

NORTHAMPTONSHIRE COUNTY COUNCIL

ADULTS & CHILDREN'S DIRECTORATE

KINSHIP CARE POLICY AND PROCEDURE

1. INTRODUCTION

The purpose of this policy and procedure is to:

- Define the term kinship;
- Summarise the research evidence for kinship care arrangements;
- Describe the range of kinship arrangements which may be available to children and young people;
- Set out the statutory basis for each type of kinship placement;
- Provide guidance on determining which kinship arrangement is most appropriate for a child or young person within the context of assessment of need within the Framework for the Assessment of Children in Need and their Families;
- Provide policy and procedural guidance in relation to placements of children accommodated or in care with family or friends foster carers (including immediate placements with connected persons made under Regulation 24 of the Care Planning, Placement and Case Review (England) Regulations 2010);
- Establish a clear link to the procedures relating to arrangements for Special Guardianship or Residence Orders with relatives or friends in circumstances where obtaining such an order prevents the child from coming into or remaining in care.

The policy and procedure should be read in conjunction with Northamptonshire County Council policies and procedures in respect of:

- Safeguarding
- Private Fostering
- Multi Agency Children's Placement Panel
- Looked After Children
- Permanency Planning
- Residence Order
- Special Guardianship Order
- Fostering and Adoption

The Kinship Policy and Procedure takes account of the Care Planning, Placement and Case Review (England) Regulations 2010. The Policy and Procedure is interlinked but for ease of reference is divided into two sections: part one outlines the broad policy and focuses on the definition, types of kinship placements, the legal framework and practice requirements; part two sets out the procedure and how the broad policy requirements will be implemented by the Council.

The policy was first drafted in April 2011, and has been refreshed following consultation with a group of kinship carers.

2. NATIONAL CONTEXT

One or more of their parents brings up most children, but it has been estimated that up to 300,000 children are cared for full time by a relative, friend, or other person previously connected with the child.¹ These arrangements will be covered by a range of different legal statuses including over 7,000 looked after children who are placed with family members and friends who have been approved as their foster carers.² All of these arrangements are referred to in this guidance as “family and friends care” although they are sometimes also referred to as kinship care arrangements.

Family and friends carers play a unique role in enabling children and young people to remain with people they know and trust if they cannot, for whatever reason, live with their parents. These children may or may not be looked after by the local authority, or even known to it. The majority of the relatives who provide care are grandparents, aunts and uncles, but the group includes others such as older siblings.

Many children who live in family and friends care do well in life, but others are vulnerable to failing to achieve good outcomes. Many family and friends carers both want and need support to enable them to meet the needs of the children they care for. Whilst every child must be considered on an individual basis according to their needs, the policy and procedure sets out the broad and specific requirements in relation to safeguarding children’s welfare.

3. DEFINITION

3.1. *“Kinship care is the full time care, nurturing and protection of children by relatives, members of their tribes or clans, godparents, stepparents, or any adult who has a kinship bond with a child. This definition is designed to be inclusive and respectful of cultural values and ties of affection. It allows a child to grow to adulthood in a family environment.”*

[Child Welfare League of America]

“A child living away from the parental home with a relative or friend with the knowledge of the social services department who would otherwise be with stranger foster carers, in residential care, independent living or adopted. The kinship placement is either initiated by the social services department or via a relative or friend and involves some sort of assistance or arrangement, including making decisions about legal orders, financial and social work support.”

[Joseph Rowntree Foundation 2001]

¹ Richards A and Tapsfield R, *Funding Family and Friends Care: The Way Forward*, Family Rights Group 2003.

² 7,200 on 31 March 2010. Department for Education Statistical First Release September 2010, Table A9.

3.2. Types of kinship arrangements

3.2.1. Private Kinship Care

For the purposes of this policy and procedure, private kinship care arrangements are defined as:

- a) Children placed by those with parental responsibility on their own initiative with a relative, without the assistance and support of the local authority. The Children Act 1989 defines relatives as:

- Grandparent
- Aunt/Uncle
- Sibling
- Step-parent

Therefore if the relative does not fall within this definition, the arrangement will be classed as private fostering.

- b) Arrangements made by a young person of 16+ who is living with a relative of their own volition.
- c) Children placed with relatives or friends who have been granted a Residence Order (full or interim).
- d) Children placed with relatives or friends who have been granted a Special Guardianship Order.
- e) Children who have been adopted by the partner of their birth parent (step-parent adoption).
- f) Children who are adopted by a relative.

3.2.2. Public kinship care

For the purposes of this policy and procedure, public kinship care arrangements relate to:

- a) Children placed with friends, or relatives outside the CA 1989 definition of relative, for a period of more than 28 days. In these circumstances private fostering arrangements apply (see section 7.1).
- b) Children who are living in kinship care arrangements under a private arrangement and who subsequently need to become looked after:
- subject to an emergency protection order
 - subject to an interim care order
 - subject to a care order
 - accommodated under S20 CA 1989
 - subject to police protection
- c) Children becoming looked after in an emergency where, being placed with a relative, friend, or other person connected with a child triggers in all such cases an immediate placement under Regulation 24, Care Planning, Placement and Case Review Regulations 2010.

- d) Children who are looked after placed with a relative, friend, or other person connected with children placed under Regulation 24, Care Planning, Placement and Case Review Regulations 2010 as part of a planned placement, either as an interim, or more usually a permanent, placement.
- e) Children who have been placed by those with parental responsibility with a relative or friend where there is a degree of involvement by children's social care services in the placement.

Thus kinship care arrangements encompass a range of private and public arrangements provided by relatives, friends or a person connected with a child on a temporary or permanent basis, dependent on the child's circumstances.

4. VALUES AND PRINCIPLES ON WHICH THE POLICY IS BASED

- The child's welfare is paramount.
- If a child cannot live with his/her birth parents, care by friends and family carers is the placement of first consideration in assessing how best to meet the needs of the child.
- Every child has the right to have the opportunity to develop secure attachments to carers who are capable of providing safe, effective and loving care for the duration of his/her childhood, in order to thrive and achieve the best possible life chances.
- For most children, the greatest prospect for security and meeting their emotional, physical, social, cultural, and linguistic needs will be for them to remain with, or return to live with their birth parent/s.
- Families are usually best placed to find their own solutions and to make safe plans for children within the family; intervention from the local authority will be kept to the minimum needed to safeguard the welfare of the child and to secure permanence. Services will be provided in partnership with parents and will seek to enhance rather than substitute the family's capacity to care for their child.
- Whenever a child cannot live with his or her birth parents, the need for long term security will be a factor in determining the most appropriate legal status to ensure safe, effective and loving care for the duration of childhood (permanence). The care plan may thus be for permanent fostering, adoption, Special Guardianship or residence, depending on the needs of the child. Maximising placement stability must be a primary consideration in determining the route to permanence for any child.

5. RESEARCH

- 5.1. Evidence from research suggests that some of the benefits for children of being cared for by family or friends are that it:
 - Enables children to live with and be cared for by people they know and trust.
 - Reduces the trauma of separation that can be experienced if children have to live with strangers.
 - Reinforces a sense of identity and self-esteem, which comes from children knowing their family history and culture.

- Helps children to maintain contact with their parents, brothers and sisters and other family members.
 - Encourages families to consider and rely on their own family members as resources.
 - Gives children the opportunity to stay linked to their own communities and promotes a sense of family community responsibility.
 - Strengthens the ability of families to give children the support they need
- 5.2. 75% of young people consulted by the Children's Rights Director for England in response to Care Matters thought that families should be given a chance to suggest other ways of looking after children before they go into care.³
- 5.3. It is against this research background that the policy and procedure has been developed. It provides guidance both as to the type of kinship arrangement, which may best support the needs of the child and the route by which this may be achieved within the local authority's statutory duties to children in need.
- 5.4. For further details on research evidence, see appendix 1.

6. LEGAL CONTEXT

The majority of family and friends carers act informally by agreement with those holding parental responsibility for the children they care for. Providing they are a relative of the child as defined by section 105 of the Children Act 1989 (grandparent, aunt, uncle, sibling, step-parent) or have parental responsibility for the child, there is no requirement to notify the local authority of the arrangement. Most such arrangements remain entirely private without the need for the involvement of children's social care services and the child becoming looked after, although support may be provided under section 17 of the Children Act 1989.

In other circumstances, family and friends care arrangements may be subject to the requirements of legislation such as that which governs private fostering, Residence Orders, Special Guardianship Orders or children who are looked after by the local authority and placed with local authority foster carers who are relatives, friends or other persons connected with the child.

7. LEGAL FRAMEWORK

7.1. Private fostering arrangements

If the carers of a child under the age of 16 (or 18 if disabled) do not have parental responsibility for the child and 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 for 28 days or more or is intended to do so, then the arrangement will fall within the definition of private fostering in the Children Act 1989, and the provisions in that Act and in the Children (Private Arrangements for Fostering) Regulations 2005 will apply. All such arrangements must be notified by the parent and/or carer to the local authority.

³ *Care Matters: Young people's responses*, DFES 2007.

Unless the young person is disabled within the meaning of the Children Act 1989, the young person will cease to be privately fostered at the age of 16, but if the living arrangements continue then this statutory guidance will continue to apply as the arrangement will revert to that of informal family and friends care.

A child who is privately fostered may also be assessed as a child in need, and be provided with support under section 17 of the Children Act 1989.

7.2. **Section 17**

Section 17 of the Children Act 1989 imposes a general duty on the local authority 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 by providing a range and level of services appropriate to those children's needs ("family support services"). "Family" in relation to such a child means not only a person who has parental responsibility for the child but also any other person with whom the child has been living.

The definition of a child in need in section 17(10) is broad. A child in need is a child whose vulnerability is such that they are unlikely to reach or maintain a satisfactory level of health or development or their health or development would be significantly impaired without the provision of services by the local authority.

The range and level of family support services which may be provided under section 17 is wide, and is set out in Part 1 of Schedule 2 to the Children Act 1989. As well as practical support, family and friends carers may need advice, guidance or counselling about how to manage issues such as those arising from contact or from caring for children with emotional or behavioural difficulties due to their earlier experiences.

Such services may be provided by local authorities to support both formal and informal family and friends care arrangements. The 1989 Act does not impose a limit on the amount of support which may be provided under section 17. Section 17(6) provides that the family support services provided by a local authority may include giving assistance in kind and may also include giving financial assistance to the family.

Section 17(6) has been amended by the 2008 Act in order to remove the restriction on the local authority to provide financial assistance only "in exceptional circumstances." A local authority may now provide financial support on a regular basis under section 17. Local authorities providing such financial support to family and friends carers under section 17 will need to be clear that this support is provided under section 17.

