



Family and Friends Care



Norfolk County Council

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What is Family and Friends care?

A child is considered to be cared for by “Family and Friends” when they live with a relative or other connected person, instead of their birth parents or step-parent. We also call this a “Kinship arrangement” or “Kinship care.”

There are a variety of reasons why children may not live with their parents: parental working arrangements; parental ill health; change in family circumstances including family breakdowns; educational opportunities for the child such as staying with a host family while attending a language school; concerns about the parents’ ability to care appropriately for the child; a child who was adopted in another country, where the adoption is not legally recognised in the UK; are to name a few.

A child may have come to live with you in a time of crisis for the family which may also be a very difficult time for you as part of that family, or as a person connected to that family.

Family and Friends care can fall under several different legal categories. One main distinction in legal terms is how the child came to live with you, either:

- 1. The child’s parents have asked you to look after the child**
- 2. Children’s Services have asked you to look after the child**

The different legal terms affect the level of support you can expect to receive from Children's Services, and something called **parental responsibility**.

Parental responsibility is a legal term defined in the Children Act 1989 s.3(1) as:

"all the rights, duties, powers, responsibilities and authority which by law a parent of a child has in relation to the child and his property".



The level of parental responsibility affects what decisions you can make about the child, when you have to get the parents' permission, and in some cases, when you have to get the permission of Children's Services.

Anyone looking after somebody else's child, (for example a child minder, babysitter, a teacher at school) can act **in loco parentis**. This means they can take immediate steps to keep a child safe and well.



Legal definitions

The following is a brief summary of the various legal definitions under which the child might be living with you. A fuller explanation of the terms below can be found on Norfolk County Council Webpages:

http://www.norfolk.gov.uk/Childrens_services/Care_by_family_and_friends/index.htm

or on Child Law Advice webpages:

<http://childlawadvice.org.uk/information-pages/family-and-friends-care/>

The child's parents have asked you to look after the child

Informal family care

If you are a grandparent, aunt, uncle or sibling (this includes through birth or marriage i.e. step-parent) and the child's parents have asked you to look after their child, Children's Services do not need to be involved unless there are concerns about the child's safety or welfare. The parents retain full parental responsibility for the child and should make sure they have everything they need. This will likely involve them needing to pay you for living costs associated with the child living with you, as well as special items they require e.g. school uniform, equipment for hobbies.



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Private Fostering

If you are not a grandparent, aunt, uncle or sibling (this includes through birth or marriage i.e. step-parent) and the child's parents have asked you to look after their child for more than 28 days, this is classed as a Private Fostering arrangement. The parents retain full parental responsibility for the child and should make sure they have everything they need. The private foster carer does not gain any parental responsibility but can act *in loco parentis*. Children's Services should be informed six weeks before the child comes to live with you, as Children's Services have a legal duty to assess this arrangement. If the six weeks have elapsed, Children's Services should be notified as soon as possible. Any professionals (this includes GP's and schools) should inform Children's Services of Private Fostering arrangements as soon as they become aware of them.

Unlike regular fostering there is no financial support available from Norfolk County Council, however financial arrangements may be made between the Private Foster Carer and the child's parents. The Private Foster Carer can also claim child benefit and child tax credits for the child.

This arrangement is considered to be a private fostering arrangement until either: the child becomes 16; the child is disabled and becomes 18; the living arrangements change to a different type of arrangement.

You can notify Norfolk Children's Services of a Private Fostering by calling: **03448008020**

Child Protection Concerns

Please note: if the parent has asked you to look after their child but Children's Services are involved due to child protection concerns, the child might be considered to be a "Looked After Child." This could be because Children's Services have asked the parent to make alternative living arrangements for the child, because Children's Services have significant concerns about the child remaining in their care. Usually this is done in a planned way with involvement of the social worker who will have spoken to you. However sometimes parents go ahead and make their own arrangements first. Contact Norfolk Children's Services, give the child's name and ask to speak to the child's social worker to find out if this applies to the child in your care.

