

**Version 2.0**

**Barnsley  
Children Young People and Families**

**Family and Friends Carers**

**POLICY & PROCEDURES**

**Up-dated 2016**

**With acknowledgements to Kent Children's Social Services on whose original document this is based**



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## 1. Key Objectives

1.1. The policy and practice procedures set out in this document have been informed by the [DFE \(2011\) Family and Friends Care: Statutory Guidance for Local Authorities](#). They seek to achieve a number of objectives, which are:

- Provide information about practice for social workers and other professionals working with children in family and friend living arrangements
- Promote permanence for children
- Enable children, whenever possible and appropriate, to remain living within their extended family network if they cannot live with their parents.
- Provide, wherever possible, better alternatives to supporting children living with a family or friend carer, than through being looked after.
- Set out the means by which children and their family and friends carers can be adequately supported under the following circumstances:
  - In informal arrangements with a close relative.
  - As a private fostering arrangement.
  - As a looked after child placed with family / friend foster carers.
  - Through a child arrangements order or special guardianship order.
  - Through arrangements which may lead to an adoption order.
- Explain the legal framework with respect to children living with family, friend or connected person carers.

## 2: Key Principles

- For most children, the best prospect of achieving permanency will be living with their birth parents without the need for a legal order.
- The child's parents or others with parental responsibility should be empowered in the decision making about where the child lives.
- The local authority will only seek to interfere with a parent's authority to make decisions about where the child lives when it is necessary to safeguard the welfare of the child.
- When a child cannot remain with, or return to, their birth parents the preferred option is for the child to live with a member of their family or friend network – ideally without the need for a legal order.
- Where a legal order is required to secure a family or friend carer living arrangement, this can be achieved through a child arrangements order, a special guardianship order, or an adoption order.
- Children living with a family or friend carer should only be looked after in exceptional circumstances. When the child is looked after this should be seen as a temporary measure until full permanence can be achieved.
- Support provided should be based on the needs of the child rather than merely their legal status and should seek to ensure that family and friends carers are provided with support to ensure that children do not become, or remain looked after longer than is needed.
- Not all family or friend carer living arrangements need the support of the local authority. The majority are established independently between the child's parent(s) and the family or friend carer. The local authority should not become involved with these arrangements unless it is deemed necessary to safeguard and promote the welfare of the child.
- When the local authority does become involved in the arrangements for a child living with, or going to live with, a family or friend – this should be based on a thorough assessment of the child and the family or friend carer.

- Not all family and friend carers require ongoing practical or financial support from the local authority. Any support provided by the local authority is exceptional and on the basis having established that there are no other sources of support available from within the child's and the family or friend carer's networks of family and friends.
- Where the local authority does become involved in the arrangements for a child going to live with a family or friend then the local authority must make clear to the parents of the child and the proposed carers the basis on which it is becoming involved. In particular the local authority must make it clear whether or not it considers, on the facts of the case, that it has a duty to accommodate the child under section 20(1) of the Children Act 1989 (in which case it will have the obligation to maintain the child under section 22B of that Act). In particular, the local authority must make it clear on what basis, if any, it will provide financial support for the care of the child. If the expectation is that the family or friend network will maintain the child and that the local authority does not intend to make any, or any regular, payment towards maintenance then that should be made clear and the family or friend network should be invited to make explicit the maintenance it will provide. However, the parents and carers should be made aware that the local authority has the discretion to provide financial support under section 17 of the Act. All of this information should be conveyed before the carers make a commitment to care for the child and before the arrangement begins so that they can make an informed decision whether or not they wish to become the child's carers. In circumstances where it is not possible for all of these matters to be clarified in advance then they must be clarified by the local authority with the parents and carers as soon as possible. Finally, the information should be confirmed in writing on the day the arrangement begins. This should then be reviewed by the time the Child and Young Person Assessment is complete.
- See section on Looked After Children

### **3: Summary of research**

#### *3.1. Key findings*

- Children living in family and friend care seem to do as well as those in non-related placements (Nixon, 2007).
- Family and friends care appears to provide children with the same level of safety from abuse and neglect as non related foster care – although research in this area is still under-developed (Nixon, 2007).
- Family and friends care makes a positive and undervalued contribution to placement stability (Broad, 2007, Nixon, 2007) and maintaining contact with birth parents and children's connections with siblings and wider family (Nixon, 2007, Aldgate, 2006, Hunt et al 2008).
- Connected person care has the best record of providing stability for children who can not live with their birth parents after adoption and a better record than long-term fostering – Selwyn et al – Beyond the Adoption Order 2014
- Children in family / friends care living arrangements had far less contact with birth fathers than mothers (Aldgate, 2006, Hunt et al 2008).
- Initially, children in family and friends care living arrangements are slower to reunify with parents than children in non related placements. However, more recent studies suggest that levels of reunification even out over time (Nixon, 2007).
- Children see family and friends care as more 'natural' than living with a non-related carer (Nixon, 2007).
- Grandparents are especially committed carers, but this can impact on their health, well being and financial situation (Broad, 2007).

- Where the local authority does need to become involved, robust assessments focusing on risk and resilience, and the provision of appropriate support are vital for family and friend care living arrangements to succeed (Broad, 2007).
- Families are more involved in planning and decision making in family and friends care living arrangements (Nixon, 2007)
- Two studies suggest that between 66% and 85% of family and friend care arrangements are initiated by local authorities (Farmer and Moyers 2006, Hunt et al, 2008).  
(See guidance under sections 7 and 10 regarding the need for clarity in respect of Local Authorities initiating family and friends placements as recent case law supports the need to make a clear distinction between family placements and placements under section 20)
- Family and friends carers can make a strong contribution to sustaining children's identity, positive self image and cultural continuity (Broad, 2007, Nixon, 2007).
- Family Group Conferences have an important role in helping families clarify plans, roles and responsibilities for children living with a family and friends carer (Aldgate, 2006, Hunt et al, 2008).
- Unlike looked after children in non-related placements, social workers were more peripheral in the lives of children living with a family and friend carer (Aldgate, 2006, Hunt et al, 2008).

### *3.2. Profile of family and friend carers*

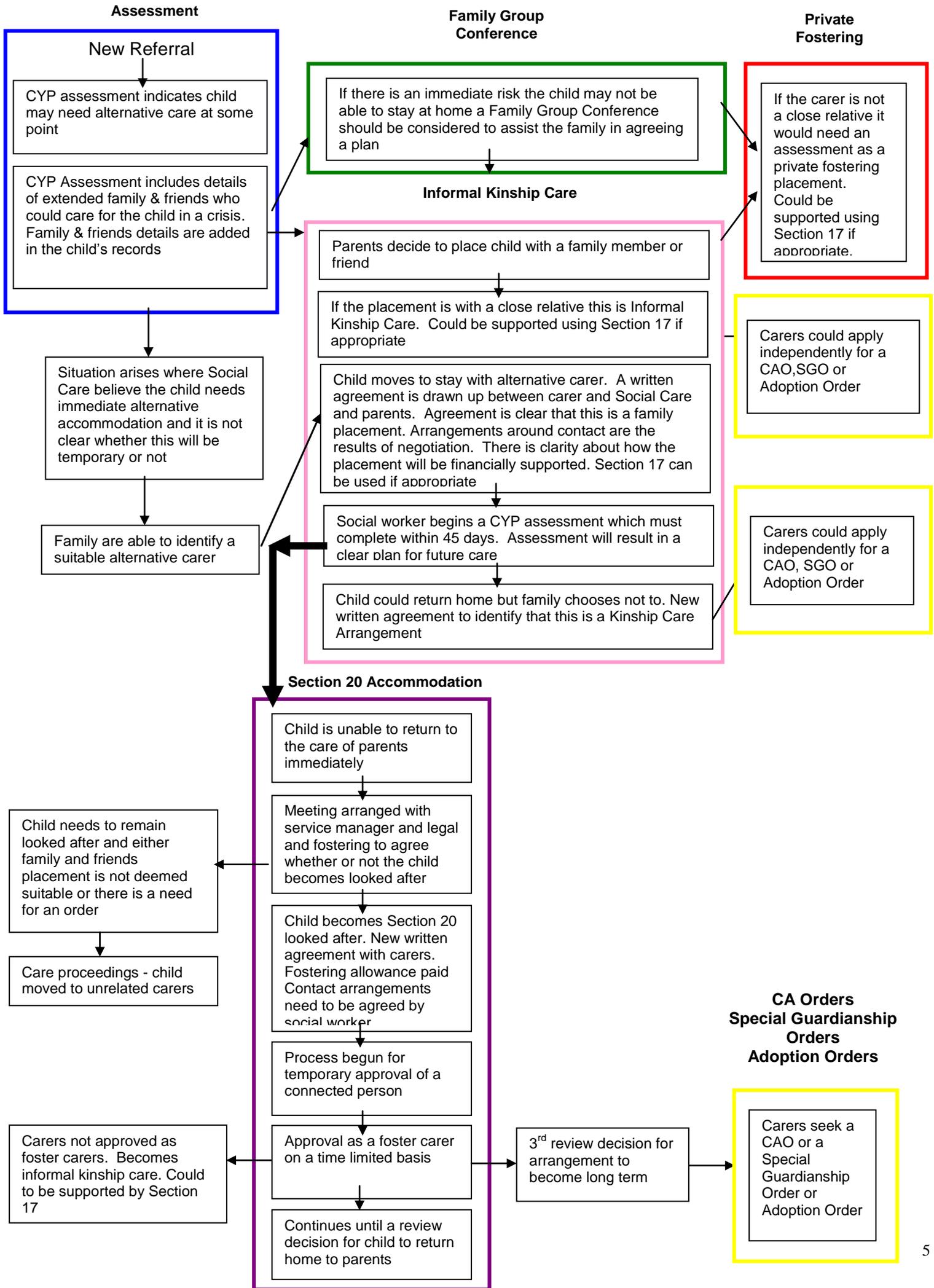
- They are usually older, financially disadvantaged, with more health problems than the general population or non related carers (Broad, 2007, Nixon, 2007).
- Non related foster carers tend to have more academic knowledge of child development than family and friends carers (Nixon, 2007).
- Grandparents and aunts and uncles (usually on the maternal side) are the principle providers of family and friends care in the UK (DfE, 2010).
- Family and friends carers are more likely to persevere with a difficult placement than non related carers, even when under stress (Broad, 2007).
- Children placed with grandparents are most likely to remain in the family (86%) with those placed with aunts and uncles next (65%) (Broad, 2007).
- Children's behaviour is perceived by family and friends carers to be less of a problem. Family and friends carers may have a more optimistic view or be less likely to report problems than non related foster carers (Nixon, 2007).