A local authority's duty to safeguard and promote the welfare of children in need under section 17 of the 1989 Act extends to children in need "within their area". Where a child receiving services under section 17, who is not looked after, moves to the area of another local authority, it is for the new authority to consider whether services should be provided to that child, in accordance with its own priorities for service provision and eligibility criteria.

A child who is provided with support and services under S. 17, which can include help with accommodation, does not become looked after.

7.3. The provision of accommodation under Section 20(1)

Section 20(1) of the Children Act 1989 states that 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 him being prevented (whether or not permanently, and for whatever reason) from providing them with suitable accommodation or care.

When a local authority is considering whether a child cared for by family and friends “requires accommodation”, the question at (c) will be particularly relevant: does the child appear to the authority to require accommodation because the person who has been caring for the child is prevented from providing the child with suitable accommodation or care? If it appears to the authority that the child does require accommodation, then it must provide that accommodation.

Under section 20(4) the local authority may also provide accommodation for any child in their area (even though a person who has parental responsibility for the child is able to provide them with accommodation) if they consider that to do so would safeguard or promote the child's welfare. Short breaks are frequently provided under this provision.

Before providing accommodation under section 20, the local authority must, so far as is reasonably practicable and consistent with the child's welfare, ascertain and give due consideration to the child's wishes and feelings regarding the provision of accommodation. If a person with parental responsibility for the child, who is willing and able to provide accommodation or arrange for accommodation to be provided to him, objects to the local authority providing accommodation, the authority should consider whether the child's welfare requires him to be looked after by the authority and if so seek a care order under Part 4 of the Children Act 1989 (section 20 (7)).

Where a child is provided with accommodation under section 20, or is subject to a care order, the child is looked after and the duties in Part 3 of the 1989 Act, particularly sections 22 to 22D, and the 2010 Regulations will apply.

7.4. Accommodation and maintenance of looked after children under new sections 22A to 22F

Sections 22 A to 22F of the Children Act 1989 were inserted by section 8 of the 2008 Act and make provision in relation to the accommodation and maintenance of children who are looked after. The new section 22C is the key provision and replaces the provisions set out in section 23 of the Children Act 1989.

Section 22C sets out the ways in which looked after children should be accommodated and maintained. Section 22C (2) to (4) provides that a local authority must make arrangements for a child who is looked after to live with their parents, a person who is not a parent but who has parental responsibility for the child or, in a case where the child is in the care of the local authority and there was a Residence Order in force with respect to the child immediately before the Care Order was made, the person in whose favour the Residence Order was made.

This “rehabilitative” duty is subject to the proviso that the arrangements must be both consistent with the child’s welfare and reasonably practicable, and reflects the principle that state intervention in family life should be to keep children safe and ensure that families have the necessary support to bring up their children. For children subject to a Care Order the placement back with their parents must be in accordance with the 2010 Regulations.

Where a local authority is unable to make arrangements under section 22C(2) to (4) then section 22C(5) requires the authority to place the child in the most appropriate placement available. Section 22C(6) to (9) sets out what those placement options are and how the local authority must determine the most appropriate placement. In so doing the 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. They must have been approved as a local authority foster carer in accordance with the Fostering Services (England) Regulations 2011 or have been temporarily approved as a foster carer under the 2010 Regulations. These Regulations, together with the National Minimum Standards for Fostering Services, set out requirements in relation to support and supervision of all foster carers including those who are family members, friends or other connected persons.

Ideally all placements will meet all of the placement criteria in section 22C(7) to (9). However, this is unlikely to be the reality and social workers, supervising social workers and other decision makers may find themselves faced with difficult choices. The placement criteria are important because many children and young people benefit by being placed with relatives or friends or others connected to them, near their own homes, continuing to attend the same school, living with their siblings and in accommodation that suits any special needs.

However not all these factors are always beneficial for all children, and some will have greater priority than others at different times in children’s lives. In weighing up the different options a number of issues need to be considered, the most important of which is how far a placement will meet the assessed needs of a particular child or young person given their previous history and their current circumstances.

Section 22C reflects the principle that all children, including looked after children, should wherever possible be cared for by their families and friends. It is also intended to ensure that children placed with relatives do not automatically lose their looked after status. Section 22C of the Children Act 1989 also makes it clear that if a looked after child is placed with a family member, friend or any other person who is connected with the child, then the carer must be approved as a local authority foster parent.

A child who is looked after and is placed with a relative, friend or other person connected with the child in accordance with section 22C(5) continues to be looked after. In the case of a child who is provided with accommodation under section 20, the child’s looked after status will end when the local authority considers that the child no longer requires accommodation under section 20(1) of the Children Act 1989. In the case of a child subject to a Care Order, the child will continue to be looked after until the order is discharged or the foster carer is granted an order, which gives them parental responsibility for the child.

7.5. The duty to secure sufficient accommodation for looked after children

Section 22G of the Children Act 1989, inserted by the 2008 Act, places local authorities under a duty to secure, so far as reasonably practicable, sufficient accommodation for looked after children which is within their local authority area and meets the needs of children. Statutory guidance covers the implementation of this requirement.⁴ Effective support to prevent the need for children to become looked after, together with appropriate placement of looked after children with family and friends foster carers, will contribute towards commissioning policies to fulfill the sufficiency duty.

7.6. Deciding between Section 17 and Section 20 Children Act 1989

Whether or not a child who is cared for by a family and friends carer should be looked after by the local authority will be a matter to be decided by the local authority on a case by case basis and following assessment. The assessment must determine whether the child meets the criteria under section 20(1) of the 1989 Act and needs to become looked after. It may not always be easy to determine, however, whether a child who is cared for by family or friends requires accommodation for the purposes of section 20(1) or whether that child's needs should be met by providing support under section 17 of the Children Act 1989⁵ In any event, where the local authority has instigated the arrangement for a child to live with a friend or relative, the local authority should provide an appropriate range and level of support for those arrangements.

Notwithstanding the importance of family support services, there are some differences between the entitlement to different forms of support by informal family and friends carers and by those who are foster carers to a child accommodated by the local authority. The main differences are summarised in the table below.

Any kinship arrangement which arises from active intervention by the local authority will in most circumstances have S20 status. For example, an assessment within child protection procedures that it is not safe for a child to remain in the care of the parent(s) cannot result in a private arrangement between the parents and a relative.

The local authority's intervention necessitates taking responsibility for the child's looked after status and where the parents do not agree to S20, legal action must be taken to secure the child's welfare. From developing case law, the following principles must be applied: -

- looked after status must follow from the local authority's direct involvement in a kinship placement to safeguard a child from significant harm;
- when a parent is unable to provide a child with suitable accommodation or care such that S20 CA 1989 conditions apply, the central consideration is whether the child concerned requires accommodation as a result of S20(1) conditions being met. Private family arrangements may be made in these circumstances. Where these are referred to the local authority, an

⁴ Sufficiency: Statutory guidance on securing sufficient accommodation for looked after children, DCSF 2010.

⁵ It is hoped that further clarification on this matter will be given by the Court of Appeal this year, when the Court decides Kent County Council's appeal to the High Court's decision in R (on the application of SA) v KCC [2010] 2FCR 405. If necessary, this guidance will be amended to reflect the Court of Appeal's judgment.

assessment of need must determine whether S20 or S17 support is most appropriate;

- any indication by the local authority that financial assistance may be provided to meet the cost of care is likely to be a strong if not conclusive indication that this is not regarded as a private arrangement. If the local authority has played a significant role in the arrangements, the local authority must explain clearly to the carer who is responsible for supporting the placement financially. If this is not done, the assumption will be that the local authority accepts responsibility for funding it;
- principles of good permanence planning must apply to all kinship arrangements referred to or made by the local authority. This means good quality assessments of the child's needs and assessment of the carer(s) ability to meet the assessed needs. It also means determining at an early stage in care planning the most appropriate legal status by which to secure permanence for the child; placements which initiate as foster placements status must not remain so indefinitely if another legal status can provide a greater degree of security, stability and sense of permanence for the child.

As a guide, a child in kinship arrangements **may** need to become or remain looked after: -

- where a birth parent may be untraceable, or incapable of giving agreement to the arrangements; therefore S20 may apply;
- where the parent is capable of giving agreement but refuses to do so, or is inconsistent in maintaining cooperation and care is deemed necessary to safeguard the welfare of the child and prevent significant harm; in such cases legal planning procedures must be followed to consider applying for an emergency protection order or interim care order as deemed appropriate. (see legal planning process);
- where the parent and carer are unable to come to an agreement about the arrangements for the child's care in the child's best interests; or parental agreement has been withdrawn to existing arrangements and a core assessment (as a minimum) or specialist assessment shows that the parent is unable to meet the child's needs if returned to their care. The legal planning process must apply in such circumstances;
- where a carer may feel threatened, or unsafe, in managing contact between the child and their birth parents;
- where the carer is unable or unwilling to continue caring for the child or adequately meet their needs without the degree of social work and financial support that fostering regulations confer. This should only apply in exceptional circumstances and where other means of providing such support have been fully explored. It is unlikely to be the only reason and will most usually arise because of the need to provide intensive support to address complex family dynamics. Such cases could involve the prospective carer in complex tasks over a significant period of time which would necessitate the continuing involvement of children's social care services; or
- where it has been concluded that the local authority needs to share parental responsibility with the birth parent/s, in order to promote the child's welfare and to secure their placement with the kinship carer. However, care status

must be kept under review and alternative orders which would secure permanence for the child must be sought by agreement with the kinship carers if at all possible. Perceived reliance on ongoing support of the fostering services must never become a reason where sufficient support may be provided within Special Guardianship arrangements. Assessment may suggest that the child's placement is best secured by the kinship carer acquiring parental responsibility (rather than the Local Authority holding parental responsibility by means of a care or interim care order). In those circumstances the Local Authority can continue to provide support and services (including financial support) within the Special Guardianship support framework or the S. 17 framework.

Child in need supported under s 17	Child accommodated under s 20
<ul style="list-style-type: none"> • the child is not looked after by the local authority • the child will not have a care plan but there may be a child in need plan or child protection plan • if there is a child in need plan a social worker or other worker may visit the child and carers • the child may be offered access to an advocacy service • the carers will not usually have a separate social worker • the local authority has discretion to give financial assistance (which can be on the basis of regular payments) but there is no entitlement and payments may be means tested • Child Benefit and Child Tax Credit may be payable • support may be offered to the carers and/or child but is discretionary • there is no entitlement to leaving care support • any support offered will cease when the young person becomes 18, unless criteria are met for support from adult services 	<ul style="list-style-type: none"> • the child is looked after by the local authority • the child must have a care plan (including health plan and personal education plan) which will be reviewed by an independent reviewing officer • a social worker will visit the child and carers and oversee the child's welfare • the child must have access to an independent advocate • a supervising social worker will be appointed for the foster carers • a weekly fostering allowance will be paid • there is no entitlement to Child Benefit or Child Tax Credit • training and support must be offered to the foster carers • on leaving care the young person may be eligible for ongoing support under the 1989 Act (as amended by the Children (Leaving Care) Act 2000) • the local authority is able to offer continuing support (including financial support) to the carers until the young person is 21, and to support the young person in respect of education and training until they become 25.

