

CHAPTER 1

CHILD CARE POLICY, CHILDREN LOOKED AFTER

SECTION 4 A

PLACEMENT WITH FAMILY OR FRIENDS

1.0 The Policy for Dorset

- 1.1 Dorset Children's Services Directorate is fully committed to the principle of encouraging the placement of children who are in need of alternative accommodation with members of their extended family, or with friends. No Dorset child should be looked after if suitable arrangements can be made with a member of their family or with a friend. Placement with family or friends ('connected persons') should therefore be regarded as the first option to be explored by the Directorate when seeking a placement for a child in care.

2.0 Definition of Placement with Family or Friends

- 2.1 "A child living away from the parental home with a relative or friend, with the knowledge of the Children's Directorate, who would otherwise be with stranger foster carers, in residential care, independent living or adopters. The placement with family or friends is either initiated by the Children's Services Directorate, or via a relative or friend, and involves some sort of assistance or arrangements, including making decisions about legal orders, financial and social work support."
- 2.2 The 1989 Children Act Guidance states that "possibilities for a child to be cared for within the extended family should be investigated and considered as an alternative to the provision of accommodation by the Social Services Department. However, even when it has become necessary for the Local Authority to arrange provision of accommodation, placement with a relative will often provide the best opportunities for promoting and maintaining family links in a familiar setting."
- 2.3 **'Kith and Kin; Kinship care for vulnerable people'** (*'Kith and Kin - Kinship care for vulnerable young people'*, Bob Broad, Ruth Hayes and Christine Rushworth, National Children's Bureau and Joseph Rowntree Foundation, 2001) asked young people and carers their views on kinship care. Many of the young people expressed a sense of 'emotional permanence' – feeling safe and secure living within their extended family – which came from the family love they received. They cited other advantages of stability; avoiding local authority care and being looked after by strangers; feeling safe with adults; maintaining links with family, siblings, and friends; sustaining racial and cultural heritage; getting support with education. The disadvantages included limitations to freedom, financial hardship and inability to access care leavers' services.
- 2.4 The report explains that the carers were passionate about kinship care, and gave a number of reasons for their involvement:-

- their love for the young person and (in the case of grandparents) love for and the desire to support the birth parent(s);
- a belief that family is the best place for children;
- a strong distaste for the alternative of local authority care;
- the potential to maintain links with birth parents;
- the promotion or maintenance of a young person's racial religious and cultural heritage.

2.0 There are a number of possible situations that may arise that could be described as Placement with family or friends.

2.1 It will be a matter of judgement, following the assessment process, for the Social Worker and Team Manager to decide whether arrangements made with the family, or by the young person are arrangements that can be supported by children's social care. These arrangements could include those made under Section 17 of the Children Act ,under interim orders as part of ongoing care proceedings, or under Residence or Special Guardianship Orders. Such arrangements could also be made under Private Fostering legislation, if the family wish to make such an arrangement.

3.0 Arrangements made by family with relatives

3.1 Under the Private Fostering Regulations, a relative is described as grandparent, brother, sister, uncle or aunt whether full blood or half blood or by affinity, or step-parent. A child placed with a relative by their family is not defined as privately fostered.

3.2 As a starting point, an Initial Assessment should be carried out. If the arrangement appears to meet the child's needs it would be appropriate to support the arrangement to promote the upbringing of the child by a member of their family. The services provided by the local authority in these instances should be provided under Section 17, and can include giving assistance in kind or, in exceptional circumstances, cash. However, by their very nature, these arrangements are usually of a temporary nature and if the intention is for the child/children to remain with the carer/s under Section 17, steps should be taken to ensure that they are being cared for under a legal order (such as a Residence Order). This ensures stability and permanency for the child/children and enhances the ability of the carers to make important day to day decisions for the child/children.

3.3 By encouraging and supporting arrangements of this nature, some children can be diverted from the need to offer accommodation under Section 20 of the Act. However judgement needs to be exercised when examining such arrangements. They must be deemed to be safe and in the child's interests.