### *3.3. Profile of the children in family and friends care*

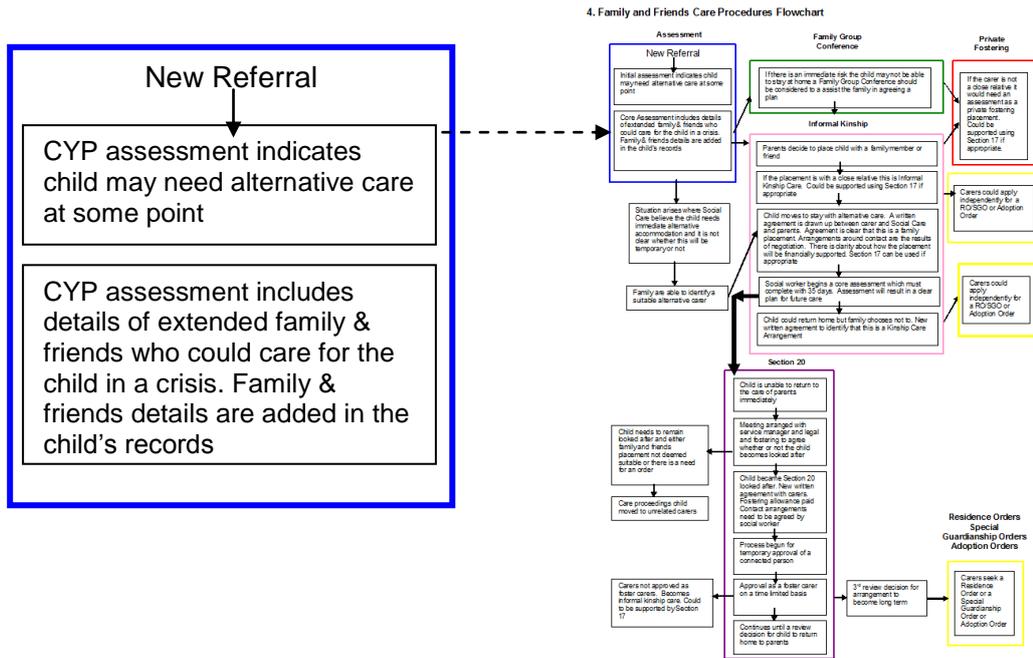
- Most children in family and friends care living arrangements, that the local authority is involved with, have some degree of emotional and behavioural problems (Nixon, 2007).
- Children in family and friends care living arrangements are far more likely to have a relationship with their carers prior to placement, and that relationship is more likely to continue into adulthood (Nixon, 2007).
- When children in care move, those placed with a family and friend carer are more likely to move to live with another relative than those in non-related foster care (Nixon, 2007).
- Children in family and friends care appear to maintain a wider set of relationships and connections to their family and community than those in non related foster care (Nixon, 2007) – although another study suggests that this network is smaller than those children living with a parent (especially if the family or friend care is a sole grandparent) (Hunt et al 2008).
- Educational problems for children in family and friend care are similar for children in non related foster care (Nixon, 2007).

- Children in a family and friend living arrangement are more likely to report that they are satisfied with their care than those in non-related care (Nixon, 2007) – including reporting feeling safe and trusting their carers (Hunt et al 2008).
- Children and extended families participate in day-to-day decision making far more with family and friend care living arrangements (Nixon, 2007).
- Children in family and friends care arrangements (outside of the looked after system) are more likely than those in non-related foster care, to grow up in material and financial poverty, which has a significant impact on their health and well-being (Nixon, 2007).

# 4. Family and Friends Care Procedures Flowchart



## 5: The Assessment Process



### 5.1. The social work process has 5 basic stages (Howe, 1987, 1995):

- 1) Identification of a problem or need – *What is the matter?*
- 2) Assessment or analysis of people and their situations – *What is going on?*
- 3) Statement of goals, plans and intentions – *What is to be done?*
- 4) The methods by which the goals are to be achieved and the problem solved or need met – *How is it to be done?*
- 5) Periodic review and evaluation of problem, assessment, goals and methods – *Has it been done?*

5.2. The assessment stage is the central element in this process. A robust assessment underpins the effectiveness of all subsequent actions in the social work process of intervention.

5.3. The assessment process outlined in the guidance relates to all forms of family and friends care arrangements, whether these are supported under section 17 (informal kinship carers) or within the looked after system (connected person foster carers). A number of sub-sections are used to focus on specific issues relating to certain types of connected person carers.

5.4. [The Framework for the Assessment of Children in Need and their Families](#) provides a structure for the assessment of need across three domains – the child's developmental needs, parenting capacity and family and environmental factors. This is the basis for assessing all forms of family and friends care arrangements that need to be assessed, whether this is under section 17 or the looked after system.

5.5 Barnsley's [Permanency Policy and Guidance](#) should be also be used to help identify when family and friends care needs to be considered and to ensure that issues around permanency for children who might need to live with a family and friend carer are being considered in the assessment.

5.6. An important part of the assessment is consulting the parents or others with parental responsibility, the child, and other key members of the family and friend network. Patterns of working and attitudes established at an early stage in the social work process will, in most cases, influence the success of all future work. This is especially so when working with children who are identified as being at risk of not being able to live with their parents; whether they are already looked after, or are vulnerable to becoming looked after.

5.7. The timeliness of helping the parents identify alternative solutions to the care of the child, once it becomes apparent that the child cannot remain living at home with the parent(s) or others with parental responsibility, has important implications for the range of options that the local authority has available in supporting family and friends carer living arrangements.

### ***Initial information gathering***

5.8. At an early stage in the involvement with the family, the child's social worker should endeavor to obtain the details (names, contact details, relationship status) of all significant relatives and family friends who are connected to the child. This information should be recorded in the significant others section on the child's electronic record to ensure that it is available at a later date if required. *For children whose parents are not contactable it is essential to verify the relationship between the child and family member or friends in order for the local authority to be satisfied that they are a genuine family member or friend.*

5.9. Where children are considered to be vulnerable to not being able to remain at home, parents or others with parental responsibility for the child should be encouraged to consider developing as early as possible alternative arrangements for the child as a contingency plan for the future. The use of family group conferencing at an early stage during the assessment process (rather than as a means of achieving identified goals following the assessment) is advocated in the [DFE \(2011\) Family and Friends Care: Statutory Guidance for Local Authorities](#) (paragraph 4.35) and should be considered as a means of empowering the family to make decisions and avoid, therefore, any unnecessary duty to accommodate the child (section 20, The Children Act 1989). In Barnsley at the present time Family Group Conferencing is not available unless the social worker undertakes it themselves. If this process is used in situation where it is to be a family and friends placement and not a section 20 accommodation the role of the social worker is as a facilitator enabling the family to find their own solutions. The social worker should not be directing the conference or making any directions about contact or any other living arrangements

5.10. The information gathered during the initial consultation stage with the family will contribute greatly towards the full assessment of the child's needs and their relationships with members of their family network.

### ***Specific areas to consider in the assessment of family members or friends as carers***

***The following are equally relevant whether Social Care are supporting the family to make their own arrangements or where they are considering making a section 20 placement or undertaking an assessment during Care Proceedings with view to a permanent arrangement for a child to be cared for by family member or other connected person***

*An assessment should not be undertaken without the permission of the child's parent(s) or person with parental responsibility unless the case is in proceedings and the parent's wishes*

*should be disregarded in the interests of the child and the family member or friend being assessed.*

5.11. At the start of an assessment of a family member or friend as a potential carer for the child, a copy of the Barnsley Family and Friends Carer Booklet must be provided to the family member or friend being assessed and the child's parent (s) or others with parental responsibility for the child.

5.12. The following issues should be considered by the social workers undertaking an assessment to identify someone in the child's family or friend network who could take on a caring role for them.

5.13 It is important that any existing assessment is reviewed at the point at which it is identified that the child may not be able to remain living with their parent(s) or others with parental responsibility.

#### **5.14. *Motivation***

Family and friend carers are usually motivated by the wish to help a child already known to them, who might otherwise enter the care system, and with whom in most cases they already have a close and loving relationship.

- What is the motivation of the family member or friend being assessed to care for the child?

#### **5.15. *The impact of taking on a caring role for the family and friend carer and their relationship with their wider family***

- What is the family member or friend's relationship to the child and the child's parents?
- Will taking on a caring role for the child affect these relationships and the family member or friend's ability to care for the child effectively and keep them safe?
- Will the family member or friend be able to manage and supervise contact between the child and their parents safely?
- What support networks does the family member or friend being assessed as a carer have?
- How much intervention and support (and what type of intervention) from the local authority will be needed to support the family member or friend if they take over caring for the child?
- How will taking on a family or friend carer role impact on the carer's employment – how will they manage this?

#### **5.16. *The family and friend carer's feelings and worries***

- How have the events that have led to a child needing to live away from his or her parents affected the family member or friend being assessed as a carer for the child?
- What level of support will they need to help them deal with their feelings? – is there anyone within the family member or friend's family network that can provide this support or, if they need outside help, what is their ability to obtain support without local authority involvement?

### 5.17. **Accommodation**

The assessment of the family member or friend's accommodation should be seen as part of the total assessment of suitability and need to be balanced against other factors.

- Is the location of the home of the family member or friend being assessed as a carer, close to the child's school, and friends?
- Is there sufficient space in the family member or friend's home? - What level of privacy (including where they would be sleeping) will the child have in the family member or friends home? – *A child who would be unhappy to share a bedroom with an unknown child may not mind sharing with another child who is a relative.*
- The safety and cleanliness of the friend or family member's home and their attitude to this.
- Who else lives or will be living in the family member or friend's home? – What issues does this raise in terms of the family member or friend being able to meet the child's needs, including safeguarding?
- Is the child already living in the family member or friend's carer's home? – If so are they happy with the living situation?

### 5.19. **Health**

- What is the state of health of the family member or friend being assessed as a carer to the child? – How is this likely to impact on their ability to care for the child in the present and future?
- What would be the response of the wider family network in the event that the family member or friend carer becomes unable to care for the child? – would other family members or friends offer support to take over the caring role?

### 5.20. **Parenting Capacity**

- The family member or friend's capacity to provide a level of parenting to meet the child's particular needs will be fundamental to the assessment. The [Framework for the Assessment of Children in Need and their Families](#) provides the basis for assessing their parenting capacity.
- The family member or friend's past experiences and own parenting experiences, if any, will need to be taken into account as part of a fuller picture within any assessment of parenting capacity – but assumptions about family functioning should not be made purely on the basis of historical behaviour.
- Where there have been past difficulties in parenting by the family member or friend being assessed they may be able to demonstrate positive learning and insight from this experience that will have a bearing on their ability to avoid similar difficulties in caring for another child.

### 5.21. **Criminal Convictions**

- The 2011 Regulations normally prevent anyone from becoming a foster carer if they or any member of their household have been cautioned for or convicted of specified offences committed over the age of 18 (Regulation 26(5) Fostering Services (England))

Regulations 2011). However the fostering service may consider the approval of a foster carer for a particular child even though they would otherwise have been debarred by these Regulations, if they or a member of their household are related to the child, providing the responsible authority is satisfied that the child's welfare requires it.

- Such a decision should only be made when the decision maker is satisfied that approving the applicant is considered the most appropriate way to safeguard and promote the child's welfare. The reason for any such decision will need to be fully explained and recorded.
- Where a child is going to live as a family placement (kinship care) with a member of his family or a friend it is at the discretion of the parents as to whether they consider the carers suitable given their previous criminal convictions. If Social Care had reason to believe that the carers were not suitable and the child was at risk of significant harm we would need to use safeguarding procedures and it is likely that any alternative placements would be considered section 20 placements.

### **5.22. Financial Arrangements**

If the local authority are involved in any arrangements for a child to live with anyone who is not their birth parent or someone who already holds parental responsibility we must be very clear about the kind of arrangement being made and what, if any, financial support will be provided. We must specifically ask the question about the financial arrangements made between parent and carer if this is a family placement and record the answer. We can not assume that payments are being made. The form at the end of the Family and Friends Leaflet must be completed and a copy left with carers as well as one copied onto the child's electronic recording system as a case event to ensure that there is full agreement about the type of arrangement being made. This form has a section for detailing the financial arrangements.