It is important to note the 2007 judgement in *R and LB Southwark and Lambeth*—the Court ruled in a case where the local authority believed they had facilitated a private arrangement made by a mother to place a child with a friend. However, the Court interpreted the arrangement to be the local authority fulfilling its duty under S20 and S23 Children Act 1989 and therefore that Fostering Services Regulations 2002 and foster payments must apply. The implications are therefore that the assessment of need which precedes any support provided by the local authority to private kinship arrangements must be clear as to why the arrangement is being supported under S17 and the S20 duty does not apply.

Therefore, it is essential that the local authority is clear whether support is being provided under Section 17 or Section 20 and the reasons why that decision has been taken.

The assessment and decision should take in to account the wishes and feelings of the child (if of sufficient age and understanding to express a view about whether s/he wants to be looked after, have a social worker etc) though these will inform, but not determine, the decision.

7.7. Pre-proceedings

In relation to care proceedings, the Public Law Outline requires authorities to demonstrate that they have considered family members and friends as potential carers at each stage of the decision making process. The local authority will need to disclose information about discussions with relevant family and friends at the pre-proceedings stage. Statutory guidance in relation to Court Orders emphasises that consideration of potential alternative carers should always be fully explored before making an application under section 31 of the Children Act 1989, provided that this does not jeopardise the child's safety and welfare.⁶

7.8. Special Guardianship, Residence Orders and Adoption

Where a relative, friend or other connected person wishes to make a long term commitment to caring for a child, they may apply for a Residence Order or a Special Guardianship Order. The effect of either such order will be to give the person in whose favour the order is made parental responsibility for the child. A Special Guardian may exercise parental responsibility to the exclusion of all others with parental responsibility (although the Special Guardian cannot consent to the adoption of the child), and is responsible for all aspects of caring for the child or young person and for taking decisions to do with their upbringing. To support the stable placement of children within their families, the Children Act 1989 has been amended by the 2008 Act to allow relatives to apply for a Residence Order or Special Guardianship Order without the permission of the Court after caring for the child for one year, instead of three years as was previously the case.

In the case of a child who was looked after immediately prior to the making of a Special Guardianship Order, the child, special guardian or parent has a right to receive an assessment by the local authority for support services, which may include financial support.⁷ The statutory guidance makes it clear that it is important that children who were not looked after should not be unfairly disadvantaged by this approach, as in many cases the only reason that the child was not looked after is that a relative has stepped in quickly to take on responsibility for the child when the parent could no longer do so.⁸ In the case of

⁶ *Children Act 1989 Guidance and Regulations, Volume 1: Court Orders*, DCSF 2008, chapter 3.

⁷ Regulation 11, Special Guardianship Regulations 2005.

⁸ Special Guardianship Guidance, DfES 2005.

a Special Guardian who was previously the child's foster carer, financial support may include not only an allowance but also an element in lieu of a fostering fee for up to two years, or longer if the authority considers this to be appropriate.

There is no similar right to an assessment for support for holders of Residence Orders, but local authorities have the power to pay a Residence Order allowance where this is the most appropriate way to safeguard and promote the child's welfare.⁹

Where a child is already living with a family and friends carer it may also be possible for them to apply for an Adoption Order, this would extinguish the parental responsibility of the birth parents.¹⁰ Local authorities are also required to make a range of adoption support services available in their area to meet the needs of people affected by adoption, and adopted children and adopters have the right to be assessed for certain support services, the details of which are set out in the relevant regulations and statutory guidance.¹¹

Requirements for the assessment of people who wish to become Special Guardians or adopters are set out in the relevant statutory guidance.¹²

To support them in making the transition to adulthood, children who were looked after by a local authority immediately before the making of a Special Guardianship Order may qualify for a range of support under the Children Act 1989.¹³

7.9. Care Leavers

The Children Act 1989, as amended by the Children (Leaving Care) Act 2000 and the 2008 Act, imposes a duty on local authorities to provide care leaving support to young people who are ceasing to be looked after and making the transition to adulthood. This applies to children placed by the local authority with family and friends foster carers in the same way as it does to all other care leavers. For those who are, or propose to be, in education or training there will be an entitlement to a personal adviser up to the age of 25, and a bursary towards higher education. The responsibilities are set out in the Care Leavers (England) Regulations 2010, the Children Act 1989 (Higher Education Bursary) (England) Regulations 2009 and the relevant statutory guidance.¹⁴

8. DUTY TO PLACE LOOKED AFTER CHILDREN WITH KINSHIP CARERS

Local authorities have a duty to consider whether looked after children may be placed with relatives and friends. Prior to any placement being agreed with an unrelated carer, vigorous attempts to have identified and ruled out potential friends and family carers must be evidenced.

Exercising this duty requires that the authority takes all reasonable steps to seek out and identify suitable relatives and friends with whom a looked after child may be

⁹ Children Act 1989, Schedule 2, Section 15.

¹⁰ Section 42, Adoption and Children Act 2002.

¹¹ The Adoption Support Services Regulations 2005, and Adoption Guidance: Adoption and Children Act 2002, chapter 9.

¹² Adoption Guidance: Adoption and Children Act 2002, DfES 2005 and Special Guardianship Guidance, DfES 2005.

¹³ Section 24 (2) The Children Act 1989 and regulation 22, Special Guardianship Regulations 2005.

¹⁴ Children Act 1989 Guidance and Regulations Volume 3: Planning Transition to Adulthood for Care Leavers, DfE 2010

placed. The use of a family group conference may be helpful in identifying suitable family members who are significant to the child and who can assist in planning for the child. Details of relatives and a full genogram should be recorded at an early stage of involvement.

Many parents will recognise the potential benefits of placing a child with a person known to them and will therefore agree to such arrangements directly or provide the child's social worker with details so that they can make such enquiries.

In cases where parents do not cooperate, despite all best efforts to encourage them to do so, in providing contact details and addresses for relatives who could be considered as potential carers, action may be taken to trace relatives via other means such as use of the electoral roll. This is particularly relevant where adoption or permanence outside the family is being considered. In all such cases legal advice must be sought to ensure that there is no contravention of data protection.

In some instances, the duty to seek out potential kinship carers may conflict with the parent's wishes in respect of the child's placement. In these circumstances, before pursuing a placement with a family and friends carer, careful consideration should be given to the potential consequences of placing the child with carers against the parents' wishes. In practice a balance must be struck between the benefits of the child living with a person he/she knows and the negative impact that action may have on partnership with parents and implementing both immediate and long term plans for the child. The parent(s)' wishes cannot however be overridden in S20 arrangements.

However, bearing in mind the potential benefits for the child of placements with family or friends, the circumstances in which the local authority would choose not to place with the relative, upholding the birth parents wishes, should only be when the level of conflict between the birth parents and potential carer is deemed to be detrimental to the child. In practice it is not unusual for parents to oppose placement with friends and family initially but to change their view over time. Professional judgement about which course of action will best promote the child's welfare should take account of any available legal advice. This should always be taken where the LA is considering making a placement which goes against the wishes of either parent and is particularly important where pursuit of a family and friends placement could lead to the child's early discharge from accommodation.

9. APPROVAL OF FAMILY AND FRIENDS AS FOSTER CARERS

9.1. The Approval Process

- 9.1.1. To enable them to care for a looked after child, relatives, friends or other persons who are connected with the child must be approved as foster carers under the 2011 Regulations or temporarily approved as foster carers under the 2010 Regulations. The National Minimum Standards (NMS) for Fostering Services apply, and standard 30 relates specifically to family and friends foster carers. The Statutory Guidance for Fostering Services (2011) provides more detailed information about the assessment and approval of foster carers, and applies in relation to family and friends foster carers as it does for other foster carers.
- 9.1.2. Whilst many of the issues that go with being a family and friends carer are likely to be the same whether or not the carers are approved as foster carers, being a foster carer brings with it additional responsibilities and obligations which have to be met. The local authority will be responsible for the child's care plan and for supervising the family and friends foster carer, whilst the family and friends foster

carer will exercise delegated authority within the overall framework of the care plan and the placement plan and will be expected to demonstrate they are meeting the child's needs as set out in the care plan and engage in appropriate learning and development.¹⁵

9.2. Temporary Approval of a connected person as a foster carer

- 9.2.1. The 2010 Care Planning, Placement and Case Review (England) Regulations 2010 define a "connected person" as a relative, friend or other person connected with a child.
- 9.2.2. There will be circumstances when the most appropriate placement for a looked after child is with a connected person and the need for such a placement is urgent, but it is not possible to fulfil all the requirements of the 2011 Fostering Services Regulations in approving the person as a local authority foster carer before placing the child. Regulations 24 and 25 of the 2010 Regulations set out arrangements for the temporary approval of a connected person as a foster carer to allow an immediate placement. The authority must be satisfied that the placement is the most suitable means to safeguard and promote the child's welfare, and that the placement cannot wait until the full approval process can be completed. Further guidance regarding temporary approval as foster carers is given in the related statutory guidance.¹⁶
- 9.2.3. Regulation 24(1) of the 2010 Regulations makes clear that, subject to the successful completion of the assessment/checks set out at regulation 24(2), the connected person may be immediately approved as a local authority foster carer for a period not exceeding 16 weeks. This time period has been set to allow sufficient time for a foster carer approval process to be undertaken, including the required Criminal Records Bureau checks.
- 9.2.4. Regulation 25 of the 2010 Regulations sets out the circumstances in which, exceptionally, the period of temporary approval may be extended. These circumstances are either:
- a) where the approval process has taken longer than anticipated (and in these circumstances the temporary approval may be extended for a further 8 weeks);
or
 - b) where the connected person has not been approved following the assessment process and seeks a review of the decision through the Independent Review Mechanism (and in those circumstances the temporary approval will continue until the outcome of the review is known).
- 9.2.5. If these time periods expire and the connected person has not been approved as a foster carer in accordance with the 2011 Regulations, the responsible authority must arrange for an alternative placement and remove the child from the connected person in accordance with regulation 25(6). There is no right to review by the Independent Review Mechanism of a person who is temporarily approved under the 2010 Regulations if the fostering service decides not to undertake a full assessment under the 2011 Regulations and the child's placement is ended.