- 3.4 The decision to financially support an arrangement of this nature for any period over 3 months will require a discussion between Team Manager and the Service Manager about the prolonged use of Section 17 funds. Adjustments can be made to the budgets, within available resources, to allow for just such arrangements, but these will be exceptional circumstances.
- 3.5 Payments of this nature should be as a result of a financial assessment. The calculations for the financial assessment should be based upon the Residence Order Allowance calculations, although this would not actually be a Residence Order Allowance. It will be known as a Family or Friends Payment. This will be payable upon application by the Fieldwork Team Manager to their respective Service Manager, who can authorise the Section 17 budget commitment.
- 3.6 As any such payments will be made because the child is a 'child in need' - there will need to be regular review of the situation, on at least a three monthly basis, by the allocated social worker and agreed by the Service Manager.
- 3.7 One off payments can, of course, be considered ,in appropriate circumstances.
- 3.8 It is important that help and advice in relation to welfare benefits be given, and further help can be obtained from the Directorate's Welfare Benefit Officers. This could include information about Child Benefit, Child Tax Credit, and/or Working Tax Credit or from the Citizen's Advice Bureau.

4.0 Arrangements made by the family with friends

- 4.1 These arrangements may come under the Private Fostering Regulations. When a child aged under 16 years is looked after by someone who is not related to them, or does not have parental responsibility, for a period of 28 days or more, the arrangements will be regulated under the Private Fostering processes. (For further information please see Children Services Manual Volume 4)
- 4.2 If the arrangements are deemed to be private fostering, the Children's Services Directorate cannot assist with the payment of maintenance costs. The financial arrangements should be between the private foster carers and the child's parents.
- 4.3 However, help and advice in relation to welfare benefits should be given and further help obtained from the Directorate Welfare Benefit Officers or the Citezen's Advice Bureau. This could include information about Carer's Allowance, Child Benefit, Child Tax Credit, and/or Working Tax Credit.
- 4.4 Following an Initial Assessment, consideration can be given to providing assistance under Section 17 for one off payments to support the private fostering arrangement. These payments could be for bedding, clothing or furniture etc. However these payments should not form a type of maintenance, with regular payments, as these would cut across the definition of private fostering.
- 4.5 There may be times when children are placed with friends or family with

promises of financial reparation from the parents, that is not forthcoming. The Directorate is justified in negotiating a resolution to these situations and in encouraging the parents to meet their financial responsibilities. However, if the situation cannot be resolved and the financial situation remains crucial, then the Directorate should examine whether the child should be accommodated or Care Proceedings commenced and the arrangement treated as an Immediate Placement (see below).

5.0 Arrangements with relatives/friends made where the Directorate has been actively involved in making or promoting the arrangements, but it is not felt that the safeguard of being looked after is necessary.

- 5.1 Children placed under these arrangements would not be regarded as being looked after.
- 5.2 It may be possible for the arrangements to be counted as private fostering, in which case paragraph 4 (see above) will apply.
- 5.3 For relatives who are excluded from the Private Fostering Regulations and other situations that do not come under the Private Fostering Regulations, it is still possible for the Directorate to offer advice and assist in negotiations relating to the arrangements, including discussion of such matters as contact, schooling, pocket money and other financial details.
- 5.4 It may be possible, following assessment, to provide assistance under Section 17, for one off payments (i.e. for clothing, bedding, furniture etc.)
- 5.5 In these instances encouragement should be given to the carers to consider applying for a Residence Order.
- 5.6 In exceptional cases, subject to assessment and judgement of the social work staff, it may be possible for the Directorate to pay the legal costs of such an application (met from Section 17 provision). Carers can also be advised that they are able to obtain the necessary papers from the court and make an application without legal advice being necessary.
- 5.7 Once a Residence Order has been granted, the carers could be considered for the payment of a Residence Order Allowance. This is paid by the Children's Services Directorate and is means tested. This will be payable upon application (on Form CC 2083) from the Fieldwork Team Manager to their respective Service Manager. The form when completed and appropriately signed should be forwarded to Exchequer Services at County Hall.
- 5.8 The justification for the payment of a Residence Order Allowance remains that the Residence Order is in the child's best interests and that without an allowance the placement would not be practicable. This will include circumstances where the placement could not continue without a payment, or that without any form of payment the placement would not meet the child's needs. (For the process to be followed please see Chapter 14, Section 3 of the Children Services Manual Volume 5)