### **5.23. Safeguarding – children subject to a Child Protection plan**

- If the child is subject to a Child Protection plan it is important that core group members are consulted at an early stage in the process of identifying a potential family member or friend who could take over caring for the child. This will ensure that the core group has the opportunity to contribute any relevant information to the assessment process.
- The local authority should not contribute to making arrangements for a child subject to a Child Protection plan to go and live with a family member or friend without a prior assessment of the family member or friend's ability to care for the child being undertaken.

### **5.24. Research: What makes an effective carer?**

McAuley et al (2006) summarise a number of factors that have been shown to be associated with the effectiveness of foster care. These factors are relevant whether a looked after child is placed with a non-related foster carer or a connected person foster carer. The findings from this research are also helpful to consider when assessing the living arrangement under informal kinship care (outside of the Looked After system).

- **Type of provider** - the research indicates substantial differences in the effectiveness of different types of provider of foster carers (local authority, Independent Fostering Agency,

family and friends etc). Family and friends care is considered to be at least as good as other forms of foster care, with higher levels of placement stability in many cases.

- **Matching** - research highlights the importance for most children of placing them with siblings or in placements with relatives or family friends. In many cases such placements will readily meet the child's need to appreciate their own cultural heritage and ethnic background.
- **Flexibility in applying the rules** – general 'rules' about what constitute an effective placement for a given child (i.e. placement with siblings, placement with a family member or friend carer before a non-related carer) need to be applied flexibly to take into account other key issues, such as the attitude of the carer's children to the child being placed in their home, and the views of the child concerned.
- **The impact of the carer's characteristics on placement success** – a number of carer characteristics have been identified from research that may be related to outcomes. These include:
  - **Specific family characteristics** – the age of the carer, the existence of birth children in the carer's family and the age of these children relative to the child being placed.
  - **Parenting characteristics** – carers who are responsive, child oriented, warm, firm, clear, understanding and not easily put out are all likely to have better than expected outcomes (Sinclair et al, 2005)
  - **Previous performance** – there is some evidence that carers who have experienced allegations against them, or had disruptions of previous children living with them do less well in caring for subsequent children than other carers.
  - **Ability to handle disturbed behaviour** – carers who are able to tolerate a particular child's difficult behaviour are more likely to hold on to the child and prevent placement breakdown. A key factor is the carer's ability to handle disturbed attachment behaviour and to control the child without making him or her feel rejected (Schofield et al, 2000; Wilson, Petrie and Sinclair, 2003).
- **Contact with birth families** – the relationship between children and their birth families is a key factor in virtually all placements (Wilson and Sinclair, 2004). For children who had been abused, prohibitions on contact with the abusing parent were associated with better outcomes (Sinclair et al, 2004).
- **The influence of school** – has been identified as a key factor in success. Happiness at school can produce better behaviour and adjustment and help prevent placement breakdown. Educational supports and the encouragement of carers and other children committed to educational achievement can contribute to success and enhance self esteem and resilience (Farmer et al, 2004; Sinclair et al 2004; Sinclair 2005).

#### 5.24 Decision-making regarding the placement of children with informal kinship carers (i.e. when the child is not to be looked after)

- For children who are to be supported outside of the LAC system under section 17, the social worker's assessment of the family or friend carer will help the parent(s) or those with parental responsibility decide whether the child should go and live with the family or friend member being assessed. If any potential safeguarding issues emerge from the assessment of the family member or friend which impact on their ability to care for the child, the social worker should inform the parent(s) or those with parental responsibility of their concerns and provide recommendations to the parent to help the parent or those with parental responsibility make their decision.
- In the event that a parent or other person with parental responsibility for the child places the child with a family and friend carer who is deemed by the local authority not to be a

safe person to care for the child, the social worker should determine whether it is appropriate to instigate safeguarding procedures.

## ***Assessments involving Children in the Care of the Local Authority***

### ***Children already looked after***

5.25. By the time of the child's second review (Care Planning Regulations 2010) the Care Plan must provide details of how permanency for the child is to be achieved

5.26. The child's permanence plan, and all subsequent reviews of the plan, should explore all options about how permanence can be achieved, including whether the child can be returned to their parents or others with parental responsibility or provided with a living arrangement with someone within their family and friend network outside of the looked after system. Only in exceptional cases would it be considered necessary for a child living with a family or friend carer to be looked after on a long term basis.

5.27. The route out of the looked after system will in most cases be through the child returning home to live with their parents or others with parental responsibility, or through an order giving parental responsibility to the family and friend carer (e.g. Child Arrangements Order, Special Guardianship Order, or Adoption Order). *See also Section 8: Child Arrangements Orders and Special Guardianship Orders and Section 11 Adoption Orders*

5.28. The child's social worker should ensure that the family and friend carer understands their role in providing a strong a sense of permanence for the child. Establishing the intention of the family or friend carers to apply for a child arrangements order, special guardianship order, or an adoption order is important in this respect. The implications of the family and friend's decision regarding how they intend to strengthen the child's sense of permanence will also inform the social worker's assessment of the types of support (financial and practical) that will need to be provided to enable this to happen.

### **The assessment of family and friends as foster carers**

5.29. Where the relevant Service Manager has agreed that a child needs to be looked after by the local authority, and a family or friend member has been identified as being able to provide a suitable placement for the child, the family or friend carer must be approved as a foster carer.

5.30. Unlike most non-related foster carers, who seek to be assessed as a foster carer at a time in their life of their choosing, family and friends carers usually have to make decisions about whether to take a child into their own home at short notice in response to an emergency. Whilst non-related foster carers will generally have prepared themselves mentally, when making an application to be a foster carer, family and friends carers will not always have prepared themselves in the same way for the feelings of intrusiveness that an assessment may leaving them feeling.

5.31. As with all foster carer assessments connected person's assessments need to be undertaken in ways that involve the connected person being assessed, so that the assessment is undertaken in a genuine partnership.

5.32. When an urgent placement of a looked after child with family and friend carers is required, [Regulation 24\(1\) of the Care Planning, Placement and Case Review \(England\) Regulations 2010](#) and see [Volume 2 of the Children Act 1989 Guidance \(DFE, 2010\)](#) enables family and friend carers (Connected Persons) to be immediately approved as local authority foster carers for a period not exceeding 16 weeks. This time period is considered sufficient for the foster

carer approval process to be undertaken. In exceptional cases, temporary approval of a family/friend as a foster carer can be extended by a further 8 weeks (Regulation 25 of Volume 2 of the CA 1989). When seeking temporary approval, the child's social worker must make every effort to ensure that:

- 1) The relative is likely to meet the standards for foster carers set by the 2011 Regulations (although there is some discretion allowed for family and friends carers in respect of literacy, accommodation and convictions according to the Family and Friends Guidance), taking into account that the approval will be for a specific child they know and not for unrelated children. The Fostering Service can help and advise on this.
- 2) That they are likely to meet the higher standard required for foster carers in relation to safe care.

5.33. The requirements for establishing temporary approval of family and friends as foster carers are set out in the [Procedures for Temporary Approval of Connected Persons](#) on the Barnsley Intranet. If initial approval is given; this will confirm that the assessment should proceed. Full approval must then be sought within the 16 week period or in exceptional cases within the further 8 week extension. The full assessment will be completed by the Fostering Service.

5.34. The child's wishes and feelings about the proposed placement must be ascertained, subject to understanding and wherever possible an opportunity provided for the child to visit the connected person being assessed as their family and friend foster carer before the decision is finalised.

5.35. At the point of requesting temporary approval the child's social worker should have completed the schedule 4 assessment (Care Planning Regulations 2010) which is contained in the [Temporary Approval of a Connected Person Form](#) available on the electronic system, a [Placement Plan](#) and there should be an up to date [CYP Assessment](#). The Service Manager on receipt of the Temporary Approval form will make a decision and complete the form. The form will then be sent directly to the Fostering Service who will make arrangements to begin the formal assessment alongside the child's social worker.

5.36. Once Service Manager approval has been given the child's social worker should complete the Commence LAC Episode form, a Placement Plan and a Care Plan. The child's Care Plan and the CYP assessment should be made available to Fostering to assist with their assessment of the carers.

5.37. **If the child is already placed with the family and friend carer** the child's social worker should complete Enhanced Disclosure forms (CRB checks) on all persons in the home who are aged 17 years or over. Once completed the forms should be forwarded to the Fostering Team for processing.

5.38. **If the child is not yet placed with the family and friend carer** then the relevant Fostering team will initiate the processing of these forms direct to the applicant.

5.39. In both of the above circumstances a meeting should be held between the child's social worker and the allocated Fostering social worker in order to discuss and plan the assessment.

5.40. Assessments of family and friends carer placements must be carried out jointly by the social workers in the Fostering team and relevant Children and Families team. This is because

they involve the child's social worker in undertaking a risk assessment and identifying the child's specific needs, and the fostering social worker's assessment of the family and friend carer's ability to meet those needs.

5.41. The assessment of the connected persons will be completed by the Fostering Service on the [BAAF Form C](#) specifically designed for family and friends carers.

5.42. Consideration will be given to establishing a specific section of Fostering Panel to address approval of family and friends carers and panel members may need additional training in order to prepare them for the different aspects to the task.

5.43. If the maximum time period expires with respect to temporary approval of a connected person as a foster carer, and the connected person has not been approved as a foster carer, an alternative placement must be found for the child in accordance with Regulation 25(6) of the Regulations set out in the Care Planning, Placement and Case Review (England) Regulations 2010 [Volume 2 of the Children Act 1989 \(DFE, 2010\).](#)

### **Family and Friends Carer's Booklet**

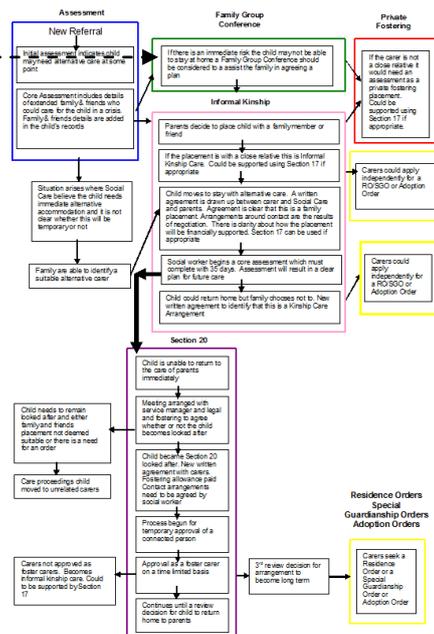
5.40. The booklet has been developed to explain to potential family and friends carers and the child's parents or those with parental responsibility the following:

- The different avenues in which family and friends carers can be supported e.g. section 17, accommodated under section 20, care order, private fostering etc, and when each avenue is most appropriate.
- The type of support available under each care option.
- Support available from independent sources such as Citizen's Advice Bureaux, Welfare Rights Service, local Children's Centres and specialist organisations such as the Family Rights Group, and Fostering Network.
- At the end of the booklet (section B) there is a section for the social worker to complete, based on the needs of the child and the family or friend carers which would have been identified from the assessment. This section of the booklet forms a written agreement with the family or friend carer and the child's parents to show what type of support is being offered and the legal status of the child. *A copy of Section B of the booklet should be dated and provided to the family or friend carer and the child's parents and also kept on the child's case file with the completed assessment.*
- *The booklet can also be shared with organisations which are likely to come into contact with family and friend carers.*

