

Family and Friends Care Policy

2018-2020

Growing the right way for
a bigger, better Peterborough

Date developed:

Date approved:

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Document Control Sheet

Purpose of document:	To ensure that all who need and are interested to, are able to access and understand our approach to Family and Friends Carers.
Document ratified by: (group) Date of meeting:	Social Care Policy Review Group
If applicable, has an initial Equality Impact Assessment (EIA) been completed?	
Document lead and author, and their role:	Myra O'Farrell Head of Service, Corporate Parenting
What other documents should this be read in conjunction with:	

Revisions

Version No.	Page/ Paragraph No.	Description of amendment	Date of Change

1. Our Families and Friends Care Policy

1.1 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.

1.2 Evidence from research suggests that some of the benefits for children of being cared for by family or friends are that it:

- Enables children to live with people they know and trust;
- Reduces the trauma of separation that can be experienced if children have to live with strangers;
- Reinforces a sense of identity and self-esteem, which comes from children knowing their family history and culture;
- Helps children to maintain contact with their parents, brothers and sisters and other family members;
- Encourages families to consider and rely on their own family members as resources;
- Gives children the opportunity to stay linked to their own communities and promotes a sense of family community responsibility;
- Strengthens the ability of families to give children the support they need;
- Is culturally relevant.

Overall, research tends to support the view that family and friends care can be a positive choice for children and families and has tended towards good outcomes. Some studies indicate that children in friends and family placements do better across all outcomes and others that they do at least as well as children placed outside their families.

1.3 This policy sets out Peterborough City Council'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.

1.4 The manager with overall responsibility for this policy is the Head of Services for Corporate Parenting, contact details are via email: fmcsecfmscc@peterborough.gov.uk; and telephone: 01733 864391.

1.5 Our policy is available to all people who are interested in this area, on the Peterborough City Council website, the Peterborough City Council intranet, and the Peterborough City Council procedures library.

2. Legal Framework

2.1 All Local Authorities have a general duty to safeguard and promote the welfare of children in need¹ 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

¹ 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. 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.

Authorities do not have a general duty to assess all arrangements where children are living within their family 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.

2.2 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).

2.3 More information about the support and help available to people who are looking after someone else's child can be found on this government webpage:

<https://www.gov.uk/looking-after-someone-elses-child>

2.4 The specific legislation related to Family and Friend's Care Policy is listed below:

- The Children Act (1989) (as amended)
- Human Rights Act 1998
- Adoption and Children Act 2002
- Care Planning, Placement and Case Review (England) Regulations 2010
- Fostering Service (England) Regulations 2011 and Standard 30
- National Minimum Standards for Fostering Services 2011
- The Children (Private Arrangements for Fostering) Regulations 2005
- National Minimum Standards for Private Fostering (2005)
- Framework for Assessment of Children in Need and their Families, 2000
- Family and Friends Care: Statutory Guidance for Local Authorities (DfE 2011)

2.5 Local Authorities have powers and duties that enable them to provide the appropriate support to family and friends carers. 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, however. There are different legislative provisions which apply to financial support for children living with family or friends in looked after/adoption/special guardianship/child arrangement order arrangements. The Provision of Financial Support section of this policy details the financial support that we may provide to family and friends who are caring for children in these different contexts.

3. Local Framework

These documents should be read alongside this policy:

- Initial Family and Friends Care Assessment
- Permanence Planning for Children in Care Procedure
- Private Fostering Procedure
- Residence Orders and Residence Order Allowances Procedure
- Special Guardianship Procedure

- Placements with Connected Persons

4. Values and Principles

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

- If a child cannot live with his/her birth parents, care by friends and family carers is the placement of first consideration in assessing how best to meet the needs of the child;
- Every child has the right to have the opportunity to develop secure attachments to carers who are capable of providing safe, effective and loving care for the duration of his/her childhood, in order to thrive and achieve the best possible life chances;
- For most children, the greatest prospect for security and meeting their emotional, physical, social, cultural, and linguistic needs will be for them to remain with, or return to live with their birth parent/s;
- Families are usually best placed to find their own solutions and to make safe plans for children within the family; intervention from the local authority will be kept to the minimum needed to safeguard the welfare of the child and to secure permanence. Services will be provided in partnership with parents and will seek to enhance rather than substitute the family's capacity to care for their child;
- This is a complex area of work involving skills, knowledge and expertise of a range of professionals within and outside Children's Social Care Services. Multiprofessional and cross team engagement are essential to effective planning and will be embraced from the outset whenever Children's Social Care Services are called upon to intervene in children's lives.

