

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

**Applies to-
Fostering and Adoption**

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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 or payments for specific child related needs like purchasing laptops, driving lessons which should be requested through Corporate Parenting. Where need arises as an outcome of an assessment for a therapeutic intervention that cannot be provided through Health services, the guidance relating to this should be considered.

This policy explores the current arrangements for discretionary payments and loans/grants 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, discretionary payments will be made or where capital projects are approved. LCC will make a capital loan or grant or a combination of both 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.

If the application is coming to the Assistant Director for agreement because of the amount (see authorisation levels below), the Service Manager will ensure all paperwork outlining the request is completed and is presented to the Assistant Director by the relevant Head of Service. The discussion and decision will be recorded and placed on the file and a letter will be sent to the carers confirming the decision.

Approved by:
Department Management Team
Dated September 2016
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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, considering 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.

Legal Framework

- The Children Act 1989
- The Adoption Agencies Regulations 2005.
- The Children Act 1989 Guidance and Regulations, Volume 2: Care Planning, Placement and Case Review (2010).
- The Care Planning and Fostering (Miscellaneous Amendments) Regulations 2015
- The Children Act 1989 Guidance and Regulations, Volume 4: Fostering Services (2010)
- The Care Planning, Placement and Case Review and Fostering Services (Miscellaneous Amendments) Regulations 2013.
- Fostering Services: National Minimum Standards (2011).

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 carer'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 or grant requests such as property adjustments, planned payments for additional need and therapeutic intervention are considered at Permanence Panel. Panel can usually only make recommendations regarding loans, subject to the carer's financial circumstances and benefit status – see 4.11 (b) below. In addition, in exceptionally extenuating circumstances panel can recommend either a combination of a loan and grant or a grant only to carers not reliant on state benefits for their income. The Assistant Director will then consider the request and the Panel's recommendations and consideration of policy regarding when loans or grants or a combination of both can be made. Where capital grants are the only option to support the child, the decision maker is the Assistant Director and there is no role for Permanence Panel.

4.7 Financial authorisation levels, for loans/grants:

Permanence Panel	£10k
Assistant Director	£10-20k
Director of Corporate Resources	£50k
Cabinet	£100k+

4.8 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.

4.9 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.

4.10 In cases where the loan or grant or combination of both 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 for loans will be negotiated on a case by case basis. The Assistant Director has final authority.

4.11 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.

4.12 If the application is coming to the Assistant Director for agreement because of the amount (see authorisation levels below), the Service Manager will ensure all paperwork outlining the request is completed and is presented to the Assistant Director by the relevant Head of Service. The discussion and decision will be recorded and placed on the file and a letter will be sent to the carers confirming the decision.

4.13 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 grants- 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 and due to their particular financial circumstances, a grant is the only way of achieving this. Any consideration of providing a grant must be 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 has the discretion under section 17 of the 1989 Act to give unconditional financial support towards accommodation costs where it is assessed as the most appropriate way to safeguard and promote a child's welfare. Paragraph 17(9) Children Act 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 Assistant Director and there is no role for Permanence Panel.

4.14 Other resources requests:

- a. For therapeutic intervention, refer to the guidance (Permanence Passport and **Use of Therapeutic Interventions Fund Guidance**).
- b. SGO Payments - Panel will consider the financial circumstances of the family and assessments of children or young people's additional needs which requires a resource that cannot be identified through community services.

4.14 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 Local Resources (online) or CFS.PermanencePanel@leics.gov.uk