## 6. Family Group Conferences

If there is an immediate risk the child may not be able to stay at home a Family Group Conference should be considered to assist the family in agreeing a plan

4. Family and Friends Care Procedures Flowchart

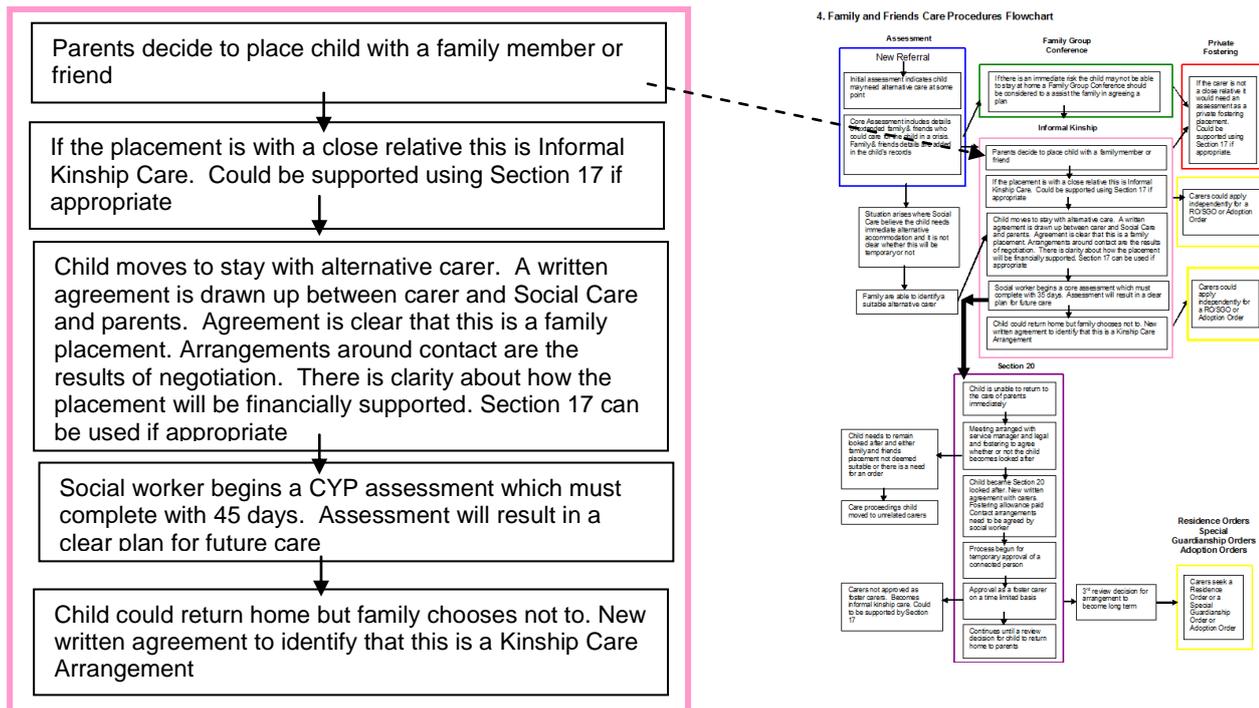


“...Family Group Conferences (FGCs) should be considered as an effective method of engaging the support of wider family and friends at an early stage of concerns about a child who may not be able to live with their parents. They promote the involvement of the wider family in the decision-making process to achieve a resolution of difficulties, and offer a way of ensuring that all resources within the family’s wider social networks have been engaged for the benefit of the child.” (Paragraph 4.34, DFE, 2010, Family and Friends Care: statutory guidance for local authorities).

6.1. Where a child is at risk of becoming looked after it is good practice, wherever possible for a social worker to refer the child and his/her family for a Family Group Conference.

6.2. A dedicated Family Group Conference Service is not currently available in Barnsley but a social worker may consider undertaking the process themselves or with the support of colleagues.

## 7: Providing support under Section 17 of the Children Act 1989



### The legal context

7.1. The local authority has a general duty under section 17 of the Children Act 1989 to safeguard and promote the welfare of children within their area who are in need and so far as is consistent with that duty to promote the upbringing of such children by their families in particular through the provision of family support services.

7.2. 'Family' in relation to such a child includes not only a person who has parental responsibility for the child but also any other person with whom the child has been living. By section 17(3), any service provided by a local authority under section 17 may be made to the child in need's family or to any member of his family if it is provided with a view to safeguarding or promoting the child's welfare.

7.3. Family support services for informal kinship care living arrangements may be made available under section 17. Section 17(6) provides that the family support services provided by a local authority may include giving financial assistance to the family. The amendments made to Section 17(6) by the Children and Young Person's Act 2008 (which removes the words 'in exceptional circumstances') means that local authorities have clear authority to provide financial support under section 17 on a regular basis if this is considered to be appropriate. The power to provide assistance in kind remains in section 17(6).

7.4. The High court judgments **Re H (2003)** and **Southwark v D (2007)** have important implications for how social workers and support staff representing local authorities must demonstrate the way in which they are working with children, their parents and family and friend carers.

7.5. An important lesson from these judgments is that in situations where a local authority has not properly explained the nature of their involvement at the outset and established agreement

with the parent and family/friend carer about how support will be provided to a child, courts, in cases of dispute about the legal status of the child, are likely to conclude that the child is looked after (by virtue of section 20(1) and section 22C(6)(a) the Children Act 1989 as amended by the Children Act 2008) and not subject to Section 17 support.

7.6. Section 17(6) also gives a local authority the discretion to provide accommodation as a support service. This was introduced as an amendment by the Adoption and Children Act 2002 from 7th November 2002. This power, as with all support services under section 17 should be read in the light of section 17(3) (above). The local authority has a broad power to help children in need and their families under this provision from the allocation of actual accommodation to the provision of assistance in obtaining accommodation. Any action taken must be justified on the basis of a consideration of the key criteria set out in paragraph 7.1 above.

7.7 Thus under section 17 a local authority might actually provide accommodation or procure that another party provides accommodation or it might provide support to the child (and his family) to obtain accommodation. It is important to be clear what, if anything, is actually being provided under section 17 in relation to accommodation. However, in any such case it is important to be clear, first of all, that the case is not one where the local authority has a duty to accommodate the child under section 20 of the Act. If the grounds for that duty are made out then section 20 is the route that must be followed. This is because it will also, for the benefit of the child's welfare, lead to an obligation to maintain the child as well as other provisions designed to safeguard and protect the child's welfare, including aftercare where the specific criteria for such provision are met.

7.8. It is therefore essential when working with a child where the possibility of them moving to live with a family or friend carer is being considered that the following steps are adhered to in order to ensure that any support provided to the child and their family or friend carer is provided and maintained under section 17, the Children Act 1989.

### ***7.9 Practice principles and requirements when making arrangements for a child to live with an informal kinship carer under section 17***

Actions prior to an arrangement for a child to live with a family/friend carer under section 17

- The decision for a child to go and live with anyone in the child's family or friend network rests with the parents and/or others with parental responsibility for the child.
- The social worker should not take over decision making from the parent or person with parental responsibility with respect to determining where the child lives. The social worker may offer advice to the parent or those with parental responsibility about which family or friend member(s) would be the most appropriate to care for the child.
- In circumstances where a core assessment of the child and their family has identified a high probability that at some point in the foreseeable future the child will not be able to remain living at home, the social worker should begin to discuss and help the parent develop a contingency plan for an alternative living arrangement within their family or friend network.
- In cases where the probability of the child needing to live somewhere other than with their parents or those with parental responsibility in the near future is very high, the social worker should consider holding a Family Group Conference to enable the parents and their wider family to develop a contingency plan for where the child could live.
- In situations where it appears to the local authority that a child is unable to remain in the care of their parents in an emergency but where further assessment may indicate that a

return home is possible if the parent is able to identify a suitable kinship carer then we would treat this as an informal kinship care until the CYP assessment is complete, currently a maximum of 45 working days. If it becomes clear earlier that this is likely to become a longer term arrangement or one where the safeguarding needs of the child are such that the local authority would need to restrict contact or take some other decision-making out of the control of the family then we should consider making the placement one under section 20 or securing an order giving parental responsibility to the local authority.

***If any of the above actions are not undertaken there is a risk that the child will be considered looked after in any dispute that is decided by a Court.***

Actions once a family or friend has been identified as a potential informal kinship carer.

- At the point at which a family member or friend is identified as a potential carer for the child, a copy of the [Booklet – Family and Friend Carers](#) must be given to them and the child's parents.
- At the end of the booklet (section B) there is a section for the social worker to complete, based on the needs of the child and the needs of the family or friend carers needs – which would have been identified from the core assessment. This section of the booklet forms a written agreement with the family or friend carer and the child's parents to show what type of support is being offered and the legal status of the child.
- A copy of Section B of the [Booklet - Family and Friends Carers](#) should be dated and provided to the family or friend carer and the child's parents and also kept on the child's case file with the core assessment.
- No assessment of the connected person's suitability to become a family or friend carer to the child must begin until:
  - A) The child's parent and the family / friend carer to be assessed has given permission for the assessment to take place, and
  - B) The connected person and the child's parent(s) have been given a copy of the Family and Friend's Carer Booklet.
- As soon as possible, during or after the assessment of the family or friend carer wishing to care for the child, they, and the child's parents or those with parental responsibility, should be informed of how the local authority intends to support the living arrangement (e.g. under Section 17, The Children Act 1989 if required)
- The child's parents or those with parental responsibility and the identified family or friend carer must be informed that they should look to the child's parent(s) those with parental responsibility to provide the primary means of financial support to them to care for the child. This includes the signing over of any state benefit (such as child benefit, income support payments, and disability living allowance) that is available for the child's maintenance. These arrangements must be clearly addressed as part of the written agreement.
- The family and friend carer should also be advised to seek their own advice regarding their entitlement to any state benefits with respect to the child living with them, including any entitlement to child tax credits if they are working and in low paid employment. The Welfare Rights Service will provide an assessment on request.
- Any financial support provided by the Local Authority will be in line with the current [Section 17 Procedures](#) which are available on the Intranet. The family and friend carer must be informed, in writing, that any section 17 financial support provided by the local

authority is discretionary and will be subject to regular review. Where financial support is offered, the written agreement should detail the level and duration of the support that is to be provided, and the mechanism for review, to ensure that all parties remain clear about the arrangements.

- The social worker should encourage the family and friend carers to work with the child's parents or those with parental responsibility as much as possible as long as this does not impact on the welfare and safety of the child.

***The social worker must be respectful of the legal authority of the child's parent(s)/those with parental responsibility when becoming involved in decision making with respect to the child.***

#### Other actions

If the social worker needs to provide ongoing assistance to the informal kinship carer and the child's parent or those with PR they **must not** undertake the following types of tasks without first informing and establishing permission from the child's parents and the informal kinship carer:

- Arranging and determining contact between the child and anyone in their family and friend network, including the child's parents or anyone else with PR, siblings, other relatives or family friends.
- ***Where there are safeguarding concerns there may be a need for the involvement of children's social care services to support safe contact arrangements, although where contact needs to be supervised this is most likely to be undertaken by the carers themselves.***
- Making arrangements for any significant event in the child's life, including GP appointments, attending cultural and religious events.
- Taking the child to and from school or college or arranging other alternative transport for this purpose.
- Apart from meetings to review the support provided to the family or friend carer under section 17 or in respect of the local authority's duties to assess and monitor private fostering arrangement, any meetings arranged about the child must be at the request and permission of the child's parents and the family or friend carer.