4.2 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.

4.3 Care within the extended family is normal practice in many communities where parents are unable to care for their children. When placing black and ethnic minority children, identifying possible carers from amongst family or friends is an especially important consideration. Farmer and Moyers found that whilst significantly more black and ethnic minority children were placed with non-related carers than with family and friends carers, those placed with family and friends were significantly more likely to be in ethnically matched placements.

5. Definitions of family and friends care

Family and friends care arrangements can be divided into public and private care:

5.1 Private Care Arrangements with Family and Friends

For the purposes of this policy and procedure private family and friends care arrangements relate to:

- a. Children placed by those with Parental Responsibility on their own initiative with a relative, without the assistance and support of the local authority. The CA 1989 defines relatives as:

- Grandparent;
- Aunt/uncle;
- Sibling;
- Step-parent. (If the relative does not fall within this definition, the arrangement will be private fostering)

b. Arrangements made by a young person of 16+ who is living with a relative of their own volition.

c. Children placed with relatives or friends who have been granted a Residence Order (full or interim)

d. Children placed with relatives or friends who have been granted a Special Guardianship Order

e. Children who have been adopted by the partner of their birth parent (step-parent adoption)

f. Children who are adopted by a relative

A child or young person living in private family and friends care arrangements and his/her carers have the same entitlement to an assessment of need under Section 17, Children Act 1989 as any other child and family in the area. NB Those subject to special guardianship or certain adoption arrangements will be entitled to assessment for support – see Special Guardianship Procedure and Adoption Support Procedure.

5.2 Public Care Arrangements with Family and Friends

For the purposes of this policy and procedure, public family and friends care arrangements relate to:

a. Children placed by parents or those with Parental Responsibility with friends or relatives who are outside the Children Act 1989 definition of relative for a period of more than 28 days. In these circumstances the placement is within the definition of a private fostering arrangement - see Private Fostering Procedure for details.

b. Children who are living in family and friends care arrangements under a private arrangement and who subsequently become Looked After:

- Subject to an Emergency Protection Order;
- Subject to an Interim Care Order;
- Subject to a Care Order;
- Having become Accommodated under Section 20, Children Act 1989.

c. Children becoming Looked After in an emergency and/or placed with a relative or friend who is not approved as a foster carer, which triggers in all such cases an immediate placement with a Connected Person under Regulation 24 of the Care Planning, Placement and Case Review (England) Regulations 2010 – see Placements with Connected Persons Procedure.

d. Children who are Looked After and placed with relatives or friends approved through Regulation 24 of the Care Planning, Placement and Case Review (England) Regulations 2010 as part of a planned placement, either interim or more usually part of a permanent placement - see Placements with Connected Persons Procedure.

e. Children who have been placed by those with Parental Responsibility with a relative or friend where there is a degree of involvement by Children's Social Care in the placement, including:

- Where an assessment of need results in financial and practical support under Section 17, Children Act 1989;
- Where a decision is made subsequent to the placement through a Access to Support Panel that the child should be formally looked after under Section 20 Children Act 1989 and therefore Fostering Regulations at b) and c) above will apply NB: It should not be necessary for a child to become looked after solely in order for financial assistance to be provided - looked after status must be agreed only where this can be demonstrated as the only means of securing the child's welfare and as a means of securing permanence.

In most, but not in all circumstances the child or young person will have had a significant prior relationship with the person(s) offering family and friends care where the assessment of need indicates that the child cannot live with his/her parents. However, where there is no preexisting relationship, the assessment of the child and the assessment of the prospective carer(s) must address this fact and the impact on each party. Family and friends care arrangements coming within the scope of the policy and procedure will therefore have been initiated, facilitated or supported by Peterborough City Council Children's Social Care within the range of statutory guidance and regulation which apply.

5.3 Residence and Special Guardianship Orders

In circumstances where relatives or friends caring for a child are considering doing so on a long term or permanent basis, the optimum way of offering the child legal security would be for his/her carers to apply for a Residence Order or Special Guardianship Order, both of which would confer Parental Responsibility on the carer(s) with differing degrees of permanence and would settle the arrangements of where the child will live. In such circumstances, the relative/friend should be advised of the possibility of applying for an order.