Looked After Child, means that the child is considered to be in the care of the Local Authority. You might hear people refer to children being "in care" or professionals using the acronym "LAC." Children who are Looked After by the local authority might be Looked After by the local authority with their parents' consent or by a court order. These children might live with mainstream foster carers, in a children's home, in supported living, with family members or connected persons like you, or sometimes even with their birth parents. There are many possibilities which is why you need to check. Once a child is Looked After, the local authority has many duties to check on the child's wellbeing and planning for their care. Their carers have to be approved as foster carers. The child and the carer will each have a social worker and there will be regular review meetings, called **LAC reviews**.



Child Protection means that there are *significant concerns* about the safety or wellbeing of the child (The Children Act 1989 s.47). In this circumstance the local authority has a duty to investigate. Parents and carers need to enable the investigation to take place and make the child available to the social worker. Children's Services will act to improve the situation for the child where it appears the child's situation requires this for their safety or wellbeing. Being in your care might be considered to have made the child safer now, and there might be expectations of things you need to do to maintain the safety of the child in your care. The child will have a social worker and there will be regular meetings, called *core groups*, to review progress on the current plan aimed at improving things for the child. In addition to the core group meetings, there will also be *Child Protection Conferences* which will decide whether the child continues to require child protection planning.



If there are, or have been, child protection concerns for the child you are caring for, it is quite possible that LAC procedures and meetings, as well as Child Protection procedures and meetings, will both be occurring concurrently. You will definitely be invited to the LAC reviews and may be invited to the core groups and Child Protection Conference too; either to give your own point of view, or as a supporter to the parent who may well be your relative. You may be asked to wait outside for part of the meeting to respect the confidentiality of the parent or child.

Children's Services have asked you to look after the child

Temporary Approval

If Children's Services have asked you to look after the child in your care, the child will be considered to be a Looked After Child and you must be approved as a **Foster Carer**. Ideally all changes in children's living arrangements are made in a planned way, however in practice this is not always possible. Therefore you might have been asked to look after the children in your care at short notice or in an emergency situation. By law the child is still considered to be a Looked After Child and you need to be approved as a Foster Carer. Therefore we grant you **Temporary Approval** whilst we make long term plans for the child's care and undertake any further assessments. Temporary approval can last up to 16 weeks, and in extenuating circumstances can be extended for a



further 8 weeks. After that time different living arrangements or a different legal status should have been obtained for the child. As a temporarily approved foster carer, you have *delegated authority* for the child in your care.

Kinship Foster Care

If Children's Services or a judge decide that the child should remain a Looked After Child and stay in your care, this will require you being granted *full approval* as a foster carer. This means a full assessment will have been undertaken of you and you will attend a panel who make a recommendation as to whether you should be approved. The final decision rests with the *agency decision maker*. Parents may have consented for this (often referred to as "*section 20 consent*") or a judge may have granted a *Care Order*. LAC reviews will continue until the child turns 18. You and the child will each continue to have a social worker. You are referred to as a **Kinship Foster Carer** or a **Connected Person Foster Carer** because you had an existing relationship with the child before they came to live with you. Mainstream foster carers have to be assessed to care for any child, whereas you will only be assessed and approved for the specific child in your care. You will be assessed to the same level as any foster carer, but your existing relationship with the child will be taken into account when deciding on the best place for the child. As a (Kinship) Foster Carer you have *delegated authority* for the child in your care.

Delegated authority gives foster carers the ability to make day to day decisions about the child without the need to check every decision with Children’s Services. Day to day decisions are considered to be things such as the child attending a school trip, going round a friend’s house for dinner, sleepovers, trying new hobbies, having a haircut or going for a routine medical appointment. Matters not considered to be day to day decisions include planned, major medical operations, changing the child’s name, changing the child’s religion, or going abroad for more than three weeks. Every Looked After Child has a **care plan** which should clearly specify which things you can make decisions about and which things you cannot. There may be specific stipulations for the child in your care. You should be provided with the child’s care plan before the child comes into your care or as soon as possible thereafter.

Even though you may have delegated authority, all decisions made about the child should be in their best interests, in light of the views the child, and in conjunction with the birth parents where possible.



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Court Orders

If Children's Services decide that the child cannot return to live with their birth parents, they need to secure a long term living option for the child. This means Children's Services will go to court to obtain a court order that will secure the child's future stability.

Private persons, such as yourself, could also take a matter to court to secure the child's future stability. For example, Private Foster carers with the parents' consent might go to court to seek a court order that gives them parental responsibility for the child. Foster carers might want a court order that guarantees the child will remain in their care until age 18. Parents in conflict might go to court for a Child Arrangements Order to settle disputes.

