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Leicestershire Guidance

Family and Friends Care Policy

Applies to-

All children

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1. Introduction

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

This policy sets out the local authority's approach towards promoting and supporting the needs of such children and covers the assessments which will be carried out to determine the services required and how such services will then be provided.

For Leicestershire, the manager with overall responsibility for this policy is Head of Service Children in Care.

This policy will be regularly reviewed, and made freely and widely available.

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2. Values and Principles

Consideration of children's welfare and best interests will always be at the centre of the work we do.

It is an underlying principle that children should be enabled to live within their families unless this is not consistent with their welfare. We will therefore work to maintain children within their own families, and facilitate services to support any such arrangements, wherever this is consistent with the child's safety and well-being. This principle applies to all children in need, including those who are looked after by the local authority. Where a child cannot live within his or her immediate family and the local authority is considering the need to look after the child, we will make strenuous efforts to identify potential carers within the child's network of family or friends who are able and willing to care for the child, where it is consistent with the child's welfare.

We will provide support for any such arrangements based on the assessed needs of the child, not simply on his or her legal status, and will seek to ensure that family and friends carers are provided with support to ensure that children do not become looked after by the local authority, or do not have to remain looked after longer than is needed.

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3. Legal Framework

All local authorities have a general duty to safeguard and promote the welfare of Children in Need* living within their area and to promote the upbringing of such children by their families. The way in which they fulfil this duty is by providing a range

and level of services appropriate to those children's assessed needs (Section 17, Children Act 1989). This can include financial, practical or other support.

It is important to note that local authorities do not have a general duty to assess all arrangements where children are living with their wider family or friends network rather than their parents but it does have a duty where it appears that services may be necessary to safeguard or promote the welfare of a Child in Need.

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

Children in Need may live with members of their family or friends in a variety of different legal arrangements, some formal and some informal. Different court orders are available to formalise these arrangements.

Looked after children will always come within the definition of Children in Need, whether they are accommodated under Section 20 of the Children Act 1989 (with parental consent) or in care subject to a Court Order whereby the local authority shares parental responsibility for the child. The local authority has a responsibility wherever possible to make arrangements for a looked after child to live with a member of the family (Section 22 of the Children Act 1989).

In relation to financial support, local authorities may provide carers of children in need with such support on a regular or one-off basis, under Section 17 of the Children Act 1989. This may include discretionary funding based upon a financial means test. However, the status of the placement will determine the nature and amount of the financial support and who can authorise its payment. The legal status of the child may have a bearing on the levels of financial support which may be available to carers. . There are different legislative provisions which apply to financial support for children living with family or friends in looked after/adoption/special guardianship/CAO arrangements. The following sections of this policy set out the financial support that we may provide to family and friends who are caring for children in these different contexts.

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4. Different situations whereby children may be living with family and friends carers

4.1 Informal family and friends care arrangements

Where a child cannot be cared for within his or her immediate family, the family may make their own arrangements to care for the child within the family and friends network.

The local authority does not have a duty to assess any such informal family and friends care arrangements, unless it appears to the authority that services may be necessary to safeguard or promote the welfare of a Child in Need in their area. In such cases, the local authority has a responsibility under Section 17 of the Children Act 1989 to assess the child's needs and provide services to meet any assessed needs of the child. Following assessment, a Child in Need Plan will be drawn up and a package of support will be identified. This can comprise a variety of different types of services and support, including financial support. This is not a means tested offer of support. In all cases carers will be expected to access universal benefits in the first instance.

The frequency of the Child in Need Plan Reviews will depend on the pace of progress, the scale of change required and the quality of the network support and any services identified to support the family. However, the first review should take place within 3 months of making of the plan and then a minimum of every 6 months thereafter. Some children will have needs or level of risk that require a more frequent period of review.

4.2 Private fostering arrangements

A privately fostered child is a child under 16 (or 18 if disabled) who is cared for by an adult who is not a parent or close relative, where the child is to be cared for in that home for 28 days or more. Close relative is defined as 'a grandparent, brother, sister, uncle or aunt (whether of the full blood or half blood or by marriage or civil partnership) or step-parent. It does not include a child who is 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.

The local authority has a duty to assess and monitor the welfare of all privately fostered children as set out in the Regulation (Private Arrangements for Fostering, Regulations 2005).

The local authority may become involved with a child in a private fostering arrangement where the child comes within the definition of a Child in Need. In such cases, the local authority has a responsibility to provide services to meet the assessed needs of the child under Section 17 of the Children Act 1989. Following assessment, a Child in Need Plan will be drawn up and a package of support will be identified. As in 4.1 above, this can comprise a variety of different types of services and support, including financial support. This is not a means tested offer of support. In all cases carers will be expected to access universal benefits in the first instance.

