020.docx&action=default&mobileredirect=true)

3.5. The level and duration of the financial assistance provided will be governed by the criterion and rates outlined in Appendix 1.

#### **4. Meeting the Needs**

##### Occasional Section 17 Payments for those with Parental Responsibility:

4.1 For the reasons outlined above, section 17 payments to those with parental responsibility will never take the form of a regular allowance. They will rather be occasional payments designed to overcome a cash crisis, which would otherwise have an unacceptable impact on the care of the children in the family. Exceptionally occasional payments may also be made to meet a special need on the part of a child, which would not otherwise be met. However, consistent with the wording of section 17, such payments:

- will be "exceptional" and will consist of the minimum amount required to reasonably meet the assessed need; and
- consideration must be at Team Manager level and the basis of the decision (including any amounts) must be clearly noted on the relevant case file using the Request for Funding Form.

##### Occasional Section 17 Payments for those without Parental Responsibility:

4.2 Section 17 can also be used to support extended family members and family friends to assist in the care of children (where they have made a private arrangement) at a time of crisis.

4.3 In such circumstances the arrangements for placement are made between the parents and the carers and the role of Children's Service is limited to assisting the parties to make the arrangements and to advise regarding benefit claims etc. While most "kinship care" arrangements are established without Children's Service involvement, there are occasions when financial assistance is required to support such placements. As children placed through such arrangements are not looked after, any such exceptional support is provided under Section 17.

4.4 Generally family or friend carers will obtain the finance necessary to support the child from the parents or by claiming welfare benefits and, in these circumstances Section 17 assistance will be limited to occasional payments designed to overcome a cash crisis, which would otherwise have an unacceptable impact on the care of children. Exceptionally occasional payments may also be made to meet a special need on the part of a child, which would not otherwise be met. However, consistent with the wording of Section 17, such payments:

- will be "exceptional" and will consist of the minimum amount required to reasonably meet the assessed need; and
- consideration must be at Team Manager level and the basis of the decision (including any amounts) must be clearly noted on the relevant case file.

##### Exceptional 'Regular' Payments [i.e. to those with No Recourse to Public Funds]:

4.5 Normally Section 17 assistance is limited to occasional payments as outlined above. However, in very exceptional circumstances, regular payments may be made as follows:

- to family / friends and carers whose income is below the specified "needs allowance" for the family and child[ren] and

- who are not entitled to claim welfare benefits to supplement this.

It should be noted that the maximum amount for a regular payment is that which will increase family income to the specified "needs allowance".

The NRPF Team hold a purchase card with a limit of £1500 to cover expenses as they arise following assessment of need.

4.6 Consideration of the need for regular payments must be at Operational Lead level and any payment arrangement must be reviewed via the three- monthly reporting mechanism intervals. The basis of the decision (including the amounts) must be clearly noted on the relevant case file.

4.7 The overall spread sheet of financial assistance assessed as needed (to address specific needs for a child / family) should be taken to the Children’s Service management team (or Senior Leadership Team) initially on a monthly basis for budget monitoring and challenge and oversight to identify those receiving ‘on-going ‘regular’ (i.e. 12 weeks or more) payments and / or high level financial packages. The frequency of this consideration could subsequently move this to bi-monthly or quarterly.

## 5. Authorisation and Monitoring

5.1 Authorisation levels should to reflect scheme of delegation set up in NAT WEST and officers and managers must be aware that they can only agree budget spend in line with their delegated power. As noted at 4.7 above, there should be overall budget monitoring and challenge of those receiving ‘on-going regular’ payments. Cash payments should only be used in exceptional circumstances. Rates paid per week should reflect and not exceed those used under the Community Support Grant scheme/DWP. Many managers possess Purchase Cards with a maximum limit of £1500 and are to be used in line with their authorised limits only.

