

# COUNCIL FOR THE ISLES OF SCILLY

CHILDREN SOCIAL CARE

Ref: IOS - CF/04

**Subject:** Family and Friends Policy

**Purpose:** It is the policy of Council for the Isles of Scilly to promote and support the upbringing of children within their own birth families. Where this is not possible, in order to improve outcomes for these children, family and friends will be sought as the **first choice** of placement for them if this is assessed as in the child or young person's best interest.

**Legislation:** The Children Act 1989

**The Isles of Scilly will maintain case responsibility and financial responsibility but any day to day arrangements will be discussed and agreed on a case by case basis with Cornwall County council under the Service Level agreements.**

## 1. Introduction

This policy aims to:

- Increase children's access to family and friends as the preferred arrangement choice when they cannot live with their parent/s.
- Improve the financial assistance, services and support made available to children and carers living with family and friends.
- Improve the outcomes of children who cannot live with their parents.

## 2. Process – Definition of Friends and Family Care

2.1 Family and Friends Care is when a child, who cannot live with their parent/s, is cared for by a family member, family friend or other significant person with whom the child or young person has (or has had) a significant relationship.

2.2 These arrangements will broadly fall into the following three categories:

### a) Informal Family Care (Kinship Placements)

Parents have made their own care arrangements for the child within their existing family network. There are no legal orders in place and the Council for the Isles of Scilly has not had any involvement in making or supporting the arrangement.

This category can include some Private Fostering arrangements.

### b) Supported Family Care

Such arrangements have been assisted, brokered or supported by the Council for the Isles of Scilly outside the public care system and will be funded by Section 17 (CA1989) payments.  
These children are not in public Care.

c) **Family and Friends Foster Care**

Cornwall County Council has approved a relative or friend of the child as a foster carer, and the child is being looked after in public "Care" under a Care Order or Section 20 of the Children Act 1989.  
This arrangement will be subject to a comprehensive assessment under the Fostering Regulations.

**3. Which child or young person does this concern?**

3.1 This Policy concerns the following children or young people with whom the children's social work team of the Isles of Scilly are already involved:

- **Children or Young People who cannot live with their parents, and are living away from the parental home with a relative and placed by their parent/s.**
- **Arrangements that have in some way been assisted or supported by Isles of Scilly Children Social care Team.**
- **Children or Young People who cannot live with their parents, and are living away from the parental home with a relative or friend and are looked after as "Children in Care"**

**4. Background & Evidence from Research:**

4.1 The Children Act 1989 is unequivocal in the requirement for Local Authorities to support children to remain with their families of origin. When this is not possible, the Act is also clear that children should be enabled to remain living within their own family and friends network as the first choice of placement where this is feasible and in the child's best interests.

4.2 As well as being supported by the legal framework of the Children Act 1989, Family and Friends Care is supported by a large body of research evidence. This research clearly demonstrates that even with less financial and practical support the children placed do as well, and often far better, on a comprehensive range of measures of effectiveness. For example:

- **Placement Stability** – Family and Friends placements appear to offer greater stability than non-kin foster placements. The placements last longer and children experience fewer changes of carer. Family and Friends carers are highly motivated and often speak of a lifetime commitment to the child.
- **Sense of Security** – Children appear to have a greater sense of security when placed within their family networks. The child or young person knows the carer prior to the placement, and building upon a pre-existing relationship provides some continuity of experience.

- **Sense of Identity** – Children in Family and Friends placements report feeling happier and more loved than children in non-kin foster care. They are more likely to see themselves as part of the family, and find it easier to explain to their friends.
- **Culture/ Religion and Community** – Staying within their own family and friends network can help children to maintain their cultural and faith traditions. The traumatic separation from their parents is then lessened because it is not also accompanied by a separation from familiar cultures. They are also more likely to maintain their existing school and local community networks.
- **Contact with Siblings** – Children in Family and Friends Care placements are more likely to be placed with and/ or remain in close contact with their siblings than those placed in traditional foster care. Siblings can provide an important source of support to each other in terms of developing an identity and self-knowledge.
- **Family Connections** – Children in Family and Friends Care placements are usually able to maintain a wider set of relationships and connections to their family. Relative carers tend to work harder at helping to promote this.

