

Family and Friends Care Policy

RELEVANT GUIDANCE

Children Act 1989: Family and Friends Care: Statutory guidance for local authorities about family and friends providing care for children who cannot live with their parents.

Family Rights Group, Initial Family and Friends Care Assessment: A good practice guide outlines what a viability assessment for family and friend carers should look like, what social workers should consider and how to undertake international assessments (this also contains an updated Covid-19 guide).

Looking After Someone Else's Child: Government advice on the support and financial help you can get if someone else's child is living with you full time.

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1. Introduction

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.

This policy sets out Ealing 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.

The manager with overall responsibility for this policy is **Hannah Foxcroft, Head of Service - Fostering and Connect (Children Looked After, Kinship and Court)**.

This policy was reviewed in December 2022, it will be made freely and widely available.

2. Values and Principles

The Council will adhere to the key principles of the Children Act 1989 and all subsequent legislation, regulations and statutory guidance. Children's welfare and best interests will always be the primary consideration in making decisions about the suitability of arrangements for any child.

It is a core principle that children should be cared for within their own family unless this is not consistent with their welfare. Therefore, we will therefore work to maintain children within their own families, wherever this is consistent with the child's safety and well-being. This principle applies to all children in need, including those who are looked after by the local authority.

Where a child cannot live within their immediate family and the local authority is considering the need to look after the child, we will make strenuous efforts to identify potential carers within the child's network of family or friends who are able and willing to care for the child on either a temporary or permanent basis if that is required. A permanent placement within a child's extended family or friendship network will, where appropriate, usually provide a better alternative to growing up in the care of the Local Authority, particularly where this can be supported by the most appropriate legal order, either a Special Guardianship Order, or Adoption.

If the Local Authority continue to be involved in supporting any arrangement where a child is cared for by extended family or within their wider friendship network, support will provided 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. However, if the child is looked after and the family and friends carers are approved as foster carers, support will continue for as long as the child remains looked after.

3. Legal Framework

The local authority has a general duty to safeguard and promote the welfare of Children in Need* living within its area and to promote the upbringing of such children by their families. The way in which we 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 may include financial, practical or other support.

It is important to note that the local authority does not have a general duty to assess all arrangements where children are living with their wider family or friends' 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.

To clarify the children who may come within the definition of Children in Need, Ealing has drawn up a '**Thresholds of Needs and Assessment Protocol**' guidance, which is available through the Council's website.

Many children, including those who are defined as Children in Need may live with members of their family or friends in a variety of different legal arrangements, some formal and some informal. Most such arrangements remain entirely private without the need for support or intervention from Children's Services. Different court orders are available to formalise these arrangements should this be necessary.

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).

For a detailed summary of the meaning and implications of different legal situations, the rights of carers and parents, and the nature of decisions which family and friends carers will be able to make in relation to the child, please see Appendix A: Caring for Somebody Else's Child - Options. Section 4, Different Situations whereby Children may be Living with Family and Friend Carers, which sets out the local authority's powers and duties in relation to the various options.

In relation to financial support, the local authority may provide carers of children in need with one-off payments, usually for purchases 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 Arrangements Order arrangements. The following sections of this policy set out the financial support that we may provide to family and friends who are caring for children in these different contexts.

* 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.

4. Different Situations whereby Children may be Living with Family and Friends Carers

4.1 Informal Family and Friends Care Arrangements

Where a child cannot be cared for within his or her immediate family, the family may make their own arrangements to care for the child within the family and friends network.

The local authority does not have a duty to assess any such informal family and friends care arrangements, unless it appears to the authority that services may be necessary to safeguard or promote the welfare of a Child in Need. In such cases, the local authority has a responsibility under Section 17 of the Children Act 1989 to assess the child's needs and provide services to meet any assessed needs of the child. Following assessment, a Child in Need Plan will be drawn up and a package of support will be identified. This can comprise a variety of different types of services and support, and may in exceptional circumstances include financial support.

Parental responsibility remains with the birth parents, but the carer may do what is reasonable to safeguard or promote the child's welfare. Parents will retain responsibility for financially supporting their child in an informal family and friends arrangement.

The Local Authority has discretion under Section 17 of the Children Act 1989 to provide financial support to an informal family or friends carer, if the child has been assessed as a Child in Need. Depending on the circumstances of each case, the local authority may provide a one-off payment to deal with a crisis, a payment in relation to setting up costs for example to purchase a bed for the child, clothing or other essential items. In exceptional cases, a regular weekly payment may be made, this would be expected to be for a time limited period. In all circumstances, family and friends carers would be expected to ensure that they have applied for and are in receipt of all relevant welfare benefits that may apply.

If a regular weekly payment is agreed, it will be in line with DWP rates for Income Support/Universal credit.

4.2 Private fostering arrangements

A privately fostered child is a child under 16 (or 18 if disabled) who is cared for by an adult who is not a parent or close relative, where the child is to be cared for in that home for 28 days or more. Close relative is defined as 'a grandparent, brother, sister, uncle or aunt (whether blood relative or through marriage or civil partnership) or step-parent.' It does not include a child who is Looked After by a local authority. In a private fostering arrangement, the parent still holds parental responsibility and agrees the decision-making arrangements with the private foster carer.

