******Guide to Family and Friends Arrangements**

**Name of Author: Christine Stanbridge**

**Name of Senior Manager Approving:**

**Hayley Bodiam**

**Date of Issue: December 2023**

**Date to be Reviewed: December 2024**

**A Guide to Family and Friends’ Arrangements**

Parents might make the difficult decision for their children to live with someone else, and these decisions are decided as a family. Other times, Children’s Social Work Services may go to Court and ask a Judge to decide what happens.

This document provides guidance for Social Workers to understand the role of Children’s Services when working with parents or carers who arrange for their children to live with other people, who will care for them, on a temporary or long-term basis.

**What is a private arrangement?**

A private/informal arrangement is when the family choose to make their own arrangements for a close friend or relative to look after the child e.g., after a parent has died, is in prison, or through other family difficulties. The local authority may want to know details about the arrangement to make sure any support the child may need is identified. The local authority does not have a duty to assess such arrangements or to provide any financial support.

Private Fostering is when someone who is not a close relative cares for a child (up to age 16 or 18 for a disabled child) for 28 days or more. When the local authority receives notification of a private fostering arrangement, they must arrange for a social worker to undertake an assessment to make sure the arrangement is suitable. There is no financial obligation for the local authority. The parent must arrange financial support for their child directly with the private foster carer.

A Connected Carers/formal arrangement is when a child is ‘looked after’ by the local authority. This is when a child is deemed to be suffering significant harm and through agreement, either via the Family Court or arrangement directly with the family (Section 20 agreement), an alternative family or friend arrangement to care for the child is sought by the local authority in collaboration with the parent. The member of the family or friend is assessed by the local authority and given temporary approval as a foster carer. The local authority must fully assess the suitability of this connected person to care for the child following temporary approval and a full fostering assessment is completed over 16 weeks, The child becomes ‘looked after’ once temporary approval is given and the local authority then becomes financially responsible by paying foster carer payments to the connected person.

When arrangements for a child to live with a relative or friend are made directly between the parents and those caring for the child which is not at the request of the local authority, it is not financially responsible and it should be made clear to the family that there will be no financial support in writing at the time the local authority becomes aware of the arrangement.

**What is the difference between Private Arrangements and other arrangements?**

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Private Arrangement** | **Private Fostering** | **Local authority arrangements** |
| **Who arranges this?** | The person with Parental Responsibility. | The person with Parental Responsibility.  | The local authority, either on the authority of the court or in collaboration with the person who has Parental Responsibility. This could be in an emergency or planned way.  |
| **PR** | Remains with birth parents | Remains with birth parents | Remains with birth parents. If the child is subject to a Care Order or Emergency Protection Order the local authority will share parental responsibility  |
| **Term for person caring** | Friend or relative | Private Foster Carer | Connected Person which can be a friend or relative |
| **Legal status** | Private citizen  | Private citizen – considered a ‘Private Foster Child’ (subject to Private Fostering Regulataions)  | The child will become a Child in Care. Under S20, parents can request the child returns to their care.  |
| **Placement supervision** | None | It is an arrangement not a placement. There are statutory social work visits to ensure the arrangement is safe and additional support (not financial) for the child and private foster carer, depending on the assessment.  | Statutory visits by social worker to Connected Person (family or friend) or foster carer.  |
| **Who pays for this and what support is provided?** | Financial responsibility to maintain the child remains with holders of PR. Can claim child benefit and child tax credit if not being paid to parent(s). Guardians Allowance payable if both parents have died, or the only surviving parent cannot be found or serving 2 years or more prison sentence.No entitlement from the LA but the LA may assess the child as a Child in Need and offer support under s17 of the Children Act 1989. LA has discretion to make one-off or regular payments under section 17 Children Act 1989. | Financial responsibility to maintain the child remains with holders of PR.Can claim child benefit and child tax credit if not being paid to parent(s). Provision of advice and support as determined under Private Fostering Regulations 2005.  | Weekly allowance paid by the local authority to meet the costs of caring for the child. Support to meet child’s needs including health plan and personal education plan. Training and practical support to foster carers.Opportunities to discuss plans for permanence for the child/children. Regular supervision meetings with the fostering social workerYoung person may be entitled to leaving care support services |
| **Examples** | A child moves in with a grandparent because their mother is terminally ill.  | A friend of the family who has offered to help care for a 15-year-old child as the child is estranged from their father.  | The Court has deemed a parent is neglecting their child and needs support and assessment before the child can return home. At Court, the parent suggests a family member to care for the child instead of local authority foster care.  |

**Clarifying the position with families**

If a local authority becomes aware of an informal family care arrangement (i.e., private arrangement or private foster care arrangement), the local authority must be explicit and confirm the arrangements with those parties involved.