Permission to undertake these tasks **must be established in writing**. At the very least a letter should be written to the parent or those with parental responsibility and the informal kinship carer confirming the conversation and permission(s) granted (by whom and when) and a copy kept on the child's case file.

Social workers should not sign permissions for the child to attend school trips and other activities or give permission for the child to stay overnight at a friends house – these are tasks for the child's parent(s) or those with parental responsibility to undertake or the informal kinship carer to undertake on their behalf.

***If a parent or those with PR does not give permission for any of these types of tasks to be undertaken by the local authority then responsibility for undertaking these tasks remains with the parent(s) or those with PR for the child and should not be undertaken by the social worker.***

7.14. If a parent or anyone else with parental responsibility for the child comes forward as being **able and willing** to care for the child themselves, the local authority **should not** continue to be

involved in supporting the family or friend carer living arrangement under section 17 other than during an agreed transition period if assessed as necessary. If the local authority considers that returning the child to the care of the parents or those with parental responsibility will place the child at risk of significant harm then they would have to consider their position in respect of taking Care Proceedings. The current carers could also consider seeking a Child Arrangements Order or a Special Guardianship Order if they considered that a return to parents' care would not be in the interests of the child.

### **7.15 What support can be provided under a section 17 arrangement?**

The [DFE \(2011\) Family and Friends Care: Statutory Guidance for Local Authorities](#) (page 13) sets out the type of support available under section 17 of the Children Act 1989.

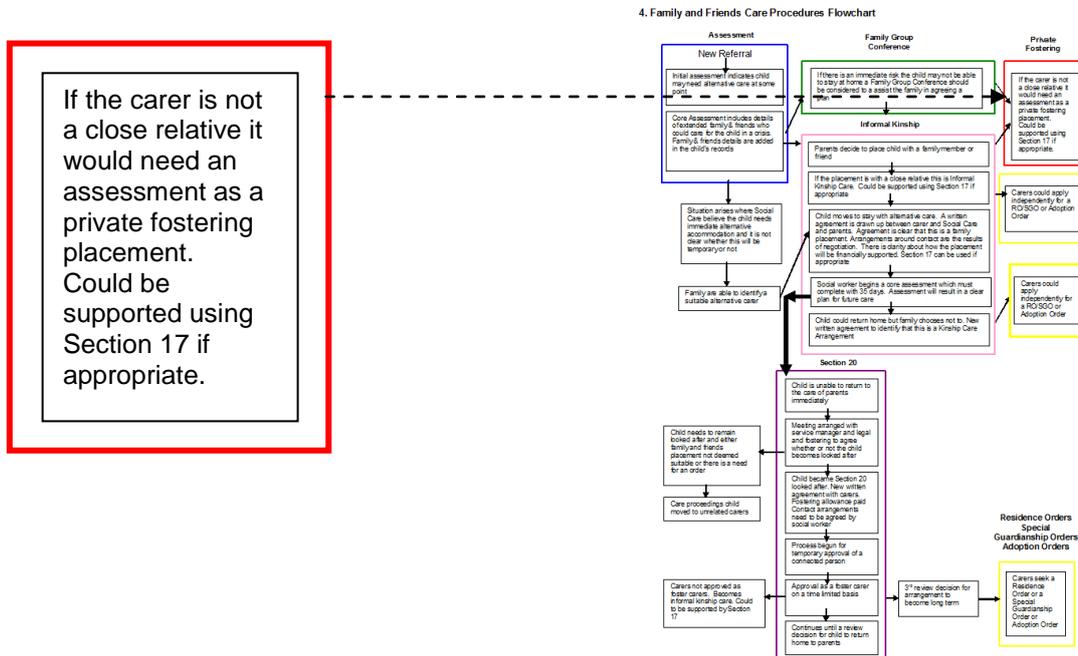
The exact menu of support provided to an informal kinship carer will be determined the social workers assessment of the family member or friend's suitability to provide a home for the child

Some of the types of support available under section 17 are outlined below:

- The child may have a child in need plan or a child protection plan (but not a Care Plan).
- If there is a child in need plan or a child protection plan a social worker or other worker from children's social services may visit the child and their informal kinship carers – although the carers will not have access to a separate social worker.
- The child may be offered access to an advocacy service.
- State benefits such as child benefit, disability living allowance for the child, and child tax credits would be payable if child or carers are eligible.
- Family support services may be offered to the carers and/or child but this is discretionary.
- The local authority has discretion to give financial assistance but there is no entitlement to financial support under Section 17 and (from April 2011) payments may be means tested by the Benefits Agency.
- Local authorities have the power under Section 17 to give financial support towards accommodation costs where this is assessed to be the most appropriate way to safeguard and promote a child's welfare.
- There is no entitlement to leaving care support for the child once they reach age 16 years.
- Any support offered will cease on the young person's 18<sup>th</sup> birthday, unless the young person has already acquired the status of a **relevant child** from having previously been looked after or criteria are met for support from adult services.

## 8: Private Fostering

“...Private foster carers may at the same time be family and friend’s carers, and facing the same issues as other family and friend’s carers, and so should have access to the same range of support services as informal family and friends carers.” (Paragraph 4.42, DFE 2010, Family and Friend’s Care: statutory guidance for local authorities).



### What should happen when the private fostering regulations apply?

8.1. The following guidelines should be applied for any child who is living in a **private fostering** arrangement. Many such children would also be considered to be living in an informal kinship care arrangement.

**Definition of Private Fostering** – *If the carers of a child under the age of 16 years (or 18 if he or she is disabled) are not the child’s grandparent, brother, sister, uncle or aunt (whether full blood or half blood or by marriage or civil partnership) or step-parent, and the placement continues beyond 28 days or is intended to do so, then the arrangement will fall within the definition of private fostering (section 105 of the Children Act) and the Children (Private Arrangements for Fostering) Regulations 2005.*

8.2. If the child’s social worker identifies that the informal kinship care arrangement also constitutes a private fostering arrangement, they should consult with the private fostering social worker responsible for private fostering in the area the child resides. Once it has been agreed by the private fostering social worker that the arrangement appears to meet the private fostering requirements:

- The child’s social worker should record this as a Case Event
- The private fostering social worker should begin their assessment.

8.3. The child's social worker should inform the child's carers and the child's parents or those with parental responsibility of the need for the local authority to undertake an assessment of the child's living arrangements in accordance with the requirements set out in the Children Act 1989 and its supporting guidance and regulations, in respect of private fostering arrangements.

8.4 Wherever possible there should be a joint visit to the child and their carers by the child's social worker and the private fostering social worker to carry out an initial visit for the purpose of assessing the private fostering arrangement. The private fostering social worker would be responsible in these circumstances for completing the private fostering assessment of the carers and alongside this the child's social worker would provide the CYP assessment for the child.

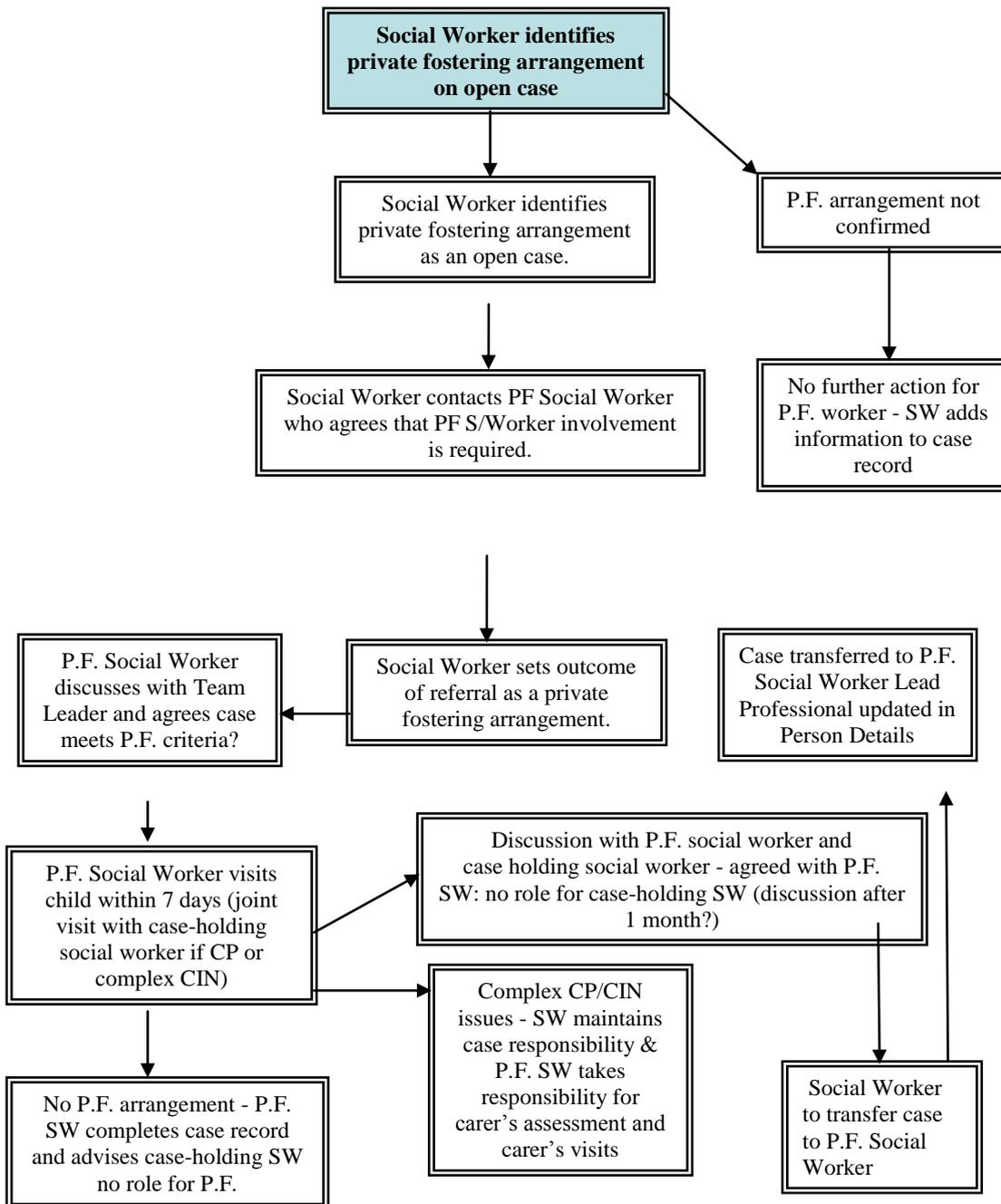
8.5. Subsequent to the initial visit, there should be discussion between the child's social worker and the private fostering social worker as to how the private fostering aspects of the case should be managed. In some cases it may be appropriate for the child's social worker to remain working with the child and their carers, whilst the private fostering worker undertakes the statutory aspects of monitoring the private fostering arrangement in respect of the carers.

8.6. The private fostering social worker will carry out an assessment of the carers and any subsequent visits, as well as the annual review.