The local authority has a duty to assess and monitor the welfare of all privately fostered children and the way in which they carry out these duties is set out in the Children (Private Arrangements for Fostering) Regulations 2005. However, the local authority may also become involved with a child in a private fostering arrangement where the child comes within the definition of a Child in Need. In such cases, the local authority has a responsibility to provide services to meet the assessed needs of the child under Section 17 of the Children Act 1989. Following assessment, a Child in Need Plan will be drawn up and a package of support will be identified. As in **Section 4.1, Informal Family and Friends Care Arrangements**, this can comprise a variety of different types of services and support, including financial support.

4.3 Family and friends (kinship) foster carers – 'Connected Persons'

Where a child is looked after by the local authority, we have a responsibility wherever possible to make arrangements for the child to live with a member of the family who is approved as a kinship foster carer (Section 22 of the Children Act 1989). The child can be placed with the family members prior to such approval, subject to an assessment of the placement, for up to 16 weeks. This temporary approval can only be extended in exceptional circumstances. In this context the carer is referred to as a Connected Person / kinship foster carer and the process of obtaining approval for the placement is set out in the **Placement with Connected Persons Procedure**. Where temporary approval is given to such a placement under the procedure, the carers will receive financial support on a regular basis. This may cover placements at very short notice.

All temporarily approved (Regulation 24) kinship foster carers will receive a weekly allowance to cover the costs of caring for the child, the level of allowance will depend on the age of the child and will be exactly the same amount that any other Ealing Council foster carer receives.

In addition, the child will have a placement plan which sets out the specific arrangements surrounding the child and the carers including the expectations of the foster carers and the support they can expect to receive to enable to fulfil their responsibilities for the child.

The assessment and approval process for family and friends who apply to be foster carers for a specific looked after child will be the same as for any other foster carer, except that the timescales for the assessment are different where a child is already in the placement as indicated above. In all other respects the process is the same as for any other potential foster carers and is set out in the **Assessment and Approval of Foster Carer Procedure**. An information pack will be available to potential foster carers about the process and they will be given the name and contact details of the social worker from the Connect team allocated to carry out the assessment.

All kinship foster carers will be allocated a supervising social worker from the Connect team to provide them with support and supervision; and they will receive fostering allowances for as long as they care for the child as a foster carer.

While the child remains a looked after child the kinship foster carer commits, to cooperate with all the processes that are in place to ensure that the child receives appropriate care and support, for example, contributing to reviews of the child's Care Plan, working with the child's social worker and promoting the child's education and health needs.

Authority for day-to-day decision making about the child should be delegated to the carer(s), unless there is a valid reason not to do so.

4.4 Child Arrangements Order

A Child Arrangements Order is a Court Order which sets out the arrangements as to when and with whom a child is to live, spend time or otherwise have contact.

These orders replace the previous Contact Orders and Residence Orders.

A Child Arrangements Order may give parental responsibility to the person in whose favour it is made. Parental responsibility is shared with the parents. Authority for day-to-day decision making about the child should be delegated to the carer(s), unless there is a valid reason not to do so.

Child Arrangements Orders may be made in private family proceedings in which the local authority is not a party nor involved in any way in the arrangements. However, a Child Arrangements Order in favour of a relative or foster carer (who was a 'Connected Person') with whom a child is placed may be an appropriate outcome as part of a permanence plan for a Child in Need or Child Looked After.

The local authority may pay Child Arrangements Order Allowances to relatives or friends, unless they are a spouse or civil partner of a parent, with whom a child is living under a Child Arrangements Order. This is set out in paragraph 15 of Schedule 1 of the Children Act 1989, however this is discretionary. There is no entitlement to an assessment for support for carers who have a Child Arrangement Order.

Generally, the Local Authority will only consider financially assessing and paying a Child Arrangement Order allowance in situations where the child/ren were children looked after by Ealing Council prior to the making of the order. In exceptional cases an allowance may be agreed if the child has an allocated Social worker at the time of the Child Arrangement Order being granted and the relevant Head of Service agrees with the payment of an allowance. If an allowance is agreed in these cases the equivalent of 50% of the relevant fostering maintenance allowance based on the child's age will be paid.

4.5 Special Guardianship Order

Special Guardianship offers a further option for children needing permanent care outside their birth family. It can offer greater security without absolute severance from the birth family as in adoption.

Relatives may apply for a Special Guardianship Order after caring for the child for one year. As Special Guardians, they will have parental responsibility for the child which, while it is still shared with the parents, can be exercised with greater autonomy on day-to-day matters than where there is a Child Arrangements Order.

Special Guardianship Orders may be made in private family proceedings and the local authority may not be a party to any such arrangements. However, a Special Guardianship Order in favour of a relative or foster carer (who was a 'Connected Person') with whom a child is living may be an appropriate outcome as part of a permanence plan for a Child in Need or a Looked After Child.

Where the child was looked after immediately prior to the making of the Special Guardianship Order, the local authority has a responsibility to assess the support needs of the child, parents and Special Guardians, including the need for financial support.