4.3 Research has also highlighted a number of areas in relation to Family and Friends Care placements where children can do less well, and where carers and the children placed benefit from extra financial and practical support:

- **Health/ Educational Development** – Studies that have compared the health and educational development of children in Family and Friends Care and stranger foster care placements are inconclusive. However, both have a greater number of health, developmental, emotional and behavioural problems than the general population of children.
- **Child Safety** – Family and Friends Care placements appear to provide the same level of safety from abuse or neglect as non-kin carers. However, critics of Family and Friends Care placements argue that the lower level of monitoring of these placements mean that abuse and neglect are less likely to be detected.
- **Material/ Financial Poverty** – Family and Friends carers frequently face financial and material hardship. Children in their care can therefore be exposed to poverty and this negativity impacts on their health and well-being. Non-kin carers tend to have more financial/ material resources at their disposal. They also receive more professional services and support. One recent study highlighted that 70% of Family and Friends carers received little or no social work support (Farmer and Moyers (2005)).
- **Profile of Carers** – Family and Friends carers tend to be older than non-kin carers and are often grandparents. They suffer more mental and physical health problems and often have greater psychological stress than non-kin carers.
- **Family Tensions** – Difficulties between carers and birth parents are more common in Family and Friends Care placements. It is therefore particularly important that all parties are given support and advice to help manage contact.
- **Reunification** – Children in Family and Friends Care arrangements are initially slower to reunify with birth parents, but there is now some evidence to suggest that this difference disappears over time.

- 4.4 Children can therefore be successfully and safely cared for within their own family and friends network on a long-term basis in a way that maintains their own sense of identity and belonging, and that promotes on-going relationships with their family and wider community.
- 4.5 The message from research is that even with little or no financial and practical support, children in Friends and Family Care placements do **at least as well** as children in stranger foster care placements, and often much better. They also offer an excellent permanence option. The implication therefore is that with the right level of financial and practical support to address the issues of poverty and managing complex family relationships, Friends and Family Care placements will become even more effective in the short and long term than they are already.
- 4.6 Family and Friends Care arrangements also have a far wider span than stranger foster care or residential placements.  
Family and Friends Care arrangements may be used as follows:
- As an alternative to public care
  - As a placement option whilst a child is in public care
- 4.7 Family and Friends Care is a distinct care type. It is qualitatively different from stranger foster care or residential care as a result of the child usually having a pre-existing relationship with the carer, who will also have a relationship with the child's parent/s. Carers must therefore manage a very complex set of family dynamics, meet the needs of the child and manage their own relationship with the child's birth and extended family.
- 4.8 The typical profile of Family and Friends carers, as described elsewhere in this document, is often very different from stranger foster carers, and would exclude many from approval as foster carers. To attempt to fit Friends and Family carers into existing fostering standards and regulations is arguably, therefore, inappropriate and acts to discriminate against them. The work we ask of these carers is difficult and complex, and often counter-intuitive to social work policy and practice. But the evidence is clear from research that these placements work, and work well.

## 5. Legal Framework for Family and Friends Care

- 5.1 The Children Act 1989 set out a number of duties and responsibilities for Local Authorities, as follows:
- a) One of the key assumptions of the Act is that **children are generally best cared for within their families**. The term 'family' is intended to be interpreted broadly, and Guidance interprets it to include relatives, friends or other significant persons in a child's life.

