

## **Caring for Somebody Else's Child: a Guide for Carers**

Southampton City Council believes that all children or young people who cannot live at home with their birth parents should be able to have legally permanent relationships through to adulthood and beyond.

For many children and young people this will be achieved by a successful and safe return to their birth family.

For children who need to be away from their parents temporarily, the law, through the Children Act 1989 requires that we will always seek to ensure that if they can be, they are looked after by their extended family or with friends.

For others, return may not be possible, and these children may need to live away from their birth parents permanently.

The law, through the Children Act 1989, requires that for children who cannot live with their parents permanently, Southampton City Council must also always first seek to find alternative permanent care with extended family or with friends.

### **“Informal” Arrangements**

Parents can legally decide to place a child with a relative without notifying Southampton Childrens Services. A relative is defined in the Children Act as grandparent, brother, sister, uncle or aunt (by full blood, half blood or by marriage or civil partnership) or step parent. This is a private arrangement.

Responsibility for financial support to maintain the child remains with the parents.

The relative can claim child benefit and child tax credit if this is not being paid to the parent.

If the child or young person who is being cared for is eligible for services from Southampton Children's Services as a “child in need” under the Children Act 1989, a range of support, practical and financial support may be available.

Please see Southampton City Council's threshold for Children's Social care Services, which explains how a child might be eligible, and what happens if they are.

**The contact number for Southampton Children's Social Care is 023 8083 3336**

If the child is eligible, there will be an assessment of their needs, which will include an assessment of what support you need to help look after the child. Your social worker will be able to give you a guide to the assessment process.

The assessment will either decide that a child needs services, or does not. The services which can be provided depend on the individual child.

These, including any financial support, should be written down in a plan and a letter and explained by the social worker to you.

While the child is considered a child in need you will have regular visits by the child's social worker. The other services that may be provided are:

- Help to birth parents to enable the child to return to be cared for by them
- One off payments to support the placement with any equipment needed for the child, if not provided by the birth parent
- Sign posting to services which will help you receive whatever benefits are available to you
- Regular payments if there is no support from a birth parent
- Support with getting the child the right early years support, education, mental health and medical health treatment or housing

Usually contact with their birth parents is a positive experience for the child. If there are problems with this, the social worker may be able to put you in touch with services which could help with this.

The plan will be reviewed regularly, and if this informal arrangement is likely to become permanent, you may want to get legal advice about obtaining parental responsibility through a legal order, such as a residence order where you share parental responsibility, a Special Guardianship Order, which will give you most of the same rights as birth parents, or even a Adoption Order.

These orders are explained in the table at the end of this leaflet, but getting independent legal advice is recommended.

### **Private Fostering**

A parent can also place a child who is under 16 (or 18 if disabled) with a family member or friend who is not a relative (within the definition above) for up to 28 consecutive days.

If the arrangement is intended to last longer than 28 days or the arrangement actually lasts longer than this, this arrangement is called a Private Fostering arrangement and is regulated by the Children Act.

Private Fostering arrangements are assessed by Southampton City Council, but the carers do not become Council foster carers. There are regular visits to the child which are defined by law.

Please see Southampton Children Social Care Private Fostering Procedures.

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## **Family and Friends Foster Care**

Some children need to be Looked After by Southampton City Council. These will be children who might not be safe if they live with their birth families.

If the child meets the threshold for becoming a Child Looked After, under the Children Act 1989, and therefore needs to be cared for away from its birth parents, there is also a requirement for social workers to see if the child can be looked after by their extended family or with friends of the child or family.

The different legal frameworks for a Child Looked After (also known as a Child in Care) are explained in the table at the end of this leaflet.

This may be arranged by a social worker directly contacting you in an emergency or through a Family Group Conference, or you may have heard of the difficulties this child is facing, and come forward yourself.

A Family Group Conference is a meeting, usually facilitated by an independent person, where families, the wider family and friends are helped to solve problems with caring for the children themselves.

If a child is looked after you and your family will need to be assessed as “Family and Friends foster carers”.