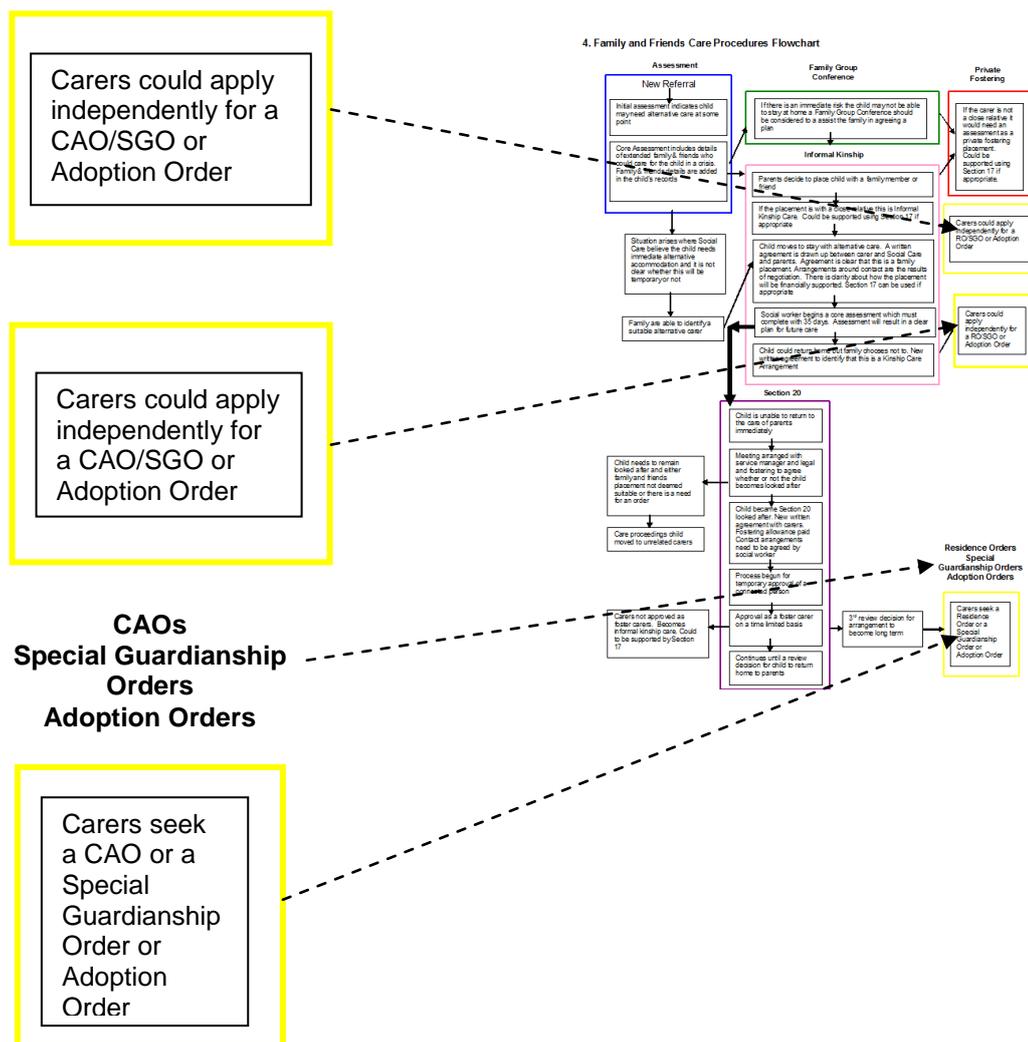
8.7. Any ongoing financial or practical support that has been offered to the informal kinship carers under section 17, the Children Act 1989 would need to be met (as well as overseen and assessed) by the Children and Families team which agreed to this.

8.8 A young person who has been privately fostered would be entitled to leaving care support after 16 and before 24 as a person qualifying for advice and assistance under section 24(1B) and section 24(2) (e)

**BUSINESS PROCESS FOR RECORDING PRIVATE FOSTERING CONTACTS ON OPEN CASES**



## 9: The use of a Child Arrangement Order or Special Guardianship order to secure a permanent living arrangement with a family/friend carer.



9.1. Where a relative, friend or other connected person wishes to make a long term commitment to caring for a child, they may apply for child arrangement **order** or a **special guardianship order** to obtain parental responsibility.

9.2. The motivation of a family and friend carer to seek an order giving them parental responsibility for the child will be influenced by a number of factors, including the prevailing circumstances that require the child to be cared for by them, the age of the child / young person, the child's wishes and feelings and the relationship that the family and friend carer has with the child's parent(s).

9.3. It is important that the assessment identifies those children in family and friend care living arrangements where the bestowing of parental responsibility to the family and friend carer is necessary to secure the child's living arrangement

9.4. It should also be remembered that the Court is required to take into account the factors included within the 'welfare checklist' (Section 1, the Children Act 1989), which includes the principle of 'no order' (section 1(5) The Children Act 1989).

9.5. The circumstances where an application for a child arrangements order, special guardianship order is likely to be necessary to secure the child's living arrangement with their family and friend carer are:

- Children subject to a care order (section 31, the Children Act 1989) or Interim Care Order (section 38, the Children Act 1989) where an order bestowing parental responsibility to the family and friend carer is required to promote permanence; this may in particular form part of a plan to revoke the care order.
- Children, particularly young children, where there is no adult with parental responsibility for them.
- Situations where an order giving parental responsibility to a family and friend carer is necessary to establish the child's living arrangements and safeguard and promote the welfare of the child.
- Where the child or young person, often through independent legal advice, wishes to seek the permission of the court to discharge their care order in favour of a child arrangements order or special guardianship order to their family and friend carer.

9.6 Child Arrangement Orders and SGOs could be made in a number of ways, either as the outcome of Public Law proceedings or as a result of an application through Private Law proceedings by the carers themselves.

## **Financial and practical support for children subject to a CAO or SGO**

### ***Financial support - CAOs***

9.7. The way in which financial support can be provided to family and friends holding a Child Arrangement Order with respect to the child they are caring for will be dependant on an assessment of need. The local Authority has the discretion but not a duty to make a Child Arrangement Order Allowance. Child Arrangement Order Allowances are most likely to be appropriate where a child was previously 'looked after' by the Local Authority or where a Child Arrangement Order is made as a direct alternative to instigating Care Proceedings. However there may be other situations where a Child Arrangement Order Allowance is necessary to secure the long term future of the child. In some situations where there is an assessed need but an Allowance is not required section 17 payments may be made to support the arrangement.

9.7 Family and Friends Carers with a Child Arrangement Order are entitled to claim child benefit and child tax credit and these would be taken into account by the local authority in calculating the amount of allowance paid. If both parents are dead or the only surviving parent can not be found or in prison for more than 2 years then the carers would be entitled to a Guardian's Allowance which would also be taken into account when calculating the amount of Child Arrangement Order Allowance to be paid.

9.8 All requests for payment of a Child Arrangement Order Allowance must be approved by the Placement Resource Panel.

9.9 All requests for payments of a CAO Allowance must be subject to a financial assessment.

9.10 All agreements to pay a CAO Allowance will be subject to an annual review.

9.11 All Family and Friends carers in receipt of a CAO Allowance undertake to advise the Local Authority of any change in their financial circumstances and any changes in the care arrangements for the child

### ***Practical Support***

9.13 Under a Child Arrangement Order carers have no specific entitlement to practical support from the Local Authority but as with all families there is the discretion to provide support under section 17 where this is assessed to be necessary.

9.14 Young person has no entitlement to leaving care support

### ***Financial support - Special Guardianship Orders***

9.15. For children subject to a Special Guardianship Order, the social worker should refer to the Special Guardianship Regulations 2005 and the up-dated Guidance, February 2016

- Firstly, the applicant is a person who is a special guardian or a prospective special guardian.
- Secondly, the case is one which fulfil some of the purposes set out in Regulation 6(1) of the Special Guardianship Regulations 2005,as follows:
  - a). to facilitate arrangements for a person to become the special guardian of a child where the local authority considers such arrangements to be beneficial to the child's welfare; or
  - b).to support the continuation of such arrangements after a special guardianship order is made (NB This ground does not depend on whether or not the local authority considers the Order is in the child's best interests – the Court has already made that decision).
- Thirdly, the case is one which comes within one or more of the categories of case set out in Regulation6(2) as follows:
  - a). where the local authority consider that it is necessary to ensure that the special guardian or prospective special guardian can look after the child;
  - b). where the local authority consider that the child needs special care which requires a greater expenditure of resources than would otherwise be the case because of his illness, disability, emotional or behavioural difficulties or the consequences of his past abuse or neglect;
  - c) where the local authority consider that it is appropriate to contribute to any legal costs, including legal fees, of a special guardian or prospective special guardian, as the case may be associated with:
    - i).the making of a special guardianship order or any application to vary or discharge such an order;
    - ii).an application for an order under section 8 of the Act;
    - iii). an order for financial provision to be made to or for the benefit of the child; or
    - d).where the local authority consider that it is appropriate to contribute to the expenditure necessary for the purposes of accommodating and maintaining the child, including the provision of furniture and domestic equipment, alterations to and adaptations of the home, provision of means of transport and provision of clothing, toys and other items necessary for the purpose of looking after the child.

- Fourthly, that financial support is payable in accordance with a means test.

9.16 Carers with a Special Guardianship Order are entitled to claim child benefit and child tax credit and these would be taken into account in calculating the amount of allowance paid. As with a CAO Allowance above if the carers were entitled to a Guardian's Allowance this would also be taken into account.

9.17 The granting of a Special Guardianship Order Allowance may be particularly appropriate where:

- a). an approved foster carer obtains an SGO in respect of a child.
- b). A child, who may be either in care or not in care, is the subject of public law proceedings and who would remain in care or enter care were it not for an extended family member or family friend offering to care for the child under an SGO and where the carer would not be able to offer such care without the payment of an allowance.
- c). A child is subject to a private law application for a SGO and a Legal Decision making Meeting has been held in respect of that child and has recommended the applicants apply for such an order, and where the carer would not be able to offer such care without the payment of an allowance.

However, all requests for a financial assessment under the Regulations will be considered on their individual merits.

9.18 Allowances would be reviewed annually.

### ***Practical support***

9.19. If a request is made by (a) a relevant child who is looked after by the local authority or who was looked after immediately prior to making the SGO; or (b) a special guardian or prospective special guardian of a relevant child; or (c) a parent of such a child: the local authority must assess the need for special guardianship support services. The provision of these services is discretionary.