¹⁵ Regulation 9, Care Planning, Placement and Case Review (England) Regulations 2010; and Children Act 1989 Regulations and Guidance Volume 2: Care Planning, Placement and Case Review, DCSF 2010

¹⁶ Children Act 1989 Guidance and Regulations Volume 2: Care Planning, Placement and Case Review, DCSF 2010, paragraphs 3.86 – 3.95 and Statutory Guidance on Fostering Services, DCSF 2011

- 9.2.6. These provisions relating to temporary approval are intended to be used exceptionally and in circumstances which could not easily have been foreseen, when it is not possible to undertake a full foster carer assessment prior to placement. The power will be most useful where it is clearly in the child's interest to be placed with or remain in the care of a familiar figure in reassuring surroundings. Before making such a placement the authority should satisfy itself as to the reasons for the carers coming forward to offer a placement, and that there is no obvious barrier to undertaking a foster carer assessment.
- 9.2.7. The assessment requirements before the child may be placed under these arrangements, as set out in regulation 24 of the 2010 Regulations, are the minimum requirements for assessing the connected person's suitability within what may be a short time frame. Every effort must be made to maximise the level and quality of information available to support the decision as to whether the person should be temporarily approved. In particular the assessment must assess the quality of any existing relationship between the child and the proposed carer. The intention of this provision is that the connected person has an existing relationship with the child. There may be some circumstances where the connected person is known to the child's parents or other person with parental responsibility but is not known to the child. In such circumstances the child must be introduced to the connected person and the proposed accommodation in order for the child's wishes and feelings to be appropriately ascertained.
- 9.2.8. The home must be visited by the social worker as part of the assessment as to the suitability of arrangements. This is to ensure that the physical environment of the home and space available is suitable for the particular child, and to identify the need for additional resources such as special equipment to meet the child's needs. The home visit will also provide the opportunity to more clearly identify the composition of the household and the nature and quality of the relationships between the residents, as well as their view about the proposed arrangement for the connected person to care for the child.
- 9.2.9. The child's wishes and feelings about the proposed arrangements must be ascertained, subject to age and understanding, and wherever possible an opportunity provided for the child to visit the connected person's home before the decision is finalised. The views of the child's parents and others with parental responsibility must also be obtained.
- 9.2.10. The authority to grant temporary approval of foster carers under regulation 24 will be the responsibility of the Service Manager, Fostering and Adoption Service. This is an important decision, since the authority will have responsibility for any children placed, but a full foster carer assessment will not have been undertaken and there will be no independent view from the Fostering Panel as, at this stage, the case would not have been presented to the Panel.
- 9.2.11. As the connected person will become a foster carer both the 2010 and the 2011 Regulations will apply. A care plan, including a placement plan, will be required in accordance with the 2010 Regulations. A person temporarily approved as a foster carer under the 2010 Regulations will be entitled to the same supports and services as are available to unrelated foster carers, including relevant fostering allowances and any fees for which they meet the criteria set by the particular fostering service. Temporarily approved foster carers should receive the training and support they need to provide an appropriate level of care to the child. As the placement will have been made without the benefit of a full fostering assessment,

the visiting requirements are higher than for other foster placements. The visiting requirements for looked after children are set out in regulations 28 and 29 of the 2010 Regulations.

- 9.2.12. The allowances paid by a fostering service will be calculated for family and friends foster carers on the same basis as for all other foster carers, and any variations would relate to the child's needs, the skills of the carer or some other relevant factors that is used as a criterion for all of the service's foster carers.

It is important to note the Munby Judgment in relation to Manchester City Council. The Honourable Mr Justice Munby ruled that payments to kinship foster carers should be on the same basis as local authority mainstream carers, whether it be a short or long term arrangement. Any difference should relate to the child's needs or the skills of the carers or some other factor that is used as a basis for an authority wide policy.

9.3. The Assessment Process

- 9.3.1. Part 5 of the 2011 Regulations sets out the legal requirements in relation to the assessment, approval, review and termination of approval of foster carers (see Fostering and Adoption Procedures) The information which must be taken into consideration in assessing the suitability of a person to become a foster carer is set out in Schedule 3 to the Regulations (see Fostering and Adoption Procedures).

- 9.3.2. Nobody has a right to be a foster carer, but Standard 13 of the National Minimum Standards (NMS) for Fostering Services requires that people who express an interest in becoming foster carers are treated fairly, without prejudice, openly and with respect. It requires that they are prepared in a way which addresses, and gives practical techniques to manage, the issues they are likely to encounter and identifies the competencies and strengths they have or need to develop. The assessment process for foster carers should be set out clearly and include:

- the qualities, skills or aptitudes being sought or to be achieved;
- the standards to be applied in the assessment;
- the stages and content of the selection process and where possible the timescales involved; and
- the information to be given to the applicants.

The standard also requires that prospective foster carers should be considered in terms of their capacity to look after children in a safe and responsible way that meets their developmental needs, and that appropriate checks and references are taken up in line with the regulations and an explanation given as to the reasons for these checks.

- 9.3.3. Standard 30 of the NMS clarifies that when a foster carer is being assessed for approval for a specific child or children only, there is no need to consider their suitability to care for other children. In considering whether a relative, friend or other connected person should be approved as a foster carer, account must be taken of the needs, wishes and feelings of the child whom it is proposed to place with them and the capacity of the carer to meet those particular needs. In order for the placement to be in the child's best interests, the carer will need to have the capacity to meet his or her needs for the duration of the proposed placement, whether this is short or long term. The likely length of the placement, the age of the child and if appropriate (as may be the case where the carers are older) the capacity of the wider family to contribute to the child's long term care, should be taken into account.

- 9.3.4. Where it is assessed that the family and friends carer could meet the needs but will require some support or services to be able to do so, these should be specified in the assessment report required under regulation 26 of the 2011 Regulations. Subsequently the report of the foster carer's annual review, required under regulation 28 of the 2011 Regulations, should set out how the support provided assisted the foster carer to meet the child's needs and whether continued or additional support is required. The child's placement plan, required under the 2010 Regulations, will set out in detail how the placement is intended to contribute to meeting the child's needs as set out in the care plan including the child's permanence plan, and should make clear any support or services that the family and friends foster carer needs in order to meet the child's needs.
- 9.3.5. Family and friends foster carers will usually bring with them knowledge and experience of the child they are to foster, and in many cases they will have already been providing the child with a home prior to the child become looked after. Whether or not the prospective foster carers have direct prior knowledge of the child to be placed, the assessment should focus on the experience and strengths that they bring, and the support that they will need to enable them to provide safe care for the specific looked after child. The assessment will need to balance the strengths of the carers arising from their position within the family network against any aspects which may make them less suitable. The needs of the child should be kept central to the process, as the assessment will of necessity also be a matching process of the child to the carer.
- 9.3.6. Once a foster carer is approved, they must be notified in writing of this fact and of any terms of the approval. For a family and friends foster carer, the terms of approval will often specify that they may foster only a specific named child or children. All foster carers must also enter into a foster care agreement, covering the matters set out in Schedule 5 to the 2011 Regulations.

9.4. **Specific Considerations**

A number of matters will require specific consideration in the assessment of family and friends as foster carers.

Family relationships and safeguarding the child

Many children and young people benefit from placements with relatives and friends because these can provide more continuity than placements with previously unknown carers. Living with relatives preserves a child or young person's sense of belonging to a wider family network, a close attachment is more likely to exist already or to develop, and there is also some evidence to suggest that relatives are more likely to persevere with a placement if difficulties arise.¹⁷ However not all relatives are able to safeguard and promote a child's welfare, and their parenting capacity should be rigorously assessed before approval as local authority foster carers.

Unrelated foster carers are assessed in the knowledge that any children placed with them will be previously unknown to them, and that part of their task as carers will be to build a trusting relationship with the child. For the majority of family and friends carers, a significant and possibly trusting relationship already exists with the child. However, the carers may have to negotiate a changed relationship with

¹⁷ Farmer E and Moyers S (2008) *Kinship Care: Fostering Effective Family and Friends Placements*. Jessica Kingsley.

the child, since parenting requires a more authoritative relationship with the child than being a grandparent, aunt, uncle, sibling or friend in other circumstances. There may also be implications for other children and adults in the extended family which are hard to manage.

There are far more likely to be difficulties between foster carers and parents when the carers are family members or friends. Whilst family and friends foster carers are just as likely as unrelated foster carers to safeguard and promote the child's welfare, this is sometimes at the cost of the loss of their relationship with the child's parents, who may be the carers' own child or sibling. Additionally, if parents are felt to be a potential threat, it can be easier to safeguard unrelated carers, by keeping their location secret from the parents.

Family and friends foster carers may experience hostility from the parents of the children they are raising, who may blame them for taking the child away from them or for not supporting them against the local authority. This hostility can make managing contact particularly difficult for family and friends foster carers. It is sometimes hard for family and friends foster carers to accept contact arrangements which have been set out by the Court or the local authority, as they may have difficulty understanding the reasons for these or find it hard to stand firm with a parent who does not accept any restrictions set. On the other hand, some carers will welcome restrictions being put in place and would like structured and supervised contact to be available. The assessment of a relative or friend to be a child's foster carer will need to address carefully the carer's ability to manage contact arrangements outlined in the care plan, and any support which the local authority needs to provide to enable this.

In some families the tensions and difficulties that arise between family members may outweigh the benefits. Some relatives live hundreds of miles from the child's home. Whilst the chance of developing a secure attachment with a relative may be of key significance to a younger child, the same may not be true of a teenager who may resent being cut off from peer networks or having to change schools at a critical time. It is important to discuss the priorities of placement with the child concerned and to take account of their wishes and feelings. A good understanding of the child's priorities for placement, needs, wishes and feelings will provide a sound basis for exercising professional judgement and decision-making.

Timing of, and attitude towards, the assessment

Most prospective foster carers ask to be assessed for approval at a time of their own choosing, when they feel they have the capacity to bring another child into their family. In contrast, family and friends carers have to make similar decisions when the need arises. Sometimes this is an immediate response to an emergency, without a significant opportunity to consider the options and to plan ahead for the impact it will have upon them and their family. Many carers have to make life-changing decisions, such as giving up jobs or moving home, in order to respond to the needs of the child.

Whilst unrelated carers generally approach making an application to foster in the knowledge that this will involve an intrusive assessment process, family and friends carers are not usually prepared for this in the same way. As with other foster carer assessments, these need to be undertaken in genuine partnership with the supervising social worker. The assessment process may be particularly challenging for potential family and friends foster carers, and needs to be undertaken with sensitivity, particularly as there may be time constraints.

Motivation and impact on the family

Family and friends foster carers are usually motivated by the wish to help a child already known to them, who might otherwise be placed with strangers and with whom in most cases they already have a close and loving relationship. This differs from unrelated foster carers, who are generally motivated by a commitment to help vulnerable children. This difference can in itself sometimes cause significant tensions within the family, since it may not be a consensual decision made by the whole household. The decision to look after a child who is a relative or friend has the potential to create significant tensions within the family, for instance with a partner who is unrelated to the child, or with carers' other children.