If Children's Services have assessed you as a possible carer for the child, they may fund you to receive independent legal advice before the court appearance so that you fully understand the implications for yourself, the child and your family.

An independent person, called *The Children's Guardian* who works for CAFCASS, will be at court to represent the child's best interests. You may be visited by this person during court proceedings. You can visit their website for more information about the court process and the CAFCASS service at www.cafcass.gov.uk.



The Children's Guardian, the birth parents, Children's Services, and possibly you, will all have solicitors at court to speak for them. Everyone aims to consider the best interests of the child, which by law is the most important thing. However, everyone won't necessarily agree about what is in the child's best interests. The judge has the power to make any order open to him or her under the law, not just the option that has been requested. All the parties and their solicitors try to reach agreement about what they think is best for the child before going before the judge.



Special Guardianship

If you are granted special guardianship of the child in your care, this will last until the child is 18 years old. Parents retain their parental responsibility, but you also gain parental responsibility. You are expected to continue to seek the parents' and child's views to inform your decision making. Where the parents' and your opinion conflicts, your parental responsibility will over rule theirs. There are however a few things you cannot decide: changing the child's name; living abroad for more than three months; consenting to the child being adopted.

The child will not be considered a Looked After child, and neither of you will have a social worker.

Child Arrangements Order

This is mainly used in private law proceedings, but can be used in child protection matters too. A Child Arrangements Order settles specific matters for the child such as what name they will be known as, where they will live, what contact they will have with their parents and siblings, where they will go to school, whether they can have a specific operation or medical care, or any other matter in contention.

The child will not be considered a Looked After child, and neither of you will have a social worker.

The Child Arrangements Order will clarify if anyone gains parental responsibility by the granting of the order.



Adoption

It may be considered in the child's best interests to be adopted by you. In such a situation you would gain full legal status as the child's parent, including full parental responsibility. The birth parents would lose their parental responsibility. You and the child may be eligible for post-adoption support from Children's Services. Please see our specific information on adoption if you think this applies to you.



What Should I expect in the Assessment?

The purpose of the social worker assessing you is to decide if the best place for the child to live is with you. For a lot of the questions asked, there are not “right” and “wrong” answers; the questions are designed to understand you and your ability to look after the child. If there are aspects you might need help with in regards to caring for this child, the social worker will be able to take this into account when deciding what ongoing support you and the child might need. Therefore try to be yourself, although we know you want to present yourself in the best light, and you may well be nervous.

The assessment process is also an opportunity for you to ask questions.

The assessment will consider three main sections below:

The Child

- ✓ What the child’s specific needs are that you need to be able to meet, such as:
 - Education
 - Health
 - Identity
- ✓ How the child will feel being part of your family

You

- ✓ Your relationship with this child
- ✓ Your experience of caring for children
- ✓ Your abilities to care for this child and meet their needs



- ✓ Your understanding of why alternative living arrangements are being considered for this child
- ✓ Your ability to keep the child safe
- ✓ Your ability to promote the child's identity and positive self-esteem
- ✓ Your ability to sustain contact between the child and his or her parents
- ✓ Your personal history
- ✓ Your current relationship
- ✓ Your employment and income
- ✓ Your health
- ✓ Your lifestyle, hobbies and beliefs

The Environment

- ✓ The house you live in and its suitability for this child
- ✓ The neighbourhood you live in and its suitability for this child
- ✓ Any other household members
- ✓ Any other relevant environmental factors, such as transport links

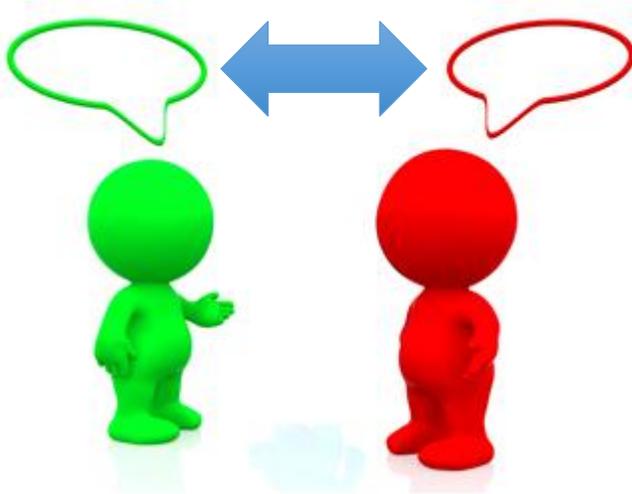
Checks and References

To verify some of the information about you, with your permission, we will ask other people and agencies to provide us with information. The following are things we often ask for:

- A reference about your health from your GP
- Police checks
- Data Barring Service checks (formerly known as CRB)
- References from ex-partners
- Personal references from 3 people who know you well
- A reference from your current employer
- A financial questionnaire

- A pet questionnaire
- Interviews with other children who live in your house
- Interviews with your birth children

The above list is not exhaustive and it applies to the average person. If there is a particular matter that is more specific to you, we may want to seek a more relevant reference on that particular matter e.g. working in the armed forces; owning a gun; specific health reference from a specialist in that field; having lived abroad for significant periods of time.



Who Can Offer me support?

Looking after somebody else's child can bring additional challenges: you all may need to adjust to having a new member in your family; you may need practical help; you may need advice on what rules are appropriate; the child in your care may have suffered harm and need additional help with their emotions, behaviour or education.

It might be that you feel you need ongoing support to care for the child you are looking after right from the start. At the time you are being assessed and at court, tell the social worker what you think you need or what you think you will struggle with so that they can plan with you what strategies or services might help. It might be that long after Children's Services assessed you, life changes, and you find later that you need some additional help.

As mentioned previously, a [Care Order](#) will mean that the child and you continue to have Children's Services ongoing involvement through the LAC processes, and those affected by [Adoption](#) may be eligible to post-adoption support.

Universal Services

The first place to ask for help is the usual services that are available to all families; which we call *universal services*. Pop into your local children's centre, speak to the teacher at the child's school, ask the child's health visitor or your GP. Schools are likely to be the best people to know how to help with education issues and GP's best to know about health issues. Children's Centres are often great at knowing what practical help is available in your area, such as knowing how to use a car seat, or accessing activity groups in the school holidays. All universal services have advice on helping children and carers with emotional and behavioural issues. You can search for what services and charities are available to you locally on the Norfolk County Council website through our "Norfolk Services Directory" at www.norfolk.gov.uk.



Targeted Services

If the universal service you speak to thinks you need more help with a specific issue, they may make a referral to a service that specialises in the area you need help with. They will speak to you about this suggestion before they make the referral as they need your consent to do it. We call these services *targeted services*.

Family Support Process & Early Help

If there are several issues you need help with, it may be useful to bring all the people helping you together to meet regularly to discuss progress and make sure the help you and the child receives is co-ordinated i.e. that you are being given consistent advice, that nothing is being forgotten because people have assumed that one of the other people is doing it. This can be done through something called the *Family Support Process*. You and the child choose one person to lead the Family Support Process, which should be someone you get on with well, such as the school teacher. Sometimes this Family Support Process can be supported by the *Early Help Hub* who have trained workers who work with children and families to provide help and support.

For more information on the Family Support Process or the Early Help Hub, visit:

http://www.norfolk.gov.uk/Childrens_services/Special_education/Needs_and_disabilities/Care_and_support/Early_Help/index.htm



Child In Need

If the child in your care needs additional help, above what can be supported through the Family Support Process, they might be able to receive support from Children's Services under s.17 of the Children Act 1989, which recognises the child as a *Child In Need*. These services are designed to support children and their families to improve any difficulties. Children's Services want to help children and families as quickly as possible to improve things so that the support level required can go down to a lower level again. It is recognised that for some children their difficulties cannot improve and



these children may need ongoing support for the foreseeable future. All disabled children are automatically classed as Children In Need and might continue to receive ongoing support from the Children With Disabilities Team into their adulthoods, for example.

Child Protection

If the issues your family are facing, could be causing any child in your care *significant harm*, Children's Services have a legal duty to assess what is occurring and act to improve things. You can call Children's Services if you think this applies to your family. If any professionals working with you feel this applies to children in your care, they will call Children's Services. The professional will tell you that they are contacting Children's Services and why, unless they believe to do so might put the child in danger. The professional will aim to continue to support you and your family alongside any involvement from Children's Services.