6. Our approach

6.1 This policy and procedure applies to all Peterborough children who have been deemed in need of becoming Looked After and are placed with family, friends and connected persons carers who are assessed and approved to become foster carers. They are also applicable when consideration is being given to placing a child already accommodated or subject of an Interim Care Order or full Care Order with a relative or friend/(Connected Person).

6.2 Whenever the need for care or accommodation is being considered, either planned or unplanned, the possibility of a placement with family or friends/Connected Persons must be fully explored before other forms of placement are considered.

6.3 The status of accommodation under Section 20 will only be agreed when private family and friends arrangements have been considered and deemed not to be possible or consistent with the child's welfare.

6.4 A clear distinction should be made between a placement under Regulation 24 of the Care Planning, Placement and Case Review (England) Regulations 2010 and the use of Section 17 to support or facilitate families to make private family and friends care arrangements without the need for a direct intervention from Children's Social Care or for the additional legal protection that formal care status can provide.

6.5 Children's Social Care will be proactive in ensuring that children who are admitted to local authority care are placed with family or friends/Connected Persons as foster carers so long as it is consistent with their welfare. Additionally through statutory Child Care Reviews the possibility of children being placed with family members/Connected Persons as soon as possible will be actively considered as a means of achieving permanence for the child.

6.6 Recognising that families have the capacity to change, the circumstances of families of children for whom permanence has not been achieved will be kept under review to ascertain whether they may be able to provide care which previously had not been possible.

6.7 Family members/Connected Persons should not be approved as foster carers solely for reasons of income maintenance. In some exceptional circumstances, the department may make payments under Section 17 to support a private family and friends care arrangement where a decision has been made following assessment that a duty to accommodate under Section 20 Children Act 1989 does not apply. Essentially this means that a decision may be made to endorse a private arrangement and provide financial support where necessary for a private family and friends arrangement in which the carer would ordinarily seek financial assistance of the person with Parental Responsibility. It is likely that such arrangements will be used to meet a short term need for care or as an interim step to the family member or friend carer obtaining a Residence Order or Special Guardianship Order by agreement with the parent. In summary therefore local authority accommodation for children in family and friends care should only be considered when less formal arrangements are not appropriate or do not meet the child's needs.

6.8 It is anticipated that proposals to place children with family or friends carers must be the result of careful planning, based upon a Core Assessment undertaken within Assessment Framework. However, it is recognised that in some circumstances it will be in the child's best interests to place them more rapidly. In these situations immediate placement with a Connected Person can be made for up to 16 weeks under Regulation 24 of the Care Planning, Placement and Case Review (England) Regulations 2010 .– see Placements with Connected Persons Procedure.

6.9 The power to place a Child in Care immediately with a relative or friend is to be used in exceptional circumstances only; it should not be used as a way of becoming looked after when alternative or contingency plans could have been made. This power may be used where such planning has not been possible and it would be clearly advantageous to a child to be placed with or to remain in the care of a familiar figure in reassuring surroundings.

6.10 If children are already looked after and are unable to return to parental care within a timescale appropriate to their needs, Children's Social Care will give active consideration to whether a child's needs may best be met through their permanent placement with a family and friends/Connected Persons carer. A child should not remain looked after for any longer than necessary to secure their welfare and therefore relatives offering permanence will be assessed to provide permanence for the child outside the care system, unless care status is

deemed to be the only way of securing the child's welfare. Such relatives will be supported to apply for special guardianship, residence or other orders as may be appropriate.

6.11 In all cases where Children's Social Care promotes a public family and friends care arrangement within a plan for the child, full consideration will be given to the support needs of the carer(s). Assessments will take into account the needs of the child, the qualities and circumstances of the carer and wherever possible how services can be provided to bridge any gaps to meet the immediate and long term needs of the child as may be appropriate to the plan. The degree to which support is required will inform decisions about which care status is most appropriate in the long term.

7. Decision to Look After and Place with Family, Friends or Connected Person Carers

7.1 Under Section 20 of the Children Act 1989, local authorities shall provide accommodation for a child in need who appears to them to require it as a result of there being no person with Parental Responsibility for him, or because he is lost and abandoned, or because the person who has been caring for him or her is prevented from providing suitable accommodation or care.