	Authorisation Levels
	<ul style="list-style-type: none"> <li>• Overall NAT WEST</li> <li>•</li> <li>• Authorising payments over £1000. CDT have separate arrangements in place. Approval of Children who are Disabled resources up to £20,000 per - annum per child</li> <li>• Approval of Children who are Disabled resource above £20,000 per year per child</li> </ul> <p>Authorisation limits<sup>1</sup> are:            Director (and Deputy Director): unlimited            Assistant Director: £50k            Hay Grade: £10k            Grades: 8-10: £5k            Grades 5-7: £2k (single payments £50k or below)</p>
Team Manager	Single payments of £300 or below that are non -reoccurring per annum Approval of Post Adoption Expenses as identified in the Adoption Support Plan
Operational Lead	<ul style="list-style-type: none"> <li>• On-going or regular payments, the use of which should be extremely rare-Rent/Housing Costs;</li> </ul>

<sup>1</sup> See [http://beacon.coventry.gov.uk/site/scripts/google\\_results.php?q=approval+limits](http://beacon.coventry.gov.uk/site/scripts/google_results.php?q=approval+limits)

	<ul style="list-style-type: none"> <li>• Approval of non-reoccurring payments up to £1000 on any one family per annum for Major items of expenditure, e.g. beds;</li> <li>• Approval of cumulative payment of up to £5000 per Annum per family</li> <li>• Payments made as part of an agreed family support package (however such payments must not be used as income maintenance measures);</li> <li>• Payments to families with no recourse to public funds (as whilst they are eligible for Section 17 payments, payments must be separately coded so they can be clearly identified).</li> <li>• The NRPF Operational Lead has given delegated authority to the NRPF Team Manager responsible to make NRPF S17 payments for Housing and Subsistence which in some situations can exceed £2000. These are separately coded and reviewed on a monthly basis by the Operational Lead.</li> <li>• Emergency financial assistance – Operational Lead reviewed at the next</li> <li>• Approval level = £5,000</li> <li>• Authorise Specialist Assessments that require funding</li> <li>• Review periods should be every 4-6 weeks.</li> <li>• Approval of Inter-agency Adoption expenses including the inter -agency fee.</li> <li>• Approval of Step-Parent Adoption expenses.</li> <li>• Approval of Inter County Adoption Expenses.</li> </ul>
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	<b>Monitoring Process</b>
Operational Lead/ Management Team	<p>The following situation should be considered by the Exception Panel -going awards that are over a period of more than 6 weeks</p> <ul style="list-style-type: none"> <li>• Payments made in situations where state benefits will be due</li> <li>• Further support requests where use of Benefit's Service Money Management Advisors has not been used following previous awards</li> <li>• In recognition of the difficulty of covering all potential payments through this policy, but wanting to provide more challenge and rigour, whilst also supporting staff an exceptions panel will be appointed.</li> <li>• This will meet on a monthly basis and review and approve or reject all applications that meet the following criteria:</li> <li>• Approval level = £10,000</li> <li>• CDT Authorising payments over £1000. CDT have separate arrangements in place. Approval of Children who are Disabled resources up to £20,000 per annum per child</li> <li>• Approval of Children who are Disabled resource above £20,000 per year per child</li> <li>•</li> </ul>
Senior Leadership Team	Approval level = £50,000

## 6. Rights of Review

6.1 There will be no rights of review for Section 17 assistance as the decision is made subject to a social work assessment.

6.2 Where the individual or family is not satisfied with the outcome of their request for assistance, they have the right to register a formal complaint through the Council's Complaints Procedure or to contact the Local Government Ombudsman to investigate a claim of maladministration.

## **7. Fraud**

7.1 Coventry City Council is committed to the fight against fraud in all its form. Where it is alleged, or the authority suspects that circumstances have been falsely represented or a false statement made, creating an offence under the Fraud Act 2006, the matter will be investigated. If fraud is found to have occurred, action will be taken including, if appropriate, criminal proceedings.

## Appendix

### Appendix 1: Types and levels of financial assistance available, with provision method

Cash should be used in very exceptional circumstances. Non cash alternatives should always be considered as the first priority – for example, physical goods provided, vouchers, scratch cards etc). Payments should be based where possible on day rates multiplied by day rate times rather than weekly payments.

