Leicestershire

**Policy on Discretionary Payments and Capital Loans to Foster Carers and Adopters**

**Applies to:**

**Fostering and Adoption**

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1. Introduction

Leicestershire County Council is responsible for an Adoption and Fostering Agency. In most cases statutory payments are made to foster carers (including connected carers)\(^1\) for the care of the child, commonly called ‘fostering and adoption allowances’ and are set at a basic level by central government on an annual basis. Further information can be found in the relevant adoption and fostering procedures.

This policy is in respect of discretionary and capital payments only and not in respect of fostering or adoption allowances generally.

This policy explores the current arrangements for discretionary payments and loans to carers and adoptive parents. Typically these are one-off payments to meet a looked after or adopted child’s needs for example, specialist piece of equipment for a disabled child.

In some cases, where need arises as an outcome of an assessment for support such as therapeutic intervention, discretionary payments will be made or where capital projects are approved, LCC will make a capital loan to the foster carer or adoptive parent. An example is property extension to accommodate an addition to the family.

*Loans involve entering into a legally binding agreement to ensure any monies paid out will be repaid in full.*

Approved by:

Department Management Team

Dated September 2016

Reviewed July 2019

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\(^1\) An individual who is a “connected person” to a looked after child may be a family and friends carer. A child who is cared for by a family and friends carer may or may not be looked after by the local authority.
2. Purpose of the policy

1.1 This policy is to ensure that Leicestershire County Council complies with the statutory duty to ensure that looked after and adopted children with additional needs are appropriately met.

1.2 Discretionary payments cannot be used to commission services that are otherwise the responsibility of another authority such as education or health authority.

1.3 Decisions on the making of a discretionary payment will be made on a case by case basis, taking into account the child or young person’s assessed need, care plan and family circumstances that may be impacting on that need.

1.4 All decisions about discretionary payments will be made by Permanence Panel. One of the functions of this Panel is to ensure the carers and child have access to the appropriate support services to meet the needs of the child in their care now and in the future.

3. Legal Framework includes

- The Children Act 1989
- The Adoption Agencies Regulations 2005.
- The Care Planning and Fostering (Miscellaneous Amendments) Regulations 2015
- The Care Planning, Placement and Case Review and Fostering Services (Miscellaneous Amendments) Regulations 2013.

4. The Discretionary Payments Process

4.1 Children’s social care can become aware of the child’s identified additional need in a number of ways e.g. from the foster carer, the adoptive parent or the child’s social worker. At this point, the Supervising Social Worker or Adoption Social Worker will explore and assess the specifics of the need.

4.2 Assuming agreement is reached on the need, the foster carer or adopter completes the Additional Payments form to notify the service of the reasons for the need, how the need will be met, and the costs of doing so. At this point, the Team Manager responsible will review the submission and authorize progression to the appropriate panel for consideration.

4.3 In some cases, where an emergency payment needs to be made, the Team Manager can agree spend up to £350.
4.4 Rejections attract an automatic right of appeal to Service Manager.

4.5 Approvals require receipts to be given for all purchases, and these are retained in the foster career’s file for future review. In all cases, the Supervising Social Worker or Adoption Social Worker is required to inspect the purchase to ensure that the specified need is being met - this is usually timed to coincide with an unannounced visit. Both the Additional Payments form and the social worker’s report on the purchase are uploaded to the foster carer’s or adopter’s case records.

4.6 Large financial loan requests such as property adjustments, planned payments for additional need and therapeutic intervention are considered at Permanence Panel. Panel can only make recommendations regarding loans. The Assistant Director will then consider the request and the Panel’s recommendations and consideration of policy regarding when loans can be made.

4.7 For therapeutic intervention, refer to the guidance (Permanence Passport and Use of Therapeutic Interventions Fund Guidance).

4.8 Panel will consider assessments of children or young people’s additional needs which requires a resource that cannot be identified through community services.

4.9 Where it is appropriate, applications must be prepared jointly between the Child’s Social Worker and the Supervising Social Worker or Adoption Support Worker. The application paperwork can be obtained from CFS.PermanencePanel@leics.gov.uk.

4.10 It is important to detail the carer’s income and expenditure, provide three professional estimates for the work required, and ensure the carer has submitted to the statutory means test for allowance payments.

4.11 In relation to loans agreed, they are repayable in the current financial year in which it is awarded (where possible). This prevents an apparent loss being recorded against the Discretionary Payments budget in the county council’s central ledger. A legal contract will be prepared for the carer to sign.

4.12 In cases where the loan is substantial in value and for property adaptations, a legal charge will be placed on the carer’s property. The carer will be advised to seek independent legal advice in such situations. Repayment terms will be negotiated on a case by case basis. The Assistant Director has final authority.

4.13 Invoices for works or vehicles should be sent direct to the Fostering or Adoption Service Manager for scrutiny and payment. All receipts must be kept and uploaded to the carer’s or adopters’ electronic records.

4.14 Exemptions to the above process:
a. Emergency accommodation of children- In this case, the on-call manager in First Response Children’s Duty or the Fostering Service has the authority to agree specific emergency requests over the telephone. An example of this would be a removal of children on Police Protection Powers (s46 CA 1989) to a place of safety whereby the children have been unable to gather clothing/undergarments and toiletries before being removed and where the foster carer needs particular equipment to meet the child or young person’s needs.

b. Capital Loans- Situations will arise where a carer must make capital adaptations to their home or purchase a new vehicle to accommodate an additional member to their household. Previously, LCC operated a system of grants to meet this need. This is no longer the case from the date of this policy’s inception to practice – subject to the following:

✓ Our own local policies should help to ensure that housing and social care services work in partnership to support the housing needs which may face family and friends carers, foster carers and adopters to meet our duty to ensure that suitable accommodation is available and provided for, for any looked after children, for example, a foster carer caring for a child may be asked to care for a further sibling. The local authority have the power under section 17 of the 1989 Act to give financial support towards accommodation costs where it is assessed as the most appropriate way to safeguard and promote a child’s welfare.

✓ Whilst under paragraph 17(7) CA 89 it is clear that a condition of repayment may be attached to any assistance offered under S17(6), paragraph 17(9) makes it clear that no person is liable to make repayments of assistance when:

✓ ‘he is in receipt of universal credit (except in such circumstances as may be prescribed), of income support under Part VII of the Social Security Contributions and Benefits Act 1922, any element of Child Tax Credit other than the family element, of working tax credit, of an income-based jobseekers allowance or of an income related support allowance.’

✓ Thus if a carer is in receipt of any of the above benefits a grant is likely to be the only legitimate way of providing for the required capital, having first exhausted housing and social care services own connections. Where capital grants are the only option to support the child, the decision maker is the Director.