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4.3 Family and friends foster carers – “Connected Persons”

Where a child is looked after by the local authority, the local authority has a responsibility wherever possible to decide for the child to live with a relative, friend or other person connected who is approved as a foster carer (Section 22 of the Children Act 1989). The child can be placed with the family members prior to such approval, subject to an assessment of the placement, for up to 16 weeks. This temporary approval can only be extended in exceptional circumstances. In this context the carer is referred to as a Connected Person (also Kinship Person) and the process of obtaining approval includes the completion of a viability assessment and obtaining police checks. The assessment is then sent to the nominated senior officer for approval. Where temporary approval is given to such a placement under the procedure, the carers will receive financial support on a regular basis (fostering allowance) and the child will have a placement plan which sets out specific arrangements surrounding the child and carers, including expectations of the carer, the support they can expect to receive to full their responsibilities for the child.

The connected carers process does not apply when family make their own arrangements to care for the child within the family and friends’ network. The local authority does not have a duty to assess or support any such informal family and friends’ arrangements, unless it appears to the authority that service may be necessary to safeguard or promote the welfare of the child. In such cases, the local authority has a responsibility under Section 17 of the Children Act 1989 to assess the child’s needs and provide services to meet the assessed needs of the child.

The carers will receive the national minimum fostering allowances.

In addition the child will have a placement plan which sets out the specific arrangements surrounding the child and the carers including the expectations of the

foster carers and the support they can expect to receive to enable to fulfil their responsibilities for the child.

The assessment and approval process for family and friends who apply to be foster carers for a specific Looked After child will be the same as for any other foster carer except that the timescales for the assessment are different as set out above . In all other respects the process is the same as for any other potential foster carers and is set out in the Assessment and Approval of Foster Carer Procedure. An information pack will be available to potential foster carers about the process and they will be given the name and contact details of the social worker from the Fostering Service allocated to carry out the assessment.

Once approved as foster carers, they will be allocated a supervising social worker from the fostering service to provide them with support and supervision; and they will receive fostering allowances for as long as they care for the child as a foster carer.

While the child remains a looked after child, as a foster carer, they will be expected to cooperate with all the processes that are in place to ensure that the child receives appropriate care and support, for example, contributing to reviews of the child's Placement Plan, Care Plan, cooperating with the child's social worker and promoting the child's education and health needs.

4.4 Child Arrangements Order

A Child Arrangements Order is a Court Order which sets out the arrangements as to when and with whom a child is to live , spend time or otherwise have contact . These Orders replaced Residence and Contact orders .

A person named in the order as a person with whom the child is to live, will have **Parental Responsibility** for the child while the order remains in force. Where a person is named in the order as a person with whom the child is to spend time or otherwise have contact, but is not named in the order as a person with whom the child is to live, the court may provide in the order for that person to have Parental Responsibility for the child while the order remains in force.

Interim Child Arrangements Orders can be made

Child Arrangements Orders may be made in private family proceedings in which the local authority is not a party nor involved in any way in the arrangements. However, a CAO in favour of a relative or foster carer (who was a 'Connected Person') with

whom a child is placed may be an appropriate outcome as part of a permanence plan for a Child in Need or a 'Looked After' child.

4.5 Special Guardianship Order

Special Guardianship offers a further option for children needing permanent care when parents are not able to provide care. It can offer greater security without absolute severance from the birth family as in adoption. Special Guardianship regulations as amended 2017 provide statutory guidance to this type of permanent care arrangement.

Relatives may apply for a Special Guardianship Order after caring for the child for one year. Individuals who are entitled to apply for a Special Guardianship Order are:

- Any guardian of the child
- Any individual who is named in a child arrangement order as a person with whom the child is to live
- A local authority foster parent with whom the child has lived for a period of at least one year immediately preceding the application
- A relative with whom the child has lived for a period of at least one year immediately preceding the application.

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 CAO.

Special Guardianship Orders may be made in private family proceedings and the local authority may not be a party to any such arrangements although is required to prepare a report. However, a Special Guardianship Order in favour of a relative or foster carer (who was a 'Connected Person') with whom a child is living may be an appropriate outcome as part of a permanence plan for a Child in Need or a 'Looked After' child.

Where the child was Looked After immediately prior to the making of the Special Guardianship Order, the local authority has a responsibility to assess the support needs of the child, parents and Special Guardians, including the need for financial support.

The Special Guardianship Order Allowances Policy details the financial assistance that is available to holders of Special Guardianship Orders which is available in the local policy and procedures manual.

In accordance with statutory requirements, the local authority must make provision for a range of Special Guardianship support services.

Special Guardianship support services are defined as:

- Financial support;
- Services to enable children, Special Guardians and parents to discuss matters relating to the arrangements for the child;
- Assistance including mediation in relation to contact between the child and their parents, relatives or significant others;
- Therapeutic services for the child;
- Assistance to ensure continuance of the relationship between the child and the Special Guardian, including training to meet any special needs of the child, respite care, and mediation;
- Counselling, advice and information;
- Special Guardianship Support Plans will be subject to the approval of the Service Manager Family and Friends.