The local authority should confirm in writing to the person(s) with parental responsibility and the carer(s) caring for the child/children.

The letter needs to include:

The nature of the arrangement: why the arrangements were made, the details of the arrangement, who will be caring for the child, where the child will be living, and the duration.

The financial responsibility: who is responsible financially and for what.

The wording should include:

‘This is an informal family arrangement agreed between …(*name of person(s) with Parental Responsibility*)… and …(*name of person(s) caring for child*…. This is not a placement by the local authority and there will be no financial payments made by the local authority’.

This ensures all the matters are transparent to all parties. Both parent(s) and carer(s) should sign the letter to state they agree to this arrangement. A copy should be given to parent(s) and carer(s) and a copy kept on the child(ren’s) file.

**Further reading and guidance**

[Placement with Connected Persons Guidance](https://kentchildcare.proceduresonline.com/p_place_conn_pers.html)

[Family and Friends Care: Statutory Guidance for Local Authorities](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/288483/family-and-friends-care.pdf)

[ANNEX A: CARING FOR SOMEBODY ELSE’S CHILD – OPTIONS](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/288483/family-and-friends-care.pdf)

[Table 1: Entitlement to support by family and friends](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/288483/family-and-friends-care.pdf)

[Statutory guidance: Children Act 1989: private fostering](https://www.gov.uk/government/publications/children-act-1989-private-fostering)

[The Children (Private Arrangements for Fostering) Regulations 2005](https://www.legislation.gov.uk/uksi/2005/1533/made)

[Public Law Working Group (PLWG) Best Practice Guidance: Section 20/Section 76 Accommodation](https://www.judiciary.uk/wp-content/uploads/2021/03/S-20-s-76-BPG-report_clickable.pdf) This includes [Appendix G3: Section 20 Agreement Template](https://www.judiciary.uk/guidance-and-resources/message-from-the-president-of-the-family-division-publication-of-the-presidents-public-law-working-group-report/) and [Appendix G2: Explanatory Note for Older Children](https://www.judiciary.uk/wp-content/uploads/2021/03/March-2021-report-final_clickable.pdf#page=160)

[ADCS/Cafcass Practice Guidance for the use of Section 20](http://adcs.org.uk/assets/documentation/S20_Practice_Guidance_final.pdf)

**Printable short guide to Family and Friends Arrangements**

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Private Arrangement** | **Private Fostering** | **Local authority arrangements** |
| **Who arranges this?** | The person with PR.. | The person with PR.  | The LA, either on the authority of the court or in collaboration with the person who has PR. This could be in an emergency or planned way.  |
| **PR** | Remains with birth parents | Remains with birth parents | Remains with birth parents. If the child is subject to a Care Order or EPO, the LA will share PR.  |
| **Term for person caring** | Friend or relative | Private Foster Carer | Connected Person - this can be a friend or a relative |
| **Legal status** | Private citizen | Private citizen | The child will become a Child in Care. Under S20, parents can request the child returns to their care.  |
| **Placement supervision** | None | It is an arrangement not a placement. There are statutory social work visits to ensure the arrangement is safe. Further supports can be offered based upon the assessment. | Statutory visits by social worker to Connected Person (family or friend) or foster carer.  |
| **Who pays for this and what support is provided?** | Remains with holders of PR. Can claim child benefit and child tax credit if not being paid to parent(s). Guardians Allowance payable if both parents have died, or the only surviving parent cannot be found or serving 2 years or more prison sentence.No entitlement from the LA but may assess as a Child in Need and offer support under s17. LA has discretion to make one-off or regular payments under S17. | Financial responsibility to maintain the child remains with holders of PR.Can claim child benefit and child tax credit if not being paid to parent(s). Provision of advice and support as determined under Private Fostering Regulations 2005.  | Weekly allowance paid by the LA to meet the costs of caring for the child. Support to meet child’s needs including health plan and personal education plan. Training and practical support to carers.Opportunities to discuss plans for permanence. Regular supervision meetings with the fostering social workerYoung person may be entitled to leaving care support services. |
| **Examples** | A child moves in with a grandparent because their mother is terminally ill.  | A friend of the family who has offered to help care for a 15-year-old child as the child is estranged from their father.  | Court has deemed a parent is neglecting their child and needs support/assessment before the child can return home. At Court parent suggests a family member to care for the child instead of local authority foster care.  |

**Wording for letter if LA has no financial responsibility - ‘This is an informal family arrangement agreed between … (name of person(s) with Parental Responsibility)…. and …(name of person(s) caring for child…. This is not a placement by the local authority and there will be no financial payments made by the local authority’.**