- 5.9 Any additional costs arising from the care of the child, i.e. costs associated with contact, special education costs, clubs, activities, that are associated with the developmental needs of the child should be included in the expenses of the carers when the financial assessment is carried out.
- 5.10 There is only one Residence Order Allowance Scheme, the differential between relatives and non-relatives having been removed.
- 5.11 The Residence Order Allowance will cease when the Residence Order expires at the child reaching the age of 16 years. However, in circumstances where the case is exceptional the Court can extend the Order - at the time of making it – to run to the age of 18. The allowance will therefore cease when the Order ceases. The application for an allowance does not have to wait until the Residence Order is made, but will not be payable until the Order is obtained.
- 5.13 Payments to the carers whilst awaiting the outcome of a Residence Order application should be considered, using Section 17 payments.
- 6.0 Arrangements with friends or relatives, made by the family, or where the Children's Services Directorate have been actively involved in making or promoting the arrangements, and the child and/or the carers require ongoing welfare or protection needs, and therefore the child is looked after.**
- 6.1 A child falling under this category will either be accommodated under Section 20 Children Act, or be subject to an Interim Order or Care Order. The Directorate may be faced with the possibility of enabling an arrangement already established by the family to continue, it may be an option selected by the young person him/her self, or the Directorate may suggest the arrangement.
- 6.2 Where it seems possible that such a placement could be made, a meeting with the family or a Family Group Meeting must be arranged, where the matter should be discussed with family members. It should be made clear that any Family or Friends placement will only be supported on a short term basis, with an expectation that Special Guardianship Orders, or Residence Orders will be applied for by the family carers if longer term arrangements are required. As a general rule, approval as foster carers for close relatives (i.e. grandparents) is the least preferable option for the child/children. These arrangements inevitably blur the boundaries of the relationship and keep the child/children under the status of "in Care", rather than a more natural position of simply being cared for by family members. "In Care" status means the child/children will continue to be subject to Social Work visits and reviews and the carers will need to obtain Local Authority approval for any decisions about the child/children's lives. The carers will also be expected to continue to meet all the requirements of any other Local Authority foster carer.
- 6.3 Whatever the likely length of the placement the social worker will need to discuss the plans with the liaison fostering worker. They should together carry out a "Viability Assessment", **where possible before the child is placed with the proposed family members**, to assess whether such a placement is likely to meet the child's needs, is likely to protect the child, whether the proposed carers

are likely to work with the Directorate, and whether there are any likely issues that would prohibit them from becoming approved Dorset foster carers. Templates for viability assessments are contained within RAISE: 'ADP – Kinship Care – Viability Test' for children under 12 usually needing permanent placement; and 'FOS – Kinship Care – Viability Test' for children 12 and over needing permanent or time limited placement. These templates can be accessed respectively via the Adoption and Permanence Team, or the Fostering Team.

- 6.4 The issues that should be explored with the proposed carers by the workers within the viability assessment include:
- a) Their understanding of the need to protect the child.
 - b) Their ability to enforce protective restrictions regarding parental visits and contact.
 - c) Their ability to manage conflicts of loyalties with the child's parents and other members of the extended family.
 - d) Their ability to manage conflict between the family and the Directorate.
 - e) Their ability to managing the change of relationship to carer first, rather than relative (or friend).
 - f) Are the standards within the home, including the child's sleeping arrangements, acceptable to the agency?
 - g) Are there any immediate health issues, or criminal convictions admitted to that are likely to prohibit them from being approved as local authority foster carers?
- And if applicable
- h) Their ability to understand and accept the foster carer approval process which includes preparation, training, assessment and training?
 - i) Their acceptance of the role of agency foster carer including participating in statutory reviews, accepting social work visits, attending group support meetings, keeping a diary etc, etc.

6.4 An immediate police check should always be made before the placement of a child can take place. An application for an enhanced CRB check should be made as soon as it is clear that the child/children will remain with the carers for longer than six weeks.