- b) **Duty to support families:** Section 17 (1) and Part 3 of the Children Act 1989 states that Local Authorities must:  
*“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 by providing a range and level of services appropriate to those children’s needs.”*
- c) Section 23 (2) outlines that ‘a Local Authority **shall** provide accommodation and maintenance for any child they are looking after by placing him with i) a family, ii) a relative; iii) any other suitable person, on such terms as to payment by the authority and otherwise as the Authority may determine.’
- d) All placements made (or supported) by the Council for the Isles of Scilly and Cornwall County Council must take account of children’s religious persuasion, racial origin and cultural and linguistic background (s. 22 (5) Children Act 1989). The Core Assessment should be mindful of the wishes and feelings of the child or young person and family in this respect.
- e) **Parental Responsibility:** Parents should be expected and enabled to retain their responsibilities and remain as closely involved as is consistent with their child’s welfare, even if that child or young person cannot live at home either temporarily or permanently (Sections 2, 3, & 4 Children Act 1989).
- f) **Parental involvement** – The Council for the Isles of Scilly has a duty to involve parents or those with parental responsibility in decisions about their child, and any exclusion from this should be rare, justified and the reasons for it clearly recorded. If a child is placed with family or friends via a Residence Order or Special Guardianship parental responsibilities can be shared between the family members. If the child or young person is subject to a Care Order then parental responsibility can be shared with the Local Authority.
- g) **Respect for individual and family life** – Article 8 of the Human Rights Act (1998) requires Local Authorities to promote family life for the child. The support offered to families to enable them to care for children to whom they are related or have a significant relationship with respects birth family connections, supports identity and provides permanence for children within their own family and friends network.
- h) **Private Fostering** – When children and young people under sixteen (eighteen for young people with a disability) are cared for by someone who is not a close relative, guardian or person with parental responsibility for 28 days or more, this arrangement is deemed to be private fostering. A close relative includes parents, step-parents, aunts, uncles and grandparents. It is **not** private fostering if the Local Authority arranges the placement, or if the child is looked after by the Local Authority.  
There may be some circumstances when Private Fostering placements will fall under *Supported Family Care*, as defined by this Policy document.

- 5.2 These overarching principles and particular sections of the Children Act 1989 and the Human Rights Act (1998) therefore provide a clear mandate for the Local Authority to promote the family and wider kinship network as the first choice of placement for children if they can no longer remain with their parent/s.

## **6. Outline of Policy**

### **General Principles:**

- 6.1 Family and Friends Care is fundamentally a family support service. It is designed to support children or young people effectively within their existing family and friendship networks. This service will be primarily provided through section 17 and Part 3 of the Children Act 1989.
- 6.2 The Council for the Isles of Scilly will promote and support the permanent upbringing of children within their own birth families. Where this is not possible and in order to improve outcomes for these children, family and friends will be sought, as the **first choice** of placement for them, if this is assessed to be in the child's best interest. Research clearly demonstrates that these placements offer a positive option for permanency for these children. Therefore, thorough and systematic efforts must be made to ensure that they have the maximum opportunity of placement within their own family and friends network.
- 6.3 Clear information and advice should be easily and readily available to children, parents and family/ friends about their rights and choices, and the services and support they can access when children require a living arrangement away from their parent/s.

### **7. Legal Principles:**

- 7.1 Placements with family and friends can be safe and successful without the need for a Court order. In circumstances where effective partnership with the family is achieved, the 'No Order Principle' (s1 (5) Children Act 1989) must apply.
- 7.2 Where a legal order is required to secure a child's placement within their family/ friends network, this can be achieved through a Residence Order, Special Guardianship Order or Adoption.
- 7.3 The use of Care Orders to secure a child's placement with family or friends should be rare and especially justified. This would happen where there is a serious risk to the child's placement with friends/ family that, without an Order, would be seriously disrupted by a parent or other relative (for example with a history of violence or mental health issues). In most cases this would be a temporary measure until permanent arrangements for the child or young person are achieved outside the public care system.

## **8. Principles for Friends and Family Care Arrangements:**

- 8.1 Friends and Family Care placements should always be considered as a *first choice* in the following circumstances:
- When the local authority is presented with a scenario where parents are unable or refusing to care for a child at home.
  - If no one in the family is able to care for the child or young person without help and support then they must be assessed to ensure they are able to meet the child's needs and have the capacity to promote the child's welfare.