Carers' own feelings

Family and friends carers are often deeply affected personally by the events, which have led to the need for a child to live away from his or her parents. They may for example be dealing with the death of their own child or a parent, or the deterioration in mental health or drug addiction of a sibling, at the same time as being assessed as foster carers. In the case of other potential foster carers, such events would be likely to make an assessment inappropriate until the applicants had been given time to come to terms with the issues, whereas with family and friends carers it may be the event itself which gives rise to the application, requiring particular sensitivity on the part of the social worker and the fostering panel.

Accommodation

Sometimes family and friends carers will find that taking a child or children into their home places undue pressure on their accommodation which would make it unsuitable in the case of another foster carer. Children living with family and friends foster carers have the same rights to privacy and suitable sleeping accommodation as other looked after children, but these should be seen as part of the total assessment of suitability, to be balanced against other factors. A child who would be unhappy to share a bedroom with a child unknown to them may not mind sharing with another child who is a relative and who they know well. They may already be living in the carer's home and happy with the overall situation. In approving the foster carer the fostering service will need to be satisfied that there is adequate space to a suitable standard, as set out in Standard 10.6 of the NMS, or if this is not the case set out proposals as to how it will be met in the future. The wishes and feelings of the child will be an important factor in helping the social worker to assess the suitability of the accommodation.

Location

Most people who apply to a local authority to become foster carers live in the local authority area, and foster children from the local community. In contrast relatives may live further afield, and the requirement to place a child or young person near their home must be balanced against other, competing, needs. Familiar surroundings may be less important than the ability to reinforce family ties, whilst some children who have been in trouble in their home area may benefit from a fresh start and the chance to develop new relationships and skills.

The requirement that a decision to place a looked after child out of the local authority area must be approved by the responsible authority's nominated officer does not apply if the child is being placed with a foster carer who is approved by

the same local authority, or who is a person connected with the child.¹⁸ However all relevant factors, including the wishes and feelings of the child and parents, must be ascertained and taken into account in making the decision.

In the event that a relative, friend or other person connected with the child who is living outside of England and Wales offers to become a foster carer for a looked after child, the responsible authority must take steps to ensure, as far as is practicable, that the requirements imposed on the placement mirror those that would have applied if the child or young person had been placed in England or Wales.¹⁹ The child or young person's care plan must include the arrangements for the supervision of the placement.

Placements of looked after children with family and foster carers abroad are likely to be exceptional, particularly where the child has developed close ties within the UK or links to the family abroad are weak. The overriding priority remains the best interests of the child and authorities are legally required to ensure that any placement being considered meets and continues to meet the child's needs. Provisions under the Brussels 11a Regulation already require local authorities looking to place children in other EU member states to consult the authorities of the EU country concerned. Broadly similar provisions applying to placements in a wider range of countries are likely to come into effect later in 2011 when the UK implements the 1996 Hague Convention. Short guidance on these provisions is currently under development and will be made available prior to the Convention coming into force. More detailed guidance on placements outside the British Islands may be found in the statutory guidance on Care Planning, Placement and Case review 2010.

Health

The health of the carers will be an important factor to consider in deciding whether a relative or friend is suitable to be approved as a foster carer, especially if one or more is in poorer than average health or significantly older than the average for parents bringing up their own children. Lifestyle issues which may impact on the carer's health should be addressed within the assessment, and these and other health matters need to be balanced with other factors. Specialist advice may be needed, such as from the fostering service's medical adviser. In situations where there is particular concern, it will be important to know about the response of the wider family should the carer become unable to care for the foster child. Family responses may be different to those of unrelated foster carers who do not have a prior commitment to the child, and other relatives may provide support or offer to take over the caring role.

Parenting capacity

Fundamental to the assessment of a relative or friend to be a foster carer will be consideration of the carer's capacity to provide a level of parenting to meet the child's particular needs within the requirements of the care plan, including the placement plan. The child's core assessment and care plan will have identified his or her developmental needs, and the carer's parenting capacity should be assessed in relation to those dimensions as described in the Assessment Framework.²⁰ Family and friends foster carers must be in a position to meet the child's assessed needs, bearing in mind that those needs will often be greater than for other non-looked after children of a similar age. The circumstances of the

¹⁸ Regulation 11, Care Planning, Placement and Case Review (England) Regulations 2010.

¹⁹ Regulation 12, Care Planning, Placement and Case Review (England) Regulations 2010 .

²⁰ Framework for the Assessment of Children in Need and their Families, DoH 2000.

child's own parents should be identified and the likely impact on the capacity of the family member or friend to provide adequate care assessed.

The carer's past experiences of parenting will need to be assessed as part of a fuller picture of their capacity to care for the child. It may be that the looked after child's parent has been the only family member to experience difficulties, or these may have been part of a broader pattern within the family. The carers may be able to draw positive learning out of previous difficult experiences and it will be important to understand their level of insight into these.

Criminal convictions

The 2011 Regulations normally prevent anyone from becoming a foster carer if they, or any other member of their household, have been cautioned for or convicted of specified offences committed over the age of 18.²¹ 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.²² Such a decision should only be made when the decision maker is satisfied that approving the applicant is the most appropriate way to safeguard and promote the child's welfare. The reasons for any such decision will need to be fully explained and recorded.

²¹ Regulation 26(5), Fostering Services (England) Regulations 2011

²² Regulation 26(6), Fostering Services (England) Regulations 2011. This provision is mirrored in the Safeguarding Vulnerable Groups Act 2006 via the Safeguarding Vulnerable Groups Act 2006 (Miscellaneous Provisions) Order 2009 Article 3. Such people are not treated as being engaged in regulated activity under this Act and do not commit an offence if engaging in the activity while barred.

PART 2

PROCEDURE: APPLICATION OF THE BROAD POLICY

1.1. Decision making and Practice requirements: safeguarding the welfare of the child

This is a complex area of work involving skills, knowledge and expertise of a range of professionals within and outside Children's Social Care Services. Multi professional and cross team engagement is essential to effective short and long term planning.

- 1.1.1. Planned Placement: regardless of whether the kinship arrangement exists prior to the involvement of children's social care services, or subsequent to an assessment of need (core assessment), the case must be presented to the Multi Agency Children's Placement Panel before any decision can be taken that the child should become accommodated. Prior to accommodation status being agreed, support - financial and practical - may be provided under S17 CA 1989 unless action needs to be taken within child protection processes to immediately safeguard the welfare of the child; in such cases the core assessment must immediately follow that action.
- 1.1.2. Emergency placement: where an Emergency Protection Order (EPO) is taken or accommodation is provided by agreement of the parent(s) as a direct alternative to seeking an EPO, or the Police have taken the child into Police Protection, an immediate placement with relatives or friends or other person connected with the child who is not already approved as a foster carer may be made, under regulation 24 (The Care Planning, Placement and Case Review (England) Regulations 2010) subject to the statutory checks to ensure suitability of the proposed carers. In such circumstances, the Service Manager can authorise for a child to be placed, but the case must be presented to the next Multi Agency Children Placement Panel to discuss both the care plan and continuation of the placement.
- 1.1.3. A decision to take care proceedings to secure the child's welfare can only be taken following a legal planning meeting and must be informed by a core assessment and all the public law outlined requirements. This would also apply to a child taken into care under an EPO.

2. CHILDREN SUBJECT TO CARE PROCEEDINGS: Key principles to bear in mind (Short Term or Permanent Care)

- 2.1. The Public Law Outline governing the conduct of care proceedings specifies that where the local authority considers a child should not remain with his or her parents, before reaching a decision to issue proceedings, the local authority should take such steps as are possible, perhaps through a family group conference or other meeting to explore whether care for the child can safely be provided by a relative or friend, have assessed the suitability of possible arrangements and have considered the most suitable legal status for such arrangements. The Court will therefore expect the local authority to have considered family members and friends as potential carers unless this would jeopardise the child's safety and wellbeing.
- 2.2. It is important that relatives and/or friends are involved in discussions and planning for the child from the earliest stage, so that arrangements for the child do not become set by default or a final hearing delayed by late application from relatives.

All prospective family and friends carers for the child must be identified at an early stage in the permanency planning process and included or eliminated through careful assessment. If the intention is for a relative or friend to care for the child they should be advised about the possibility of becoming party to the proceedings.

- 2.3. It should not be assumed that a care order is a necessary to secure permanent care with a relative or friend, even where care proceedings have been initiated. Other orders should be considered within the planning process which do not require looked after status in the longer term. The suitability of such must be addressed within the legal planning meeting prior to initiation of proceedings or subsequently during care proceedings prior to final hearing.
- 2.4. Approval and assessment of relatives and friends carers requires close partnership working between the team responsible for the child and the fostering team. Social workers and/or team managers from each team must jointly plan within the timescale set by the Court. Whilst an immediate placement may be initiated under Regulation 24 Care Planning, Placement and Case Review Regulations 2010, a full assessment may be required before a final order is made. Consideration will need to be given in conjunction with discussion with the legal department as to which relative(s) is/are viable for full assessment – an initial assessment of a number of relatives may be required, addressing the criteria set out in schedule 3 of the Fostering Services Regulations 2002, followed by a decision within a legal planning forum as to which relative should be offered a full assessment.
 - whether the care plan should be for permanent foster care, Special Guardianship, residence or adoption.
 - what information should be presented in the Court arena to support the local authority's case, including whether any information relating to the parents or carers should not be disclosed to the other party. For example, highly confidential information may arise within the assessment of the carers which the carer(s) would not wish others party to the proceedings to know.
 - legal advice and potentially a direction from the Court may be necessary on this point. It should not be assumed at the outset that the whole assessment report will be disclosed to all parties within the proceedings and where this is required by the Court, the prospective carers must be made aware of this in advance to be able to assess the implications for their application and seek their own legal advice should they feel it necessary.
 - as a guiding principle, all kinship carers undergoing assessment must be advised that assessments may need to be disclosed into Court proceedings at some stage.

3. IMMEDIATE PLACEMENT OF A CHILD WITH A RELATIVE, FRIEND OR OTHER CONNECTED PERSON – Temporary approval process (up to 16 weeks)

- 3.1. Where looked after status has been agreed by a Service Manager responsible for the child, and a family or friend or other person connected with the child is available to care for the child, arrangements to assess the immediate requirements under regulation 24 (The Care Planning, Placement and Case Review (England) Regulations 2010) can be agreed by the Team Manager. A child should only be placed on an immediate basis if it is in the best interest of the child

to place her/him immediately to safeguard their welfare, and that the placement cannot wait until the full approval process can be completed.