6.5 These issues should be explored before arrangements are made to place the child. If there are difficulties within any of these areas, then serious thought should be given whether to continue and further advice sought from the Service Manager, or the Foster Panel Adviser. There may be occasions when aspects of the carer's lives, their opposition to the Directorate's plans for the child, criminal records, or housing arrangements have only come to light after the child has been placed, putting the child at potential risk of harm and causing further disruption in their lives.

7.0 Immediate Placements

7.1 The Local Authority can only place a child who is the subject of full or interim Care Order or is accommodated under Section 20 with those who are approved

foster carers. Under the Care Planning, Placement and Review (England) Regulations 2010 a connected person may be given temporary approval as a foster carer (Regulation 24). The only circumstance in which approval as a foster carer is not required is when a child subject to an Order is placed with a parent or person with parental responsibility (Regulation 18)

- 7.2 Under Regulation 24 the Local Authority can agree temporary approval of a connected person as a foster carer for a period of up to 16 weeks. Before placement an assessment must be conducted as to the suitability of the connected person, of any other adult over 18 in the household, and of the accommodation, and taking account of the matters listed in Appendix 4 of the Regulations, and a judgement made as to whether the placement will safeguard the child's welfare and meet their needs. The viability assessment should cover all of these requirements.
- 7.3 The approval of the relevant Fieldwork Service Manager is required when there are child protection concerns. – delegated to the fieldwork Team Manager when there are no child protection issues.
- 7.4 A full assessment of the connected person's suitability must begin immediately following placement, and should be completed within 16 weeks.. Completion of the viability assessment will have assisted in identifying areas that may require further exploration. In the event that the assessment is not completed within 16 weeks, the partial assessment should be presented to the Fostering Panel within 16 weeks, and the Head of Children and Families may then decide to extend the temporary approval by up to a maximum of 8 weeks.
- 7.5 The assessing Fieldwork Team will enlist the assistance of the Fostering Team in completing the fostering assessment.
- 7.6 The CRB checks should be completed and sent off as soon as possible and immediate police checks should be carried out before the placement is made.
- 7.7 A date for the Fostering Panel should be arranged with the Panel Administrator at the beginning of the assessment.
- 7.8 It is expected that the assessing social worker will have explored with the connected person issues relating to:
 - contact with the child's family,
 - conflicts of loyalty,
 - dealing with conflicts with carers own children,
 - working with the Children's Services Directorate,
 - the expectations of the Children's Services Directorate in relation to the child,
 - the expectations of the Children's Services Directorate in relation to the carers,

in addition to the other aspects of the assessment.

- 7.9 The issues of parental responsibility should be discussed and clarified with the connected person. This is particularly applicable when the foster carer is an aunt, uncle or grandparent, and therefore related to the child, but does not have parental responsibility. The Children's Services Directorate acts as a corporate parent, and, by virtue of an Interim or Full Care Order will hold Parental Responsibility, along with the parent(s).
- 7.11 It is expected that the Social Worker will explore the long-term plan for the child with the carers, and discuss with them whether a variation on the Care/Interim Order (if applicable) could be applied for, and/or whether an application by the carers for a residence order, adoption order, or special guardianship would be appropriate. These plans should be clarified by the second review (after 4 months) when a plan for permanence should be in place.

8.0 Finances

- 8.1 Upon placement and agreement to temporary approval, the connected person should receive the same fostering allowance that is payable to other Local Authority foster carers.
- 8.2 When approved as foster carers, relatives and friends will be treated the same as 'stranger' foster carers. They will be allocated a liaison fostering worker, be encouraged to go on training, be subject to an annual review, be expected to accept visits from social workers, be expected to participate in statutory reviews and be invited to support group meetings.
- 8.3 There are allowances payable for Residence Orders, Adoption Orders, and Special Guardianship Orders. In these situations all applications are means tested. All carers should be formally advised of the existence of the means-tested allowances scheme; this requires the completion of a full financial assessment. If the carers decide not to apply for the allowance, the reason should be clearly recorded by the social worker.
- 8.4 Team Managers need to be aware that it is possible for carers to request a retrospective assessment if their circumstances change. Such retrospective requests will require an Initial Assessment and any application for financial assistance will require the means testing already detailed in 8.3.
- 8.5 Residence Orders may be back-dated and will commence from the date when all the financial paperwork required to be provided by the applicant is submitted to the social worker. This will follow a similar procedure as State benefits. Social Workers and financial assessors should ensure that all State benefits that the family is entitled to are being claimed and that the details are given on the financial assessment form.
- 8.6 There is provision, in exceptional circumstances, for payments to be made up to the maximum of the fostering payments in circumstances where children had previously been fostered and a Residence Order made, where this would be in the best interests of the child concerned.