Asking for help is considered to be a strength and shows that you are thinking about the child. We will give you advice on what level of services we think would best help you.

You can call Norfolk Children's Services on **0344 800 8020** at any time for advice or to request additional help.

Kinship Support Services

The Kinship Team within Norfolk Children's Services, is designed to support family members and friends who are looking after a child they know. We can give you advice over the telephone, try to help you resolve any issues in sustaining contact with birth parents, and exchange letters between the child and their family members which can help keep your address confidential if necessary. Look out for information on the Norfolk County Council Website about Kinship Support Groups in your area that will enable you to meet other Kinship carers in your situation, ask questions face to face, and receive additional advice from topical speakers.



Advice line for Kinship carers is available

Weekday mornings between 9.00 am and 12.00 pm

01603 224131



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Things to consider in the future

So, you have now gone through the assessment, possibly been to court, and the child's living arrangements with you are finalised. Family life can be very busy and no doubt you want to get on with living together. For most of us, changes and unforeseen events will happen. So here's a few final words on things to consider in the future.

A new person moving into the home

If you continue to have Children's Services involved in your life, you should inform them of any new person moving into your home. Adults may be required to have their criminal records checked.

If Children's Services are no longer involved in your life, you take responsibility for any new person moving into your home in the same way that all parents consider the safety of new people around their child, as well as how you all get on together. Since 2011, adults in the UK can contact their local police force to enquire about new partners and new household members, under the Child sex offender disclosure scheme. See <https://www.nspcc.org.uk/services-and-resources/research-and-resources/factsheet-and-briefings/child-sex-offender-disclosure-scheme/undefined/services-and-resources/research-and-resources/factsheet-and-briefings/child-sex-offender-disclosure-scheme/> for more information.



A separation

In the event of a future separation or divorce where a Court Order was granted in joint names, the separation does not invalidate the order, both parties retain parental responsibility and can continue to make decisions about the child, but they cannot override each other if in conflict. Therefore in events where the carers are in conflict with each other in matters regarding the children, it may be necessary to return to court to vary the order or rule on a specific matter. A separation should prompt you to clarify legal matters such as who will be the child's primary carer, what will arrangements for the child be, and review what you want to happen for the child in the event of your death or illness.

Making a will

None of us like to think that we will become ill or not be here to look after a child in our care. However it is important that your wishes are legally recorded. This child's legal status is not straight forward, and there may be several people with legal parental responsibility for them, so it is all the more important to have matters clarified.



Useful Contacts:

Buttle UK

Buttle offer support to kinship carers through grant programmes for children and young people.

www.buttleuk.org

E-mail: info@buttleuk.org

Telephone: 020 7828 7311

Coram Children's Legal Centre

Provides free independent legal advice and factsheets to children, parents, carers and professionals.

www.childrenslegalcentre.com

E-mail: info@coramclc.org.uk

Child Law Advice Line: 08088 020 008

Family Rights Group (FRG)

Provides advice to parents and other family members whose children are involved with or require children's social care services because of welfare needs or concerns.

www.frg.org.uk

Advice line: 0808 801 0366

Email: advice@frg.org.uk

NSPCC

National charity for child protection

www.nspcc.org.uk

The Grandparents' Association

Supports grandparents and their families, especially those caring for their grandchildren on a full-time basis.

www.grandparents-association.org.uk

Helpline: 0845 4349585

Support Groups: 0844 3572907

Grandparents Plus

Grandparents Plus is the national charity that offers a free peer Support Network and an advice and information service for grandparents and family members who have stepped in to raise a child.

Advice and Information Service

0300 123 7015 10am-3pm Mon – Fri

Email: advice@grandparentsplus.org.uk

www.grandparentsplus.org.uk

Norfolk Children's Services

General contact number: 0344 800 8020

www.norfolk.gov.uk/Childrens_services/Care_by_family_and_friends/index.htm

Advice line for Kinship carers, every morning between 9.00 am and 12.00 pm: 01603 224131



Questions I want to ask:

Contact information

The child's social worker

Name _____

Team _____

Telephone number _____

My Social Worker (if applicable)

Name _____

Team _____

Telephone number _____