9.20. With reference to the preceding paragraph:

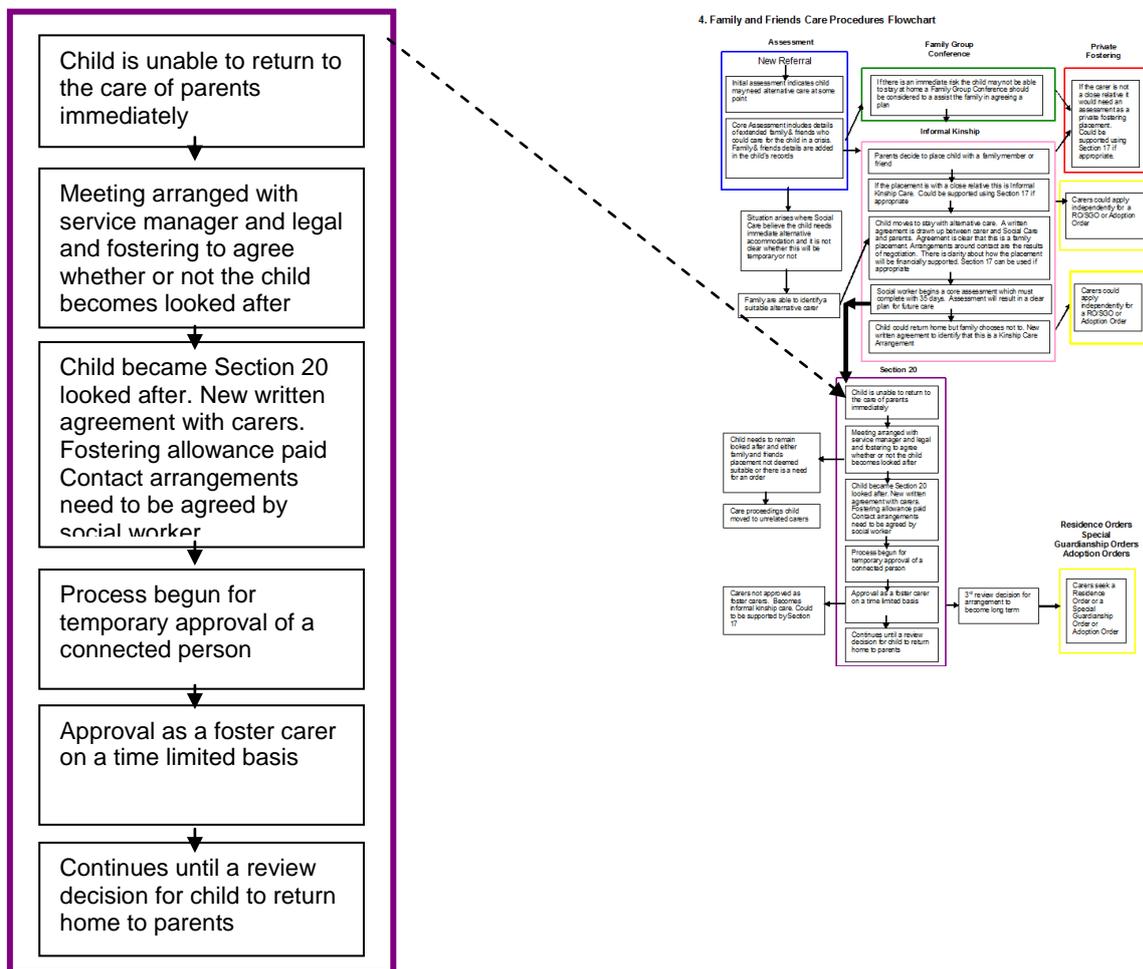
- a "relevant child" means a child in respect of whom (i) a SGO is in force; or (ii) a person has given statutory notice of his or her intention to apply for an SGO; or (iii) a court is considering whether an SGO should be made and has asked the local authority to conduct an investigation and prepare a report to the court.
- a "prospective special guardian" means a person (i) who has given the local authority statutory notice of his or her intention to apply for an SGO; or (ii) in respect of whom a court has asked the local authority to conduct an investigation and provide a report to the court.

9.21 The young person may be entitled to leaving care support services as a qualifying child if they were a looked after child prior to making the SGO.

## 10: Looked after children

### When should a child in family and friend care be looked after?

*“No child or young person should have to become a looked after child, whether by agreement with those holding parental responsibility or by virtue of a court order, for the sole purpose of enabling financial, practical or other support to be provided to the child’s carers...Authorities should seek to provide any necessary support services without resorting to the child becoming looked after unless this is the only appropriate way to ensure that the child’s needs are met...Decisions by a local authority that a child should become looked after, or cease to be looked after, must be based on an assessment of the child’s needs and circumstances. The views of the child’s parents, any other person holding parental responsibility, and anyone else caring for the child should be taken into account within the assessment.” Paragraph 2.19 (DFE 2010, Family and Friend’s Care: statutory guidance for local authorities)*



10.1. The majority of children living with a family and friend carer do so through an informal arrangement between the family and friend carer and the child’s parent(s) or those with parental responsibility. Most issues that family and friends carers have to deal with in fulfilling their role in caring for a child can be addressed without the need for the child to become looked after.

10.2. The decision for a child living with a family and friend carer to become looked after must be approved by the relevant Service Manager.

10.3. The Children Act 1989 now includes a new Section 22C which concerns issues to do with the way looked after children are to be accommodated and maintained. Section 22C replaces provisions set out in Section 23 of the Children Act 1989. Sections 22C (2 to 4) explains the duty to rehabilitate children to live with their parents or those with PR whenever this is possible and consistent with meeting the child's welfare and safety. Section 22C (5) requires the local authority to place a child in the most appropriate placement available. Section 22C (6) lists the placement options and requires that the local authority must give preference to a placement with a person who is a relative, friend or other person connected with the child, and who is also a local authority foster parent.

10.4. In summary, children in family and friends care are looked after when:

- a) The child is subject to a care order (section 31, the Children Act 1989), an interim care order (section 38, the Children Act 1989) or an emergency protection order (section 44, the Children Act 1989).
- b) The child is subject to a (criminal law) supervision order with a residence requirement to live in local authority accommodation.
- c) The child has appeared in a criminal court and been bailed to reside where the local authority directs or remanded to the care of the local authority
- d) Children under a court ordered secure remand (Crime and Disorder Act 1998, section 97; as amended by the Criminal Justice and Police Act 2001).
- e) There is a section 20 duty to accommodate a child and that duty is discharged by a placement with a family member or friend and the carers are approved as connected person foster carers.

10.5. A child should not be looked after when living with a family and friend carer when:

- 1) The child is not subject to a care order, interim care order or emergency protection order, or any of the orders outlined in b, c and d, and a parent or other person with parental responsibility for the child (including a family or friend carer with a Child Arrangement Order or Special Guardianship Order or an Adoption order) are able and willing to care for the child.
- 2) Where the child goes to live with a family and friend carer under an independent arrangement with the child's parent or those with parental responsibility that the local authority was not involved in establishing. In these situations, any request for help and support should be considered under section 17 of the Children Act 1989, outside of these procedures.

10.6. If either 1 or 2 apply, and the assessment of the child establishes that the child is a 'child in need' under Section 17, the Children Act 1989 then please refer to section 5 of the procedures - ['Providing support under Section 17 of the Children Act 1989'](#).

10.7. A child may be looked after in the care of family and friends if a section 20 duty to accommodate the child is established and the child is placed with family and friends carers. In such circumstances the carers may be temporarily approved as foster carers and an assessment must be completed within 16 weeks with a possible extension for a further 8 weeks

## 10.8 The provision of accommodation under section 20(1)

Every local authority must provide accommodation for any child in need within their area who appears to them to require accommodation as a result of:

- a). there being no person with parental responsibility for the child;
- b). their being lost or having been abandoned: or
- c). the person who has been caring for them being prevented (whether or not permanently, and for whatever reason) from providing them with suitable accommodation or care.

The question at c).is particularly relevant when considering whether a child cared for by family and friends 'requires accommodation'. If it appears to the authority that the child does require accommodation then it must provide that accommodation.

Once a local authority provides accommodation under section 20, the child becomes a looked after child.

10.8 In Barnsley we have made specific arrangements where the situation is not clear and the child might return to the care of the parents at any time or the carers may not prove to be a suitable longer-term option that we would not begin the fostering assessment for a period of up to 45 days to allow for the completion of a CYP assessment to inform the decision-making – **see section 5.**

### **The legal context**

10.9. A key principle of the Children Act 1989 is that a local authority should seek first to place a looked after child within their wider family (if this does not jeopardize their safety or welfare), before placing the child with a non-related carer. This requirement is strengthened by Section 22C of the Children Act 1989 and the Public Law Outline (PLO) 2008.

10.10. Children who are looked after by the local authority can only be placed with a family or friend member if they have been approved as foster carers under the Statutory Guidance for Fostering Services (2011), or have been temporarily approved as foster carers under Regulation 24(1) of the [Care Planning, Placement and Case Review \(England\) Regulations 2010](#) (and see [Volume 2 of the Children Act 1989 Regulations](#)).

### **The Assessment of Family and Friends Carers as Foster Parents**

10.11 Standard 13 of the National Minimum Standards for fostering Services require that people who express an interest in becoming foster carers are treated fairly, without prejudice, openly and with respect.

10.12 We will investigate the possibility of dedicated social workers for family and friends carers.

10.13 We will ensure that Fostering Panel is prepared to assess connected carers on the basis of their meeting the needs of a specific child rather than their general suitability as foster carers

10.14 In Barnsley we will undertake to support family and friends carers in their role as foster carers in recognition of the fact that children may be troubled by a move from home and their previous experiences even though they are moving to live with connected persons.

10.15 In accordance with [Standard 30 National Minimum Standards Fostering 2011](#), we will ensure that the needs wishes and feelings of the specific child are taken into account when making a placement with connected person carers.

10.16 We will ensure that connected persons carers receive appropriate support and services to enable them to care for the children.

10.17 We will ensure that connected persons carers have access to training specific to their needs.

#### 10.18 ***Financial Support to Approved Foster Carers***

- Child Benefit and Child Tax Credit are not available. Guardian's Allowance is not payable.
- A weekly allowance is paid by the Local Authority to meet the costs of caring for the child. This will be at the national minimum rate set by the Department of Education.
- Connected persons carers can progress through the skills levels provided they demonstrate the other requirements as described at each level

#### 10.19 ***Practical Support***

- There will be a placement plan and a care plan detailing the resources and support required to meet the child's needs including their need for permanence and stability.
- There will be a requirement for statutory visits to be made to the child.
- There will be regular reviews by an Independent Reviewing Officer to ensure that the plan is being adhered to and the child's needs are being met.
- Carers will be allocated a fostering support worker and will receive regular visits to support the placement.
- Carers will be encouraged to attend regular training and other opportunities to develop their skills and understanding in recognition that caring for a child who may have had a difficult early life can pose new challenges even to experienced and related carers.
- Family and Friends carers will have an annual review in-line with the requirements of the 2011 Fostering Regulations which cover all approved foster carers.
- If the child remains a looked after child at 16 and meets the criteria as an 'eligible child', i.e. they were in care for a total of at least 13 weeks which began after he or she reached the age of 14 and ends after he or she reached 16 they would be entitled to leaving care support from the Barnsley 'Future Directions' team until such time as they are 21 including support in accessing higher education. The Children Act 1989, as amended by [The Children Act 1989 Guidance and Regulations Volume 3: Planning Transition to Adulthood for Care Leavers \(DFE, 2010\)](#)

## 10.20 Permanence

However it is the policy of Barnsley Local Authority to pursue stable, long term placements for children in their care and we would always aim to ensure that as few children as possible are still looked after by the time they are sixteen. This is based on the child's needs for security and stability which only a long term care arrangement can provide and which can be undermined by the long-term involvement of the Local Authority

## Other Local Authorities

10.21. In the event that the child's parents or others with parental responsibility leave Barnsley to live permanently in another local authority area, so that no-one with parental responsibility for the child is living in area of Barnsley, then a letter should be sent to the local authority where the child's parent(s) have moved to.