9.0 **When There are Child Protection Issues**

- 9.1 When the proposal is to place the child with a relative/family friend as a foster carer and where there may continue to be risks associated with the parents being in contact with the child, consideration of the need for a child protection conference (initial or review as appropriate) will be required. This would be applicable when the parent will be in contact with the child and one of the following is relevant:
- (i) The child has remained subject to a child protection plan..
 - (ii) The child was subject to a child protection plan prior to admission to care.
 - (iii) There were child protection issues prior to the Care Order/Interim Care Order, but a Child Protection Conference did not occur, or if it did, no child protection plan was put in place, because of the Care Proceedings.
 - (iv) Siblings of the child are subject to a child protection plan.
 - (iv) Child protection issues have arisen since the Care Order or Interim Care Order were made.
- 9.2 When it is applicable, the Child Protection Conference should be held prior to agreement to a proposed placement being obtained.
- 9.3 If it is the intention not to convene a Child Protection Conference in a situation as in 6.1 above, the Team Manager must consult with the Independent Conference and Reviewing Service before proceeding.

10.0 **Social Worker's Report**

- 10.1 A proposal to place a child with a relative/family friend should arise, where applicable, as part of the overall planning for the child. The Children Act 1989 places an emphasis on the child and the parent being involved in plans and decisions affecting the child's welfare subject to the understanding of the child.
- 10.2 It will be important to demonstrate why a placement under these Regulations is the best provision for the child/young person. This should include the explanation of why the Accommodation/Care Order remains necessary.
- 10.3 Where there are child protection concerns, the Conference minutes and any update on the Protection Plan will need to be included in the material which is made available to the Service Manager.
- 10.4 The report to the Service Manager will include details of the child's assessment (see paragraph 11 below).

11.0. Assessment of the Child

- 11.1 The child's assessment should include a social history showing the child's personal history, chronological events, reason for the care order, continuing risk factors relating to the parents, the relevant dynamics of the child's family - along with the account of current assessed needs and the care plan which shows the extent the placement is expected to meet these.

12.0 Written Agreement

- 12.1 All placements made under Regulation 24 require the use of the usual LAC forms on RAISE. The placement agreement is contained in the Placement Information Record Part II.

13.0 Support and Supervision of the Placement

- 13.1 Children placed with a relative/family friend as a foster carer are required to be visited at least weekly until the first review (within 4 weeks), and thereafter at least every 4 weeks until the temporary approval ends.

14.0 Reviews

- 14.1 Each child is required to be reviewed in the same way as are other looked after children.

15.0 Review of Foster Carers

- 15.1 The relative/family friend who is approved as a foster carer is required to have the foster carer approval reviewed by the Fostering or Adoption and Permanence team at least once a year, as is required of all foster carers.

16.0 Exceptions

- 16.1 These regulations do not apply to a child who, whilst placed with foster carers, stays for a short period in another household, for example at the home of a school friend of the child or friend of the foster carer. In such situations the requirement remains to take all practical steps to ensure the child remains safe. (Please see Guidance on 'Overnight Stays' for Looked After Children (LAC (2004)4 and Vol 5 Chapter 5, Section 5 of the Children's Services Manual).
- 16.2 These regulations do not apply when a child, subject to an Interim Care Order, or a full Care Order, is placed with a parent or person with parental responsibility. In such situations the Placement of a child in care with a parent Regulations will apply (Care Planning, Placement and Review Regulations 2010 Regulations 15 – 20). (Please see Guidance at, Volume 5, Chapter 5, Section 4, Paragraph 3 of the Children's Services Manuals)