- 3.2. When making a decision regarding the potential placement of the child with a family and friends carer or other person connected with a child, the child's social worker) must undertake a home visit and assess the suitability of the connected person to care for the child, including the suitability of:
- a) the nature and quality of any existing relationship with the child;
 - b) their capacity to care for children and in particular in relation to the child:
 - provide for the child's physical needs and appropriate medical and dental care;
 - protect the child adequately from harm or danger including from any person who presents a risk of harm to the child;
 - ensure that the accommodation and home environment is suitable with regard to the age and developmental stage of the child;
 - promote the child's learning and development; and
 - provide a stable family environment which will promote secure attachments for the child, including promoting positive contact with the appropriate person and other connected persons, unless to do this is not consistent with the duty to safeguard and promote the child's welfare;
 - c) particulars of any criminal offences of which they have been convicted or in respect of which they have been cautioned;
 - d) the nature of the neighbourhood in which their home is situated and resources available in the community to support the child and the connected person.

Note: Based on Schedule 4, Care Planning, Placement and Case Review (England) Regulations 2010.

- 3.3. The child's social worker should complete the above information in the Pre Placement Form (see appendix 2). It may not be possible to assess all the above requirements if a child has been placed on an immediate basis. However, the basic requirements in relation to the carer's ability to provide safe and adequate care, ability to work in partnership with the parents and the local authority, suitability of the accommodation including sleeping arrangements must be assessed.
- 3.4. Where a child care social worker is in any doubt about the suitability of the carer to provide the required safe care, she/he should request a joint visit with the Fostering Social Worker, or consult the Fostering Team Manager for advice before the child is placed.
- 3.5. The completed document must be signed by the Service Manager, and forwarded to the Service Manager, Fostering and Adoption who must feel satisfied that the immediate arrangement is in the best interest of the child, and meets the immediate placement requirements.
- 3.6. The Service Manager, Fostering and Adoption will confirm his/her authorisation for temporary approval of the carer, not exceeding 16 weeks, to the Service Manager within 24 hours of receiving the signed documentation.

Checks

- 3.5. Criminal: The Child Care Social Worker should seek consent from the proposed carer and all members of the household aged 16 and above to undertake criminal checks via the Police Child Abuse Investigation Unit. If this is not possible, the social worker should ensure that the proposed carer and all the members of the household aged 16 and above have signed a declaration confirming both current and spent convictions

Any disclosure of criminal convictions should be discussed with the Corporate Parenting Manager and in his/her absence with the Safeguarding Manager.

- 3.6. Local Authority: This check must be undertaken both in relation to the proposed carer living within the County and outside the County.
- 3.7. Statutory visits: The child's social worker must visit the child at least once a week until the first statutory looked after review and thereafter at intervals of not more than 4 weeks

4. THE PLACEMENT

- 4.1. A child's social worker should set up a Placement Planning Meeting before the placement or, where this is not possible because of the immediacy of the placement, within 5 working days.
- 4.2. On the placement of the child, the child's social worker will ensure the child's Care Plan and the written Placement Agreement is given to the carer.
- 4.3. The child's social worker must visit and see the child alone in the placement (unless she/he refuses) each week. The visits are to be fully recorded as statutory visits.
- 4.4. The child's social worker will update the CX1 with details of the placement and request the Fostering Team Manager arranges for payment of fostering allowances. This will also be copied to the Northamptonshire Review and Conference Service (NRCS) and, where the child was not previously Looked After, act as a request for the child's first Looked After Review.
- 4.5. Notification of the placement will also be sent by the child's social worker to the relevant local Children's Services Department, Primary Care Trust if the placement is in a different local authority area.
- 4.6. The child's social worker will notify all family members consulted and involved in the decision-making process of the placement.
- 4.7. These notifications must be made in writing, advising of the placement decision and the name and address of the person with whom the child is to be placed.
- 4.8. The child's social worker should also notify - preferably in writing but it may be verbally - all those involved in the day to day arrangements for the child, including nursery/school, GP and any health professional or YOS worker actively involved with the child.
- 4.9. It will be necessary for the child's social worker to ensure the child is registered with a GP, Dentist and Optician, either retaining practices known to him or her (which is preferable) or in the area where they are placed.

- 4.10. In relation to a first Looked After placement it will also be necessary for the social worker to arrange a Health Assessment - see Health Assessment and Health Action Plan Procedure.
- 4.11. The social worker must also arrange for the completion of a Personal Education Plan - see the Education of Looked After Children Procedure. Every effort should be made to enable the child to remain at the same school unless there are reasons, which would be detrimental to his or his well being.

5. ENDING THE PLACEMENT

- 5.1. When the placement ends, the child's social worker must update the CX1 with details of any new placement and so that payments to the carer will cease.
- 5.2. The social worker will also inform those notified when the placement was made.
- 5.3. Where appropriate, consideration may be given to holding a Disruption Meeting in which case the procedure set out in Placement Planning Meetings and Disruption Meeting Procedure should be followed.

6. EXTENSION OF TEMPORARY APPROVAL: See also section 9.1

- 6.1. The Decision Maker for the Fostering Panel may extend the temporary approval of a connected person if:
 - a) it is likely to expire before the full assessment process is completed; or
 - b) the connect person, having undergone the full assessment process, is not approved and seeks a review of the decision in accordance with Regulation 24 made under Schedule 2 to the 1989 Act.

In a case falling within paragraph a) the responsible authority (Decision Maker) may extend the temporary approval for up to 8 weeks.

In a case falling within paragraph b) Decision Maker may extend the temporary approval until the outcome of the review is known.

- 6.2. Before deciding whether to extend the temporary approval in the circumstances set out in paragraphs a) and b), the Decision Maker must first:
 - a) consider whether placement with the connected person is still the most appropriate placement available;
 - b) seek the views of the fostering panel established by the fostering service provider in accordance with the 2002 Regulations; and
 - c) inform the Independent Reviewing Officer.
- 6.3 The Team Manager (Fostering – Kinship) will present information to the Fostering Panel outlining the nature of the placement and why an extension is required. This will be passed to the Decision Maker who may authorise the extension as outlined above (see Appendix 3).
- 6.4 If the period of temporary approval and of any extension to that period expires and the connected person has not been approved as a local authority foster parent in

accordance with the 2002 Regulations, the Decision Maker must terminate the placement after first making other arrangements for the child's accommodation. This decision would be taken in conjunction with the Service Manager who is responsible for the child, and the Service Manager, Fostering and Adoption.

7. ROLE OF THE FOSTERING SERVICE: Temporary approval

- 7.1. Once the placement has been approved, the child's social worker must notify the Fostering Team Manager within 24 hours, enclosing a copy of the completed report.
- 7.2. The Fostering Team Manager will arrange for the payment of fostering allowance, and for a fostering social worker to undertake an initial home visit to the carer. The purpose of the visit will be to provide information to the carer about the full assessment process if the placement is to last longer than 16 weeks, complete a formal application form, including seeking consent for a medical, criminal record bureau checks to be completed, and references to be undertaken.
- 7.3. It is essential that the Fostering Social Worker attends the first statutory looked after review to ascertain the care plan for the child, as this should inform whether a full assessment process will need to be undertaken.

8. ASSESSMENT PROCESS: Full assessment and approval of family, friends or a connected person as foster carers

- 8.1. It is important to note that a decision to approve family, friends or a connected person should not be a foregone conclusion. Although the assessment will be tailored to the specific needs of the child, the carer must meet the standards set out in the National Minimum Standards for Fostering.
- 8.2. In the event that there is a difference of opinion between the child's social worker and the fostering assessing social worker, a meeting should be convened to discuss the differences to resolve the matter. If appropriate, the legal representative should be invited. Discussions should initially involve Team Managers, drawing respective Service Managers in if required. If the meeting is not able to resolve the differences, the matter should be discussed with the Manager, Corporate Parenting Service in her/his role as the decision maker for the Fostering Panel, with the right to further representation as necessary to the Head of Service.
- 8.3. If the plan is for the placement to last longer than 16 weeks, the fostering assessment process will commence as soon as possible after the placement is made.
- 8.4. A file will be opened for the foster carer's assessment. The allocated assessing fostering social worker will immediately arrange for a slot to be booked on the Fostering Panel within 16 weeks for the assessment to be considered.
- 8.5. The allocated assessing fostering social worker will check proof of identity of the proposed carers and arrange for the carers and members of the household aged 16 and over to complete applications for Criminal Records Bureau (CRB) checks and consent to other agency checks.
- 8.6. The signed consent form and CRB forms will be given by the assessing fostering social worker to the administrative staff in the Fostering Service who will send off for the necessary checks.

- 8.7. The assessment process and approval for family, friends or a connected person is the same as other applicants (see Assessment and Approval of Foster Carers Procedure). For kinship placements a specific Kinship Fostering Assessment form is used (see appendix 4).

9. FOSTERING PANEL

- 9.1. Applicants are encouraged to attend the panel. However, they should be prepared in advance for this formal process; particularly taking into account the likely emotions evoked by being considered as a potential carer for a close relative/friend. If it is anticipated that the panel may not be able to recommend approval, the carer's anxiety should be anticipated, but nevertheless they should be appropriately encouraged and supported to attend to make their representations directly to panel. The applicants have the right to decline the invitation to attend.
- 9.2. Panel members, having read the reports in advance of the panel meeting will ask the assessing fostering social worker and the applicants (if in attendance) questions which have arisen from the assessment. It is important to note that all the references and checks referred to above are essential requirements for applicants to become approved foster carers (Fostering Services Regulations 2002). A case should not be presented to the panel, until all the required checks have been received.
- 9.3. In cases where the panel does not feel able to recommend approval because in the view of panel aspects of the assessment are incomplete, the assessing social worker will be advised what further work is required. In such cases the fostering social worker will ensure that panel has an update on progress at each subsequent panel until the case is re-submitted.
- 9.4. Delay in completing assessments should be avoided if at all possible both to ensure that the child's care plan is expedited and to satisfy all concerned that the placement is meeting the child's needs and that the department is complying with statutory requirements.
- 9.5. The Corporate Parenting Manager is designated as the fostering agency decision maker, and will make the decision in relation to the approval of the carer taking into account panel recommendation. Following a decision to approve, the fostering panel administrator will send the carers a letter confirming details of their approval and enclosing a copy of the foster carer agreement which they are required to sign and return. Details of the carers will be entered onto CareFirst, together with their terms of approval for a specific child or children.
- 9.6. Where the newly approved carer lives outside the county, notification of the approval will be sent by the fostering panel administrator to the local authority and the primary care trust in which the foster carers reside.
- 9.7. If the agency decision is not to approve, the agency decision maker will inform the applicants in writing of the reasons, inviting them to submit representations within 28 days of the letter. If the applicants choose not to send representations, the agency decisions maker will confirm their decision in writing after 28 days has elapsed.
- 9.8. On receipt of written representation, the agency decision maker, via the panel administrator will refer the matter back to panel for consideration of whether the

representations provide additional relevant information which had not previously been taken into account. The panel will review its previous recommendation and either confirm or revise it for presentation to the agency decision maker. The decision following the representations process is final.