10.22. The letter should explain the child's circumstances and legal status and provide details of the child's parents who have moved to the local authority being contacted. The letter should also make a formal request for transfer of the child's case to the local authority where the child's parents / those with parental responsibility are living, giving 3 months notice of the transfer request. The authority to make this formal request is provided under section 20 (2) (a), the Children Act 1989.

### **Section 20 (2) states:**

*“Where a local authority provide accommodation under subsection (1) for a child who is ordinarily resident in the area of another local authority, that other local authority may take over the provision of accommodation for the child within – (a) three months of being notified in writing that the child is being provided with accommodation; or (b) such other longer period as may be prescribed.”*

10.23. In the event that the child's parents or those with parental responsibility are living outside of Barnsley in more than 1 other local authority area, the parent or other person with parental responsibility who had a child arrangement order or special guardianship order with respect to the child or who was the last person to be the child's primary carer before they became looked after, should be used as a means of deciding which local authority to approach regarding a request of formal transfer. This is only likely to be appropriate in the very early stages of a family and friends placement once the child has been there for sometime they may be deemed to have become ordinarily resident with the carer.

10.24. A copy of the letter should be provided to the child's parents or others with parental responsibility for the child and the child's family and friend's foster carer. The family and friend foster carer should be provided with contact details of the local authority that is being asked to take over responsibility for the looked after placement.

10.25. On the approval of the Service Manager, legal advice with respect to the child's case should also be sought to help draft the letter and especially if the local authority where the child's parents have moved to refuses to accept transfer of the case.

10.26. Where carers are approved as foster carers and move to another local authority Barnsley will continue to pay the fostering allowance. Should a move to either a Child Arrangement Order or Special Guardianship Order be considered the local authority in which the child resides should be approached to ascertain whether or not the carers would be eligible for an allowance under their criteria.

When the payment of a Child Arrangement Order Allowance is being considered carers should be advised that should they move permanently to another local authority the payment of the Allowance will be reviewed and may be terminated. In the event of the allowance being terminated the carers would need to approach the new local authority to ascertain whether they would meet their criteria for the allowance.

The question of a special guardianship allowance being paid to special guardians who move out of the local authority's area is complex. Under the Special Guardianship Regulations there is a limited duty to provide financial support (as well as to provide other support) to a special guardian who lives outside the local authority's area and this will also apply where the special guardian *moves* to live outside the area.

Firstly, the child concerned must be one who is looked after or (more likely to be the case) was looked after by the local authority immediately before the making of the special guardianship order. So there is the link that the child is or was looked after. Further, the duty applies not only where the special guardianship order has been made but where notice of intention to apply has been given to the local authority or a court is considering whether or not to make an order. However, from a practical point of view the great majority of cases will be the formerly looked after child who is subject to an order.

If a local authority agree to pay a special guardianship allowance before the order is made then the local authority will continue to be responsible to pay the allowance (in so far as it remains due) even if the special guardians move to another local authority area. Otherwise, the duty to pay the due allowance will only continue for 3 years after the special guardianship order is made. So for example, if the special guardian moves (with the child) 2 years after the order, the allowance would continue to be paid by the original local authority for 1 more year; but if the move to another area occurs 3 years or more after the order was made, the original authority will no longer be liable to pay.

## **11. Adoption**

11.1 An adoption establishes a permanent, lifelong relationship between a child and their carers and takes away all rights and responsibilities from the birth parents. It would be the most secure arrangement for establishing a permanent new family for a child although in the context of a family and friends placement it may create additional complexities in that grandparents and aunts and uncles would become legal mothers and fathers.

11.2 An adoption application may come about in a number of ways. The Local Authority could apply to a Court to have the child adopted. This could either be with the consent of the parents or under a placement order made by court.

11.3 An approved foster carer could apply for an adoption order after a year of caring for the child

11.4 Other informal carers could apply for an adoption order if the child has lived with them for 3 years.

11.5 Adoptive parents are assessed and approved by an Adoption Agency. This is a thorough process akin to the process for assessing foster carers. Once the assessment process is complete the application is approved by the local Adoption Panel. The actual adoption order is made by the court in respect of a specific child.

11.6 If the child is not currently looked after then notice of an intention to adopt must be given to the Local Authority who would then carry out an assessment and a report to the court.

### **11.7 *Financial Support to Adopters***

- Adoptive parents can claim child benefit and child tax credit
- Adoptive parents can request an assessment for post adoption financial support if the child was in the care of the Local Authority prior to the Adoption Order being made. This could be a one-off payment or a regular adoption allowance. Any payments would be subject to a financial assessment.

### **11.8 *Practical Support***

- When a child is placed by the Local Authority for adoption the placement is supervised and there are regular statutory reviews as with a 'looked after' child until such time as the adoption order is made. After that there is no further supervision by the local authority.
- Those who are entitled to request an assessment for adoption support services which may be provided at the discretion of the Local Authority in accordance with Regulations and National Minimum Standards are adopted persons, their parents, their birth parents and former guardians.

# Appendices

## Appendix 1. Glossary of terms

*This is not an exhaustive list but includes the less familiar terms used in the procedures*

**Connected Person:** a relative, friend, or other person connected with a Looked After Child.

**Eligible child:** Eligible children are young people aged 16 and 17 who have been looked after for at least 13 weeks since the age of 14 and are still being looked after.

**Family and Friends Foster Carer:** A relative/family friend who is caring for a looked after child and has been approved as a local authority foster carer under the Fostering Service Regulations 2002.

**Informal Kinship Carer:** A friend, relative or someone else with a prior relationship with a child who is not looked after, and who cares for the child at the request of the parent (s) / those with parental responsibility.

**Parental Responsibility:** In England and Wales, if the parents of a child are married to each other at the time of the birth, or if they have jointly adopted a child, then they both have parental responsibility. Parents do not lose parental responsibility if they divorce.

This is not automatically the case for unmarried parents. A mother always has parental responsibility for her child. A father, however, has this responsibility only if he is married to the mother when the child is born or has acquired legal responsibility for his child through one of these three routes:

- (from 1 December 2003) by jointly registering the birth of the child with the mother
- by a parental responsibility agreement with the mother
- by a parental responsibility order, made by a court

**Private Foster Carer:** If the carers of a child under the age of 16 years (or 18 if he or she is disabled) are not the child's grandparent, brother, sister, uncle or aunt (whether full blood or half blood or by marriage or civil partnership) or step-parent, and the placement continues beyond 28 days or is intended to do so, then the arrangement will fall within the definition of private fostering (section 105 of the Children Act) and the Children (private Arrangements for Fostering) Regulations 2005.

**Public Law Outline:** The PLO was issued jointly by the President of the Family Division and the Ministry of Justice, on 1 April 2008, and applies to all care and supervision proceedings. The purpose of the PLO was to introduce a simpler, more streamlined process designed to minimise unnecessary delay, with greater emphasis on case management and advocacy preparation. The PLO was revised and updated in April 2010.

**Qualifying Child:** Any young person aged under 21 (Under 24 if in education or training) who ceases to be looked after or accommodated in a variety of settings or privately fostered, after the age of 16. This includes: young people who leave care after October 2001, at or after the age of 16, but do not qualify as eligible children; or young people who left care before October 2001.

**Relevant Child:** This mainly refers to young people aged 16 and 17 who have been looked after for at least 13 weeks since the age of 14, and have been looked after for some time aged 16 or 17, and who have left care. A small number of young people achieve 'relevant child status' if they are detained in custody immediately following being looked after as an accommodated child. Their time in custody then counts towards their time looked after for the purposes of determining their legal status under the Children (Leaving Care) (England) Act 2000. If they leave custody aged 16 or 17 they become a 'relevant child'.

**Relative:** This is defined in the Children Act 1989 as a Grandparent, brother, sister, uncle or aunt (whether full blood or half blood or by marriage or civil partnership) or step-parent.

## Appendix 2 - Additional Sources of Support for Family and Friends Carers

### Education and Learning

Early Years Advice Service:	Advice and Support around childcare and other services for very young children. Details available on the website, Barnsley Council Online Tel. 01226 775977
Local Children's Centres:	Local support services for families with very young children. Contact details available from early years advice service and on the web-site, Barnsley Council Online Tel. 01226 775977
School Admissions:	Contact details available at Barnsley Council Online under Education and Learning under the section on Parental Support. Tel. 01226 773689/773588/773677/773506
Educational Psychologists:	Contact details available at Barnsley Council Online under Education and Learning under the section on Parental Support. Tel. 01226 773577
School terms holiday dates:	Barnsley Council Online under the section on Education and Learning
Inclusion Services:	Statements of Special Educational Needs and support for children with additional educational needs such as those on the autistic spectrum and those with difficulties with their eyesight or hearing. Contact details available on Barnsley Council Online.
Education Welfare Officers:	School attendance and absence – each school has an allocated Education Welfare Officer. The Welfare Officer can be contacted either through school or by telephone Tel. 01226 773543
Children with Disabilities:	For assistance and advice contact the Family Information Service Tel. 0800 0345 340 Mobile users 07924 809924 e-mail: <a href="mailto:infoFIS@barnsley.co.uk">infoFIS@barnsley.co.uk</a>
Out of School Clubs:	Contact Family Information Service, details as above
Child Care: above	For details on a child's free entitlement contact FIS – details above
Child Care Directory:	Available from FIS 0800 0345340 Available online at Barnsley Council Online

## Health

Health Visitors:	Your local GP should be able to put you in touch with your local health visitor
School Nurses:	Based at New Street Clinic but there is a school nurse linked to every school. Details available on Barnsley Council Online Tel. 01226 433130
CAMHS:	Child and Adolescent Mental Health Service. Usually accessed through your GP
Healthy Start:	Support for families with children under 4. Visit the Healthy Start Web-site, contact your mid-wife or health visitor or contact the Healthy Start Team on 0845 607 6823

Additional health information is accessible via the web-site NHS Barnsley

## Additional Services

Early Help Assessments	Coordinated support for children with additional needs from universal services. These are usually completed by services such as Health Visitors, Children's Centres and Schools
Voluntary Agencies:	Voluntary Action Barnsley, The Core, County Way Tel. 01226 320100
Barnsley Website:	For information on services available to support children from Education and Children's Social Care
Welfare Rights:	For advice regarding all benefits and especially obtaining free school meals. Contact details at Barnsley Council Online Tel. 01226 775656
Parent Partnership:	Provide advice and support for parents and carers of children with special educational needs. Tel. 01226 787233/787234/773377 e-mail: parentpartners@barnsley.gov.uk
Swanswell	Support for carers where there are substance misuse issues includes support for kinship carers Henry Windsor House 13, Pitt Street Barnsley, S70 1AL Tel.01226 329680

Addaction	Support for children and young people around substance misuse issues. 1-3 Regent Street Barnsley S70 2EG Tel 01226 787010
Phoenix Futures	Support for adults with issues with substance misuse There is a single point of contact phone number for Swanswell, Addaction, and Phoenix. The number is 08454561079
Citizens Advice Bureau	1, Shambles Street Barnsley South Yorkshire S70 2SQ Tel. 0844 111 444
Homelessness and Housing Advice	Tel. 01226 773870 e-mail: <a href="mailto:housingadvice@barnsley.gov.uk">housingadvice@barnsley.gov.uk</a> General information about Housing available at Barnsley Council Online
Pathways	Pathways Family Support Centre. Provides practical and emotional support for any adult who has experienced domestic abuse. Tel. 01226 731812

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