Generally, the Local Authority will only consider completing a financial assessment, and if eligible based on the financial assessment, paying a Special Guardianship Order Allowance if the child/ren were children looked after prior to the making of the order. In these cases the allowance will be based on the relevant fostering maintenance allowance and will be dependent on the child's age.

However, there may be some private application cases where the child has an allocated Social Worker and the family's circumstances are considered to be exceptional, in these cases the payment of an allowance may be considered. If an allowance is agreed in these cases the equivalent of 50% of the relevant fostering maintenance allowance based on the child's age will be paid.

All SGO allowances are subject to an annual review.

4.6 Adoption Order

Adoption is the process by which all parental rights and responsibilities for a child are permanently transferred to an adoptive parent by a court. As a result the child legally becomes part of the adoptive family.

An Adoption Order in favour of a relative or foster carer (who was a 'Connected Person') with whom a child is living may be an appropriate outcome as part of a permanence plan for a Child in Need or a Looked After Child.

Local authorities must make arrangements, as part of their Adoption service, for the provision of a range of adoption support services. They then have to undertake assessments of the need for adoption support services at the request of the adopted child, adoptive parents and their families, as well as birth relatives. The support required is then set out in an Adoption Support Plan and this may include financial support.

Financial support may be available in the form of a one-off payment as a "setting up" payment for the purchase of essential equipment for the child. Weekly adoption allowances may be paid for a time limited period, this will usually be to compensate for loss of earnings, if new parents need to take extended adoption leave due to the needs of the child. Time limited allowances may also be considered to pay costs of nursery fees or for other childcare costs until the child commences full-time school.

Generally, any allowances will only be payable based on the outcome of a financial assessment, all allowances will be based on the relevant fostering maintenance allowance which is dependent on the child's age.

5. Provision of Financial Support - General Principles

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:

1. Subsistence crisis (one-off) payments

These should be used to overcome a crisis, following the best assessment that can be achieved in the circumstances;

2. 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;

3. 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 not Looked After, however, the child will need to have an allocated Social Worker for regular payments to be considered. Where regular payments are to be made, relative carers should be assisted to maximise their Income/Benefits as regular payments may adversely affect an individual's claim to welfare benefits.

In all cases where regular financial support is agreed, a written agreement will be drawn up detailing the level and duration of the financial support that is to be provided, and the mechanism for review.

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.

6. Accommodation

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.

7. Education

From 1 September 2021, the **School Admissions Code** provides that children being raised by family and friends carers under a Special Guardianship Order or Child Arrangements Order, who struggle to get a school place during the year, will be supported in finding one.

8. Supporting Contact with Parents

The authority is under a duty to promote contact for all Children in Need, although this differs depending on whether or not the child is Looked After.

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.

Family and friend carers can contact Ealing's Family Information Service on 020 8825 5588, (Mon-Fri, 9am to 5pm) or email: children@ealing.gov.uk or search the directory below for signposting to relevant services.

Click here to view the Ealing Families Directory.

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 - see **Contact with Parents and Siblings Procedure**.

9. Family Meetings

Family meetings 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.

We will always attempt to meet with the wider family group when considering alternative arrangements for a child at an early stage, sometimes these meetings may be independently chaired.

10. Complaints Procedure

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 and Representations Procedure**.

11. Your Views

We would like to hear your views about how we can further improve this policy, please send your comments to Hannah Foxcroft, email: **foxcroft@ealing.gov.uk**.

Appendix A: Caring For Somebody Else's Child - Options

Click [here](#) to view Appendix A: Caring For Somebody Else's Child - Options.

Appendix B: Local Sources of Information

Information and advice

Ealing's Family Services Directory contains information about local groups and organisations providing a range of support services.

If further advice is needed, Ealing's Family Information Service may be able to help. They can be contacted on 020 8825 5588, (Mon-Fri, 9am to 5pm) or email: **children@ealing.gov.uk**.

Concerned about a child/young person

If there are concerns about a child or young person's welfare or safety, you can call Ealing Children's Integrated Response Service (ECIRS) on **(020) 8825 8000**. ECIRS is the single point of contact to make referrals into children's services where there is a need for support, or where there are specific concerns about the welfare of a child or young person.

ECIRS may refer you to Ealing's SAFE service (Supportive Action for Families in Ealing). The SAFE team consists of health professionals, psychologists, therapists, counsellors, school and family workers and social workers - all of whom work with children, young people and their families to find solutions to family situations before they escalate into something more serious. Help and support is offered through family therapy, parenting programmes, one-to-one discussion sessions, substance misuse support, behavioural programmes and more.

ECIRS can refer you to SAFE for a wide range of issues including:

- Concerns about a child's behaviour at home or at school;
- Problems at your child's school;
- Domestic abuse or relationship breakdown at home;
- Problems such as debt or housing relocation;
- Addiction or substance misuse in the home;
- Mental health issues impacting on the wellbeing of a child;
- Significant parental stress.

Appendix C: Other Useful Organisations and Information for Family and Friends Carers

See **[Kinship Care Charity](#)**