- 9.9. Where cases are subject to care proceedings, consideration should be given to which Court documents fostering panel should have access and leave sought accordingly.

10. POST APPROVAL

- 10.1. On approval, family and friends foster carers will have the same status as other foster carers although they are approved for a specific child or children. While it is recognised that family and friends carers have a particular relationship and position, the fostering service will always work within the standards and regulations, which apply to fostering services. However, local practice relating to the needs of family and friends foster carers will continually be developed to better tailor services to their needs.

In practice this means:

- The relevant requirements of the Fostering Services National Minimum Standards and the Fostering Services Regulations 2002 will be applied and they will be subject to the same supervision, support and regulation and policies as local authority carers.
- The carers must sign a foster carer agreement and will be provided with a copy of the foster carers handbook and any other literature normally received by other carers.
- A social worker from the fostering team will be allocated to offer supervision, advice and support and to identify training needs.

Kinship carers will receive the same relevant payments as any other carers including all the additional allowances.

- 10.2. Supervision and support will be provided to kinship foster carers by the fostering supervising social worker through:

- Home visits, including at least one unannounced visit annually
- Phone contact (minimum of 1 monthly)
- Attendance at statutory child care reviews (when appropriate)
- The annual fostering review
- Group events e.g. support groups, training and social events exclusively with mainstream and kinship carers as appropriate
- Buddying (linking carers to provide informal support to each other)

[Note: home visits by the supervising social worker do not replace the statutory visiting requirement of the child's social worker in relation to a child looked after, which is additional].

11. FAMILY AND FRIENDS PLACEMENTS OUTSIDE THE AREA OF THE LOCAL AUTHORITY

11.1. Where a family and friends carer lives in the area of another local authority in a case involving care proceedings, early discussion needs to take place (ideally pre-proceedings if possible) with that authority regarding the final responsibility for a care order, should that be the final plan. It would be usual to seek for the order to be made to the local authority in whose area the child lives.

12. REQUEST FROM A RELATIVE, A FRIEND OR A CONNECTED PERSON TO BE ASSESSED TO BE FOSTER CARERS FOR A CHILD ALREADY LOOKED AFTER AND IN A PLACEMENT ELSEWHERE

12.1. When a child is already looked after and in a placement and a relative or friend comes forward and offers a potential placement, the social worker must carefully consider the situation and the available options:

- Is the child's care plan aimed towards her/him returning to live with his/her parents in the foreseeable future? If so the social worker should weigh up the advantages of a kinship foster placement against the disruption of a move. It is rarely appropriate to start an immediate placement in these circumstances.
- Is the current placement stable, confirmed as permanence and meeting the child's needs; in such cases, a placement change is unlikely to be in the child's best interests and existing carers may also in law have rights to apply for an order to secure the child's placement.
- Is the current placement fragile and likely to disrupt; immediate placements should only be made in an emergency. If the child is already in a foster placement it would be more appropriate to support the placement wherever possible, whilst carrying out a full assessment of the proposed family and friends placement and to arrange a planned move following approval.

12.2. The social worker should refer the question to the child's next statutory review, together with their assessment of the merits of the expression of interest. Where an early placement change is indicated, an early review must be convened to agree the change of plan.

12.3. If a planned placement to family and friends carers becomes a possibility or where during care proceedings the Court requests an assessment of a relative or friend as a potential carer for a child the following process should be followed: The relative or friend should be visited by the child's social worker to assess the viability of the proposal. Much of the guidance above for immediate placements will be applicable in making this assessment. If this initial assessment indicates that it could potentially be an appropriate placement, the applicants should be provided with an information pack for kinship foster carers to assist in making an informed decision about whether to proceed. A referral should also be made to the fostering team, mindful of any timescale that may have been set by the Court for completion of the assessment.

13. USE OF INDEPENDENT SOCIAL WORKERS WITHIN PROCEEDINGS TO ASSESS POTENTIAL RELATIVE CARERS

NOTE: independent social workers are generally used to inform the Court of long-term plans for the children concerned

13.1. The Public Law Outline requires that in most cases, full assessments have been completed prior to issuing proceedings. Where assessments are nevertheless required within proceedings, duplication of assessments can cause delay for the child, be unnecessarily burdensome for families and wasteful of resources.

Therefore, whenever an independent social worker has been engaged within the care proceedings on behalf of the local authority to assess relatives' suitability to provide care of the child, they must:

- understand that their appointment is being made in respect of the local authority's statutory duties relating to assessment and planning for the child and providing fostering services and adoption services;
- be suitably qualified and experienced to undertake fostering, Special Guardianship and adoption assessments within the requirements of the National Minimum Standards and Care Planning Regulations; and
- understand at the outset that any recommendation will require the recommendation of panel and approval of the agency decision maker.

13.2. In addition the local authority must be clear about the terms of reference, outcomes to be achieved and the reporting and accountability structure. These should be confirmed in writing by the local authority representative and the independent social worker.

13.3. The independent social worker and the Court should be made aware that any follow-up work, as a result of the independent social worker's report, may be undertaken by the local authority- for example, assessments for carers in relation to Special Guardianship or Residence Order Applications.

13.4. The above will not apply to jointly instructed appointments of independent social workers as expert witnesses within proceedings.

Appendix 1: Summary of Research

Overall, research tends to support the view that kinship care can be a positive choice for children and families and in such arrangements children and young people are able to maximise their life chances. Some studies indicate that children in friends and family placements do better across all five Every Child Matters outcomes and others that they do at least as well as children placed outside their families. In a review of research, Hunt (2001) concluded that whilst it cannot be said conclusively that children in family and friends care do better than those in non-related care, the weight of evidence is broadly positive; there is little evidence that they do worse, and some studies indicate that they do better. These positive outcomes are often achieved despite rather than because of adequate levels of support, which raises the question as to whether outcomes would improve further with appropriate timely multi agency support.

A study funded by the Department for Education and Skills which compared the outcomes for children placed in friends and family placements and those placed in non-relative placements found that: *'In most cases family and friends provided excellent care of the children'* (Farmer and Moyers 2005). Farmer and Moyers identified positive outcomes for children in relation to attachment and family relationships, placement stability, continuity of experience, maintenance of relationships, safety, quality of care and child well being. However, in the final report of the study published in 2008, the findings concluded that whilst family and friends commitment to children was higher than in unrelated foster care, they were more likely to be struggling to cope and were offered less support.

"Kinship care occupies an uneasy position on the boundary between the public and private spheres of caring and this leads to a situation where some kin carers struggle to care for needy children with low levels of support and financial help. The introduction of Special Guardianship appears to offer both opportunities and risks. Local authorities committed to enabling practice with kin carers may use it well. However, it could also be used to restrict services for kin carers."

Care within the extended family is normal practice in many communities where parents are unable to care for their children. When placing black and ethnic minority children, identifying possible carers from amongst family or friends is an especially important consideration. Farmer and Moyers found that whilst significantly more black and ethnic minority children were placed with non-related carers than with family and friends carers, those placed with family and friends were significantly more likely to be in ethnically matched placements.

Few children or young people want to become looked after by the local authority; most would prefer their birth parents to be supported to continue to care for them, or if that is not possible to be able to live with members of their extended family. Of young people consulted by the Children's Rights Director for England in response to *Care Matters*, 75% thought that families should be given a chance to suggest other ways of looking after children before they go into care.²³

In 2009 focus groups were held for children and young people who either were looked after or had been so previously. Nearly half of the young people consulted felt that if possible a child should be placed to be looked after by someone from their own family, but many did not agree with the idea of special rules for making

²³ *Care Matters: Young people's responses*, DfES 2007.

placements of looked after children with family members or family friends.²⁴ One stated “Just because they are family doesn’t mean to say they are good at looking after us.” One group was very clear that family members or friends should be “checked out” and fully approved as foster carers before a child was placed with them, rather than a placement being made with temporarily approved carers who are still being checked out. They said “An assessment should be done first in all cases before you move there by social services – even if the person’s a ‘connected person’, you can’t just assume they’re safe.” In contrast, a few children and young people thought that unless a placement was known to be unsafe, family members and family friends should not be checked at all. Some said how important it is for the child to have a say, especially when somebody they know is being considered. One said “They try and place you with families first but it is always relatives you don’t like.”

1. The advice of most children and young people in the focus groups was summed up as:
 - “try families and friends, but assess first”; and
 - “use the same judgment as when moving to live with another family member as social workers would when moving to a foster carers.”
2. Children interviewed by Hunt et al in their research mainly considered themselves as close to their family and friends carers and reported “ a sense of ordinariness” in the arrangements. Doolan et al reported children living with family and friends carers as being happy and well cared for, often relating this to their pre-existing relationship with the carers.
3. The research evidence, although not conclusive, is broadly supportive of family and friends care as a viable option and suggests scope for greater use. Farmer and Moyers found that 86% of the placements made with family and friends foster carers came about because relatives or friends offered to care for the children or were already doing so, whilst only 4% were initiated by the social worker.

Although the Campbell Collaborative review supported the practice of treating family and friends care (in its wide definition) as a viable placement option for children removed from the home for maltreatment, it concluded that policies mandating such placements may not always be in the best interest of children and families. Professional judgment from practitioners should also be used to assess the individual needs of children and the ability of family and friends carers to attend to these needs.

The review concluded that if the goal of family and friends care is to enhance the behavioural development, mental health functioning, and placement stability of children, then the evidence base is supportive. However, the findings from the review do not support family and friends care solely to increase permanency rates. The primary implication to consider is whether family and friends arrangements would be even more effective with increased levels of caseworker involvement and service delivery, although the potential benefits of greater financial and therapeutic support must be weighed against the independence that some carers expect.

²⁴ *Planning, Placement and Review: A report of a children’s consultation to the DCSF by the Children’s Rights Director for England, 2009.*

Appendix 2: Pre Placement Assessment format

The following documentation contains:

1. **Initial Assessment Format**
2. **Appendix A: Immediate Placement agreement**
3. **Appendix B: Authorisation for Temporary approval**

Process

- Where looked after status has been agreed by the **Associate Area Manager/Service Manager** responsible for the child, and a family or friend or other person connected with the child is available to care for the child, arrangements to assess the immediate requirements under regulation 24 can be agreed by the **Team Manager**.
- The child's social worker must immediately complete the **Initial Assessment Format** and forward it to the Fostering & Adoption Service Manager, copying in the Fostering Service Kinship Team Manager. A **CX1** must also be completed.
- The **Immediate Placement Agreement (Appendix A)** must be **signed by the carers** when the child is placed.
- If the placement is approved, the **Fostering & Adoption Service Manager** will complete the **Authorisation for Temporary Approval (Appendix B)**.
- Once temporary approval **for up to 16 weeks** has been authorised the **Fostering Team Manager** will authorise the payment of fostering allowances, allocate for a full fostering assessment to be completed and book a Fostering Panel date.