Support services should not be seen in isolation from mainstream or specialist services and it is important to ensure that families are assisted in accessing mainstream services and are aware of their entitlements to tax credits and universal benefits.

Where the child was previously Looked After, the Local Authority that looked after the child has responsibility for providing support for the first three years after the making of a Special Guardianship Order. Thereafter the Local Authority where the Special Guardian lives, if in the jurisdiction of England, will be responsible for the provision of any support required save for the assessment and provision of financial support which remains with the Local Authority who originally agreed it where the decision to provide that support was made before the making of the Special Guardianship Order.

If a child was not a Looked After child, the local authority where the Special Guardian lives has the responsibility for completing any assessment for Special Guardianship support and determining what, if any, provision will be made.

4.6 Adoption Order

Adoption is the process by which all parental rights and responsibilities for a child are permanently transferred to an adoptive parent by a court. As a result the child legally becomes part of the adoptive family.

An Adoption Order in favour of a relative or foster carer (who was a 'Connected Person') with whom a child is living may be an appropriate outcome as part of a permanence plan for a Child in Need or a 'Looked After' child.

Local authorities must make arrangements, as part of their adoption service, for the provision of a range of adoption support services. They then have to undertake assessments of the need for adoption support services at the request of the adopted child, adoptive parents and their families, as well as birth relatives. The support required is then set out in an Adoption Support Plan and this may include financial support.

The Adoption Support Policy contains the details regarding the financial assistance that maybe available to holders of an Adoption Order.

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5. Provision of financial support – general principles

There are three categories of payment, which may be considered. One or more of these may be applicable, depending on the particular circumstances of the case:

- 1. Subsistence crisis (one-off) payments** These should be used to overcome a crisis, following the best assessment that can be achieved in the circumstances.
- 2. Setting-up** These are for such items as clothing, furniture, or bedding. The social worker must be satisfied that the carers' financial position justifies the payment through a financial assessment. Assistance may be given subject to conditions, including repayment in certain situations. However, in most situations, it will be inappropriate for the Department to seek to recover money provided under these circumstances.
- 3. Weekly living contribution** It is possible for the local authority to make regular payments where family members or friends care for a child whether or not the child is not Looked After. Where regular payments are to be made, relative carers should be assisted to maximise their Income/Benefit as regular payments may adversely affect an individual's claim to income support.

In all cases where regular financial support is agreed, a written agreement will be drawn up detailing the level and duration of the financial support that is to be provided, and the mechanism for review.

Carers need to be aware of their entitlement to any state benefits and allowances and carers are expected to access any universal benefits in the first instance.

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

As part of the 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

Payments will be paid to the carer, not the parents

The payment would not place any person in a fraudulent position.

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6. Accommodation

The authority works with landlords to ensure that, whenever possible, family and friends carers living in social housing are given appropriate priority to move to more suitable accommodation if this will prevent the need for a child to become looked after.

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7. Supporting contact with parents

The authority is under a duty to promote contact for all Children in Need, although this differs depending on whether or not the child is Looked After.

Where the child is not Looked After, we are required to promote contact between the child and his/her family 'where it is necessary to do so in order to safeguard and promote his or her welfare'. As part of the support arrangements (sched 2 para.10) CA 1989, it may be identified that specific assistance is required to ensure that any such contact can be managed safely. If necessary, information will be made available to family and friends carers about local contact centres and family mediation services, and how to make use of their services.

Where a child is Looked After, (sched 2 para.10) CA 1989 we are required to endeavour to promote contact between the child and his or her family 'unless it is not practicable or consistent with the child's welfare'. The overall objective of the contact arrangements will be included in the child's Care Plan and the specific arrangements will be set out in the child's Placement Plan – see Contact with Parents and Siblings Procedure.

Where a child is in care pursuant to CO/ICO – the statutory duty is under S.34 1989 Act .

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8. Family Group Conferences

Family Group Conferences are meetings held between professionals and family members, which aim to achieve the best outcomes for children. They promote the involvement of the wider family to achieve a resolution of difficulties for Children in Need, and may help to identify short-term and/or permanent solutions for children within the family network.

We will offer a Family Group Conference or other form of family meeting at an early stage. If a child becomes Looked After, perhaps following an emergency, without a Family Group Conference having been held, then (where appropriate) we will arrange one as soon as possible.

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9. Complaints procedure

Where a family or friends carer is not satisfied with the level of support provided to enable them to care for the child, then they have access to the local authority's complaints process. Our aim would be to resolve any such dissatisfaction without the need for a formal investigation but where an informal resolution is not possible, then a formal investigation will be arranged.

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

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