Item	Allowable Expenditure		Method of Payment	Notes
<b>Emergency / Exceptional / One-Off Financial Assistance</b>				
Food	£5.00 Maximum	Per child / per day	Vouchers	Food bank vouchers should be used in the first instance, financial support is dependent on the circumstance.
Gas	£5.00 - £10.00 Maximum	One-off payment	PayPoint	Dependent upon circumstances (for example, Bank Holidays and weekends will be taken into account)
Electric	£5.00 - £10.00 Maximum	One-off payment	PayPoint	Dependent upon circumstances (for example, Bank Holidays and weekends will be taken into account)
Clothing	£50.00 Maximum	One-off payment	Vouchers	
Toiletries	£5.00 Maximum	Per child / one-off payment	Vouchers	
Other equipment and household items	To be ordered through Office Manager only and the use of Charities to source equipment must occur in the first instance			

#### Casework Expenses

For casework expenses, alternatives to cash payments should be explored wherever possible.

<b>Casework Expenses - All payments are subject to a maximum level per child</b>				
Casework expenses	£10.00	Per child	Cash (although other alternatives should be explored)	<ul style="list-style-type: none"> <li>• Should be agreed in advance by the social worker's line manager</li> <li>• Payments should only be made to support on-going direct work with a child/young person.</li> <li>• Activities should support outcomes.</li> </ul>

<b>Family Time Expenses - All payments are subject to a maximum level per child</b>				
Daytime only Family Time	£10.00	1st child	Cash (although other alternative should be explored)	<ul style="list-style-type: none"> <li>• Family Time expenses should be agreed in advance by the social worker's line manager</li> <li>• Payments should only be made to support Family Time with a child/young person if participating in activities/outings or a meal out/refreshments (healthy options only)</li> </ul>
	£8.00	2nd child		
	£5.00	Further children		
Overnight Family Time	£10.00	Per night for 1st child		
	£8.00	Per night for 2nd child		
	£5.00	Per night for further children		
Car mileage for Family Time	£0.30	Per mile		Mileage based on AA route planner
Public transport	Metro Card or Day Rover as appropriate			

## Appendix 2 – Additional background information: non-cash alternatives

### Travel

- Scratch cards are available for travel in the Coventry and West Midlands (Centro) area, covering both the bus and trains.
- These can be ordered and collected from Professional Support Services. A batch of scratch cards can be collected at one time and issued as required or services can order them direct from supplier “W M P T E” (Agresso supplier id 405478), in batches of 100 (one year validity across the financial year) – each card is £5.85. If all 100 are not to be issued, then the amount required can be collected from Business services, who will recharge these costs to the service area.
- Scratch cards can be purchased from <http://nxbus.co.uk/west-midlands/tickets-prices/day-tickets/daysavers-2010-12-09> who also sell scratch cards for travel as day savers – batches of 5,10,15, which could be purchased on a procurement card.

### Community Support Grant (CSG) payments

There are two types of Community Support Grants:

1. **Support Grant** – this is for people who need financial help to support them in the community or to ease exceptional pressure on families
2. **Crisis Award** – this is to help people, in the short term, who are without money due to an emergency or disaster

To apply for a Support Grant, the individual must be:

- A resident of Coventry
- Receiving, or be expected to receive, one of the following benefits:
  - Income Support
  - Income-Based Jobseeker’s Allowance
  - Income-Related Employment & Support Allowance
  - Universal Credit, up to a threshold income
  - Pension Credit
- Payments will take the form of Tesco vouchers, which are ordered directly from Tesco gift cards, paid for on the purchase card and then delivered to the service. They are then activated upon receipt, as until that point they have no value.
- CSG also order white goods/large household equipment from Argos for customers, this is delivered directly to the customer’s property, rather than providing Argos vouchers to customers. Also, larger items including fridge/freezers, washing machines, sofas, bed & mattress’ and electric cookers are now ordered through the British Heart Foundation. All other items are still ordered through Argos.

### Other non-cash solutions

- Electricity/ gas vouchers could be provided in the form of a text code, rather than a paper voucher. Additional purchase cards can be arranged by completing the online form at: [http://beacon.coventry.gov.uk/downloads/download/383/purchasing\\_card\\_application](http://beacon.coventry.gov.uk/downloads/download/383/purchasing_card_application)