7.2 A local authority may not provide accommodation under this section for any child if any person objects who – . Has Parental Responsibility for him: and a. Is willing and able to – . Provide accommodation for him: or I. Arrange for accommodation to be provided for him (Section 20 (7) CA 1989)

7.3 The exceptions to this are: . Section 20(8) of the Children Act 1989 which provides for a young person aged 16 and over to be accommodated at their own request and without the possibility of removal by their parents; a. Where a person with Parental Responsibility by virtue of a Residence Order or Special Guardianship Order agrees to voluntary accommodation.

7.4 Regardless of whether the arrangement for family and friends care existed prior to the involvement of Children's Social Care or subsequent to involvement in an assessment of need, an application should be made to the Access to Support Panel before any decision can be taken that the child should become accommodated. Prior to accommodation status being agreed, support - financial and practical - may be provided under Section 17 Children Act 1989.

7.5 Only in circumstances where an Emergency Protection Order (EPO) is taken or accommodation is provided by agreement of the parent(s) as a direct alternative to seeking an EPO may the child become looked after and an immediate placement with a Connected Person be made in accordance with the Placements with Connected Persons Procedure. In such circumstances, please see Peterborough Access to Support Panels Policy and Procedure.

8. Becoming or Remaining Looked after in Family, Friends or Connected Person Care Arrangements

8.1 As a guide, a child in family and friends care may need to become or remain Looked After: -

Where a birth parent may be untraceable, or incapable of giving agreement to the arrangements; therefore Section 20 may apply.

Where the parent is capable of giving agreement but refuses to do so or is inconsistent in maintaining cooperation, and care is deemed necessary to safeguard the welfare of the child and prevent Significant Harm; in these circumstances authority for an EPO may be necessary.

Where the parent and carer are unable to come to an agreement about the arrangements for the child's care in the child's best interests; or parental agreement has been withdrawn to existing arrangements and an assessment shows that the parent is unable to meet the child's needs if returned to their care. The legal planning process must apply in such circumstances.

Where a carer may feel threatened, or unsafe, in managing contact between the child and their birth parents.

Where the carer is unable or unwilling to continue caring for the child or adequately meet their needs without the degree of social work and financial support that fostering regulations confer. This should only apply in exceptional circumstances and where other means of providing such support have been fully explored. It is unlikely to be the only reason and will most usually arise because of the need to provide intensive support to address complex family dynamics. Such cases could involve the prospective carer in complex tasks over a significant period of time which would necessitate the continuing involvement of Children's Social Care Services.

Where it has been concluded that the local authority needs to share Parental Responsibility with the birth parent/s, in order to promote the child's welfare and to secure their placement with the Connected Person as a foster carer. However, care status must be kept under review and alternative orders which would secure permanence for the child must be sought by agreement with the carers if at all possible. Perceived reliance on ongoing support of the fostering services must never become a reason where sufficient support may be provided within Special Guardianship arrangements.

8.2 If the child needs to become accommodated or subject to Care Proceedings, his/her carer/s must be assessed and approved to become foster carers.

9. Duty to Place Child in Care with Family, Friends or Connected Person Carers

9.1 Local authorities have a duty to consider whether Children in Care may be placed with relatives and friends. Prior to any accommodation being agreed with an unrelated carer, vigorous attempts to have identified and ruled out potential friends and family carers must be evidenced.

9.2 Exercising this duty requires that the local authority takes all reasonable steps to seek out and identify suitable relatives and friends with whom a Child in Care may be placed. The use of a Family Group Conference or Access to Support Panel meeting must address this, including as many members as possible of the family network who are significant to the child and who can assist in planning for the child.

9.3 Details of relatives and a full genogram should be recorded at an early stage of involvement.

9.4 Many parents will recognise the potential benefits of placing a child with a person known to them and will therefore agree to such arrangements directly or provide the child's social worker with details so that they can make such enquiries.

9.5 In cases where parents do not cooperate in providing contact details and addresses for relatives or friends who could be considered as potential carers, action must be taken to trace relatives via other means such as use of the electoral roll and legal advice sought.