## **9. Identifying Suitable Living Arrangements:**

- 9.1 Children, parents, family/ friends carers and the wider family/ friends network should be supported and actively encouraged at the outset to fully participate in all decisions affecting them and any children in their care. When a child or young person is identified as being at risk of coming into public care, or when long term plans are being made for a child, a Family Group Conference must therefore be held. This process promotes a collaborative decision-making process that brings together informal (family/ friends/ community) and formal (professional/ agency) networks around the child. Effective family and friends placements are more likely to emerge from a collaborative approach where families feel they have a say in the child's future.
- 9.2 A placement in public care will not be agreed to (except in emergencies) until a child has been referred for a Family Group Conference.
- 9.3 It is vital that as part of every core assessment process thorough and systematic efforts are made to identify the family's own network. Early identification of possible supports within the family's own network can:
- Act as a preventative measure by identifying potential support to the family that would otherwise not be available to the Local Authority to help maintain a child or young person at home with their parent/s or those with parental responsibility
  - Assist in the early identification of possible placements if a child's living situation with their parent/s or carers is at risk of breaking down.

## **10. Assessment:**

- 10.1 Family and Friends Care is a distinct care type that is different from stranger foster care services. These arrangements therefore require a different assessment framework and support mechanisms from foster care as the children or young people have a pre-existing relationship with their carer/s, and there are many specific advantages to children being brought up within their own family and friends network.

- 10.2 The assessment process will be a collaborative process with families and emphasise the strengths and skills of the carers when focusing on the needs of children and carers. Assessments need to be rigorous and comprehensive and pay particular attention to the needs and wishes of the children, carers, parents and the wider family, as well as addressing all the issues surrounding the safety of the placement and the legal requirements of any person who becomes a registered foster carer.
- 10.3 It is crucial that every Family and Friends Care assessment and support package is interagency in its approach, alongside working with the whole family. Friends and Family Care placements are diverse and complex and require this interagency approach to planning for and supporting the needs of the child, carers and birth parents.

## **11. Supporting Friends and Family Care Arrangements:**

- 11.1 There may be a need for financial and practical support for family and friends care arrangements outside the public care system in order to promote good outcomes for the children in their care.  
The permanence planning process coordinated by the Cornwall District Managers and Isles of Scilly staff will decide together on the support required through the relevant assessments.
- 11.2 Children or Young People and carers in family and friends care placements can be supported as required through advice, services, practical (including financial) support and emotional support that meet the specific needs of the children and their carers. This support will be reviewed at least annually through the Cornwall District Management structure and the Isles of Scilly. All arrangements will be scrutinised by staff from Cornwall and Isles of Scilly. Not all friends and family care arrangements will require financial or practical support, but a thorough assessment will help establish what is required to meet the needs of the child and their carers and be of benefit to them.

## **12. Financial Support for Friends and Family Care Placements:**

- 12.1 Family and Friends carers will be supported to care for a specific child on the basis of the assessed needs of that child.  
Many of these “children in need” will not have “in Care” status, any financial support in these cases will be via the Section 17 budget and each payment will be subject to the assessed need at that time.  
If the Council for the Isles of Scilly has actively brokered and/or arranged for the child to be cared for/placed outside of their immediate home and not in an “in Care” arrangement there is an implicit expectation that financial assistance will be considered and offered on the basis of a financial assessment of need. The structure and level of payment will be case specific.

Such payments may be:

- A single lump sum to meet a specific time limited assessed need.
- A series of lump sum payments to meet a specific assessed need.

Any payments made in the above manner will be subject to a “financial assessment” of the carer and will be regularly reviewed and possibly a reassessment of the need.

- 12.2 If it is felt necessary for the child to be “in Care” and placed with relatives or friends who are specifically approved as foster carers to care for that child they will receive the appropriate fostering allowance (at Skill Level1) and have access to support and training from Cornwall County Council. Such arrangements will be subject to the assessment and approval process required by the Fostering Services Regulations 2002 (Part V).

At such times consideration should be given to potential alternative disposals such as Residence Orders and Special Guardianship.

- 12.3 Financial support to family and friends carers will need to take account of child benefit and income support, working tax credits, child tax credits, any entitlements to Disability Living Allowances and parental contributions to the carers.

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