Northamptonshire County Council

Initial Assessment for Temporary Approval as a Foster Carer Connected Person: Regulation 4/ Schedule 4 Care Planning, Placement & Care Review Regulations, 2010	
Child/ young person	
Date of Birth	
CareFirst ID	
Current address	
Prospective carer	
Date of Birth	
Address	
Prospective carer	
Date of Birth	
Address	
Relationship between Child and Carer	
Childs legal status and date	
Date child moved to prospective carers (if appropriate)	

Social Worker	
Phone	
E-mail	
Social Work Team	
Social Work Team Manager	
Phone	
E-mail	
Service Manager/ Associate Area Manager	

Section 1: Details of child /young person and their birth family

1.1 Family details	Child 1	Child 2	Mother	Father	Sibling (if placed elsewhere)
Forename(s)					
Surname					
Address					
Date of Birth					
Child /Young Person's legal status					
Parental responsibility					
Name of any other person with PR					
Ethnicity					
Religion (and whether practicing)					
Language					
Nationality					
Immigration Status (if applicable)					
School					
Year					
Statemented?					
Occupation					

1.2 Background History on the child / young person	
<p>Brief background history</p> <p>Why child is currently unable to live with a birth parent</p> <p>What are the identified risks?</p>	
1.3 Connection/ relationship between child/ren and carers	
Details of relationship between child/ren and carers	
How well do carers know the child? Have they previously cared for this child?	
Child's wishes and feelings on proposed plan	

Section 2: Details of applicants

2.1 Details of Applicant(s)		
Address		
Telephone Number		
	1st Applicant	2nd Applicant
Name		
Previous name		
Male/Female		
Date of Birth		
Place of Birth		
Nationality and immigration status		
Ethnicity		
Language/s spoken at home		
Religion (and whether practicing)		
Local Authority in which the applicant lives		
National Insurance Number		
Occupation		
Current weekly hours of work.		
Proposed hours of work following placement		
2.2 Details of Children in the Household		
Name		
Gender		
Date of Birth / age		
Ethnicity		
Type of School		
Name		
Gender		
Date of Birth and age		
Ethnicity		
Type of School		
Name		
Gender		
Date of Birth /age		
Ethnicity		
Type of School		

2.3 Details of other Adult Members of the Household (including grown-up children living at home)	
Name	
Gender	
Date of Birth / age	
Ethnic Descent	
Relationship	
Name	
Gender	
Date of Birth / age	
Ethnic Descent	
Relationship	
2.4 Details of other significant adults (i.e. who will be involved/have contact with the children on a regular basis. Including other extended family members)	
Details	
Details	
Details	

Section 3: Checks and References

<p>Local police check / enhanced CRB disclosures to be undertaken on <u>everyone</u> in the household aged 16 yrs or over.</p>		
<p>Local authority/ CareFirst checks to be undertaken on <u>all</u> members of the household including any children.</p>		
	1st Applicant	2nd Applicant
Date and Outcome of local Police check		
Date and outcome of Local Authority /CareFirst check		
Outcome and dates of checks on all other household members		
Details of any cautions, criminal convictions (spent or current)or pending investigations/ charges in relation to <u>any</u> household member		
Details of any previous involvement with Social Services of <u>any</u> household member. Including having a child removed under any legislation or court order, or subject of a care or supervision order, or subject to a child protection plan		

Section 4: Accommodation

4.1 Details of accommodation, neighbourhood, community	
<p>Description of accommodation:</p> <p>Size, ownership and security of tenure;</p> <p>The ethnic composition of the locality;</p> <p>Proximity and availability of specific amenities, including schools, medical resources, community and religious groups, and recreational facilities.</p> <p>Car available to carers or proximity to public transport facilities.</p>	
4.2 Home Safety	
<p>Basic Health and Safety check and date undertaken.</p> <p>Comment on hygiene of communal areas such as kitchen, bathroom Are they appropriate for the age and abilities of this child/ren?</p> <p>Comment on any issues/support arising.</p>	
4.3 Sleeping arrangements for the child	
<p>Comment on date seen and suitability of arrangements for this child/ren – bed/cot, bedding, furniture etc.</p> <p>Is the child sharing a room? If so who with, are there any associated risks?</p>	

4.4 Details of pets

Comment on all pets – Name, breed, age, health.

Any identified risks/ action to mitigate risks

Section 5 – Finance.

5.1 Financial assessment Household Income and Employment		
	1st Applicant	2nd Applicant
Details of working patterns – current and proposed Availability to care for child/ren, What changes to employment or additional support needed to care for the child/ren and associated cost implications?		
Applicant’s financial circumstances.- Sufficient income to meet child’s needs, financial impact of child joining the family		

Section 6: Health

	1st Applicant	2nd Applicant
6.1 Name, address and telephone number of family doctor(s)		
6.2 Carers self report on their physical and mental health and how this impacts on their ability to care for the child/ren. Including any significant past /previous health conditions. Any current or past issues of domestic violence or substance misuse		
6.3 Does anyone in the household smoke? Awareness of associated health risks for child/ren placed.		

Section 7: Parenting Capacity – to meet the needs of the specific child/ren

<p>7.1 Ensuring safety Describe the carers capacity to protect the child/ren from harm and danger</p> <p>Including any person who presents a risk to them.</p>	
<p>7.2 Education Ability to meet the child/ren’s educational needs and promote learning and development.</p>	
<p>7.3 Leisure Ability to Provide a stimulating environment include appropriate leisure opportunities</p>	
<p>7.4 Emotional and behavioral development</p> <p>Ability to offer emotional warmth.</p> <p>Provide boundaries without the use of physical chastisement.</p>	
<p>7.5 Health Ability to meet health and dental needs.</p> <p>Child’s current needs and what is required to meet these.</p>	
<p>7.6 Valuing diversity- Including child’s identity, heritage, cultural background, sexuality, religion.</p>	

Section 8: Family relationships/dynamics and contact

<p>8.1 Birth parents views of the placement and their wishes for the child</p>	
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8.2 Relationship with Birth parents	
8.3 Contact Details of arrangements Detail any risks. What support is needed	

Section 9: Recommendations and analysis of placement

Outline current Care Plan	
Recommendations for placement Analyse how this placement will meet the needs appropriate for the age and abilities of this child/ren at this time Identify any potential areas of concern. Identify any issues requiring additional support, a risk assessment etc.	
Proposed length of placement	

Section 10: Signatures

Applicant 1	
	Signature
Applicant 2	
	Signature
Social Worker	
	Signature
Team Manager	
	Signature
Service/ Associate Area Manager	
	Signature

IMMEDIATE PLACEMENT AGREEMENT

**This agreement is made under
Regulation 24, Schedule 4, Care Planning, Placement
and Case Review Regulations, 2010**

Child/ Young Person	Name
	Date of birth

1. **I/We agree:-**
 - To care for the child as if he/she were a member of my own family
 - To permit any person authorised by the local authority to visit the child at any time, but at least weekly until a more formal approval has been gained for this placement.
 - To allow the child to be removed by the local authority at any time if it appears that this placement is no longer the most suitable way of promoting the child's welfare.
 - To ensure that any confidential information, which is given to me about this child or their family, is kept confidential and is not disclosed without the permission of the local authority.
 - To only allow the child to have contact with those people and at those times specified in the contact arrangement
 - To protect the child from abuse and to promote their welfare
 - To:
 -
 -
 -

(Please add any other specific conditions)

2. **I / we understand** that this arrangement will be the subject of a more comprehensive assessment by the local authority and that the child's continued placement will be determined by the outcome of that assessment.

3. **I/We undertake to give immediate notice to the Children & Young People's Service of:**
 - Any intended change of address
 - Any change in the composition of our household (to include any animal that may pose a danger or risk to children)
 - Any change in our personal circumstances and any other event affecting either our capacity to care for any child placed or the suitability of our household.

4 We also undertake to:-

- Maintain our home to a “fit” standard to ensure good health, safety and hygiene
- Ensure that the foster child has his/her own bed and personal storage space. Any room sharing to be determined in advance of the placement
- Allow the bedroom to be inspected
- Maintain bedroom furniture, bedding and child’s clothing to a satisfactory standard. This may include listing a child’s clothing and belongings at the time the child moves on
- Promote a child’s positive image of their family
- Ensure that each child in our care is registered with a General Practitioner and that each child receives appropriate health care, which may include contact with General Practitioners, dentists, opticians and mental health specialists
- Notify the Children & Young People’s Service of any incident where the child is missing from the foster home for any period longer than one hour unless the Child Care Plan indicates otherwise.
- Not to use corporal punishment including slapping and rough handling to any child placed
- Tell the social worker of any incident of abuse that is revealed by the child. Such revelations must never be kept secret.

5 Northamptonshire County Council Children and Young People’s Service undertakes to:

- Provide social work support to foster carers in order to promote the welfare of children in their care and good fostering practice.
- Pay fostering allowances promptly

Applicant 1	Name
	Signature
	Date
Applicant 2	Name
	Signature
	Date
Social Worker	Name
	Signature
	Date

Authorisation for Temporary Approval

I approve/ do not approve the above applicants as foster carers for a temporary period not exceeding 16 weeks in compliance with Regulation 24 of the Care Planning, Placement and Case Review Regulations (2010).

Placement start date	
Placement end date (max 16 weeks)	
Comments	
Signed	
Print Name	
Position	
Date	

CONFIDENTIAL**Initial Assessment for Temporary Approval as a Foster Carer**

Connected Person: Regulation 4/ Schedule 4 Care Planning, Placement & Care Review Regulations, 2010

Authorisation for Continued Approval		
Name of child (ren)		
Date of birth		
CareFirst ID		
Legal status		
Carer(s) name		
Address		
Social worker		
Team		
Placement start date		
End due (16 weeks)		
Carer approval date		
Comments		
Carer approved by		
Kinship Team SW		
Assessment start date		
Reason for assessment		
Reason for extension		
Action to ensure report ready in 24 weeks		
	Social Worker	Team Manager
Name		
Signature		
Date		
Date of panel		
Views of panel		
Chair of panel		

Decision Maker comments	
I approve/ do not approve the above foster carers for a further period not exceeding 8 weeks in accordance with Regulation 25 of the Care Planning, Placement and Case Review Regulations (2010).	
Signed	
Print Name	
Position Date	