9.6 In some instances, the duty to seek out Connected Persons as potential carers may conflict with the parent's wishes in respect of the child's placement. In these circumstances, before pursuing a placement with a Connected Person, careful consideration should be given to the potential consequences of placing the child with carers against the parents' wishes.

9.7 In practice a balance must be struck between the benefits of the child living with a person he/she knows and the negative impact that action may have on partnership with parents and implementing both immediate and long term plans for the child.

9.8 However, bearing in mind the potential benefits for the child of placements with family, friends or Connected Persons, the circumstances in which the local authority would choose not to place with such a person, upholding the birth parents' wishes, should only be when the level of conflict between the birth parents and potential carer is deemed to be detrimental to the child.

9.9 In practice it is not unusual for parents to oppose placement with friends and family initially but to change their view over time. Professional judgement about which course of action will best promote the child's welfare should take account of any available legal advice, particularly important where pursuit of a placement with a Connected Person could lead to the child's premature discharge from accommodation.

10. When to Consider Family Friends or Connected Person Care

10.1 A decision for a child to become Looked After must be informed by a Children and Family Assessment involving multi-agency engagement, unless action needs to be taken within child protection processes to immediately safeguard the welfare of the child; in such cases the Children and Family Assessment must immediately follow that action. This is the responsibility of the child's social worker

10.2 The Children and Family Assessment must be presented by the child's social worker to the Access to Support Panel prior to the child becoming accommodated and where accommodation has been agreed in an emergency within 72 hours thereafter - see Peterborough Access to Support Panels Policy and Procedure.

10.3 A decision to take Care Proceedings to secure the child's welfare can only be taken following a Legal Planning Meeting and must be informed by a Children and Family Assessment. In the event that an Emergency Protection Order is required, the authority of the Designated Manager (EPO Applications) is required and a Legal Planning Meeting must follow before any further applications to court – see Legal Planning Meeting Procedure

10.4 Where a assessment concludes that a child needs to be Looked After away from home, the child's social worker must consider:

- Whether arrangements other than formal looked after status would meet the child's needs more appropriately
- Whether friends, family or Connected Person care arrangements are available and suitable as a first consideration.

10.5 Where looked after status has been agreed and a Connected Person is available to care for the child, an immediate placement under the Placements with Connected Persons Procedure may be appropriate and as set out in that chapter the approval of a Head of Service to the placement must be obtained.

10.6 **NB** A Family Group Conference, Access to Support Panel, Child Care Review or Child Protection Conference may result in a proposal that a particular family member be considered to care for a child. However, the usual delegated authority and formal procedure to assess and approve will be required to implement the arrangements. These meetings do not in themselves confer authority to make such a placement.

10.7 When making a decision regarding the potential placement of the child with a Connected Person, the assessing social worker should consider:

- The carer's ability to provide both short and long-term care, their motivation and their capacity to work within the child's care plan and the support they will require.
- The impact on family relationships. If the Care Plan is for a short-term arrangement before the child returns to the parents, there is a risk that a placement with a Connected Person, including payment of a fostering allowance, may distort family relationships, or the carers may expect that arrangement to become long-term. Clarity at the outset of the purpose of the placement must be provided for all parties.
- The carer's own history of raising children. This is always a significant factor in assessing Connected Persons as foster carers. However if there are any doubts about the suitability of the potential placement, another placement should be sought whilst further enquiries are made and/or evidence of their capacity to change is provided.
- Whether the placement is the most suitable means by which the local authority can discharge its duty to the child.

11. Provision of financial support – general principles

11.1 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:

- **Subsistence crisis (one-off) payments.** These should be used to overcome a crisis, following the best assessment that can be achieved in the circumstances.
- **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.

- **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 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 letter will be drawn up detailing the level and duration of the financial support that is to be provided, and the mechanism for review.

11.2 **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

12. **Accommodation**

12.1 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.

13. **Supporting contact with parents**

13.1 The authority has a duty to promote contact for all children in need, although this differs depending on whether or not the child is looked after.

13.2 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, 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.

13.3 Where a child is looked after, 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 –and /or via a post order support plan for those children or young people placed via a Special Guardianship Order or Adoption Order.

14. **Family Group Conferences**

14.1 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.

14.2 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.

15. Complaints procedure

15.1 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.

Annex A - Caring for someone else's child