The first step will be a quick assessment (a “viability” or “temporary approval” assessment). The child’s social worker will visit you, check the accommodation you have available for the child, collect enough information from you and other adults in the household to do emergency police checks. They will discuss with you how the child will fit in with your household, and what support you might need to enable the child to get to his or her school or health appointments, and to have contact with its parents and wider family. They will also talk to you about how long you think you will be able to care for the child. A senior manager will have to agree that the child can come to live with you.

This might happen in an emergency, and the child placed with you, (with your agreement!) very quickly.

If the child comes to live with you now or in the future there is a legal requirement for you to be assessed as a foster carer. A “supervising social worker” will work with you to complete this assessment..

As part of the assessment supervising social worker will need to talk to you as an individual, or if a couple is being assessed, together and individually. They will need to meet with the family and friends who support you to care for the children

The assessment will need to explore what it would be like for a child who lives or might live in your household. The social worker will explore your background and your own experience of family life and growing up, and your past and current relationships. They will also need to check that your children understand what it will be like having another child live within the family. They will need to meet with people who know you and your family well, as referees, and also contact the people you work for.

Your assessment will need to be approved by the “Fostering Panel”, which is a group of people who have responsibility for scrutinising assessments of foster carers. You will be invited to attend Fostering Panel with your supervising social worker.

As Foster Carers you will be expected to attend a range of training events. These will help you with the particular problems you may meet when caring for a new child in your family. By attending these events you will have the opportunity to meet other families in similar situations to you.

Your supervising social worker will be able to give you more information about all these things.

Southampton City Council Foster Care Services offer the same level of support and training to Friends and Families Foster Carers as they do to their other Foster Carers.

Each child in care will have a child in care plan. This plan will be reviewed regularly in a “Child Care Review”, by an Independent Reviewing Officer (IRO). You will be invited to attend this meeting, and your views taken into account, as well as the child’s wishes and feelings.

If the child cannot safely return to the birth parents, you may be asked to consider a more permanent court order, which would give the child legal security with you, and will give you more rights as a parent. These are described below, and in the table at the end of this leaflet. Southampton City Council may be able to give you help with legal fees.

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### **Other Legal Arrangements**

You may be asked by the child’s social worker if you would consider a more permanent court order:

Residence Order  
Special guardianship Order  
Adoption

These are further explained in the table at the end of this leaflet.

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## CARING FOR SOMEBODY ELSE'S CHILD – OPTIONS

	Private fostering	Family care (informal)	Family and friends foster care	Unrelated foster care	Residence order	Special guardianship order (SGO)	Adoption
Route into the caring arrangement	<p>This is a private arrangement whereby the child is being cared for for 28 days or more (or the intention is that the arrangement will last for 28 days or more) by anyone who does not have parental responsibility, and who is not a close relative. Relative means grandparent, brother, sister, uncle or aunt (by full blood, half blood or by marriage or civil partnership) or a step parent. The child is not a looked after child.</p>	<p>The relative has chosen to take on the care of the child but does not have parental responsibility, and the arrangement was not made by the local authority. The child is not a looked after child. Relative may perceive the parents to be unable to care for the child; or the parents may be dead or otherwise not available (e.g. in prison); or there may be an agreement between relatives due to difficult family circumstances.</p>	<p>The child has been placed with the relative or friend by the local authority, because the person who had been caring for the child was deemed not to be providing suitable care. The child is a looked after child and so the local authority must approve the relative or friend as a local authority foster carer. The child may be accommodated voluntarily with the agreement of the parents or may be subject to a care order.</p>	<p>The child is a looked after child being accommodated by the local authority under section 20 Children Act 1989 or because the child is subject to a care order; but has been placed with a foster carer by the local authority. (Alternatively, the local authority may choose to place a child into residential care where this is considered to best meet the child's needs).</p>	<p>The child may be at risk of becoming 'looked after' and a friend or relative applies for an order, or The child may have been 'looked after' and their foster carer or other relative/friend applies for an order. In either circumstance, application can be made without the support of the parents or the local authority. Relatives may apply for an order after the child has lived with them for one year. Or, there can be benign reasons, e.g. after parents' death and in line with a prior agreement between the birth parents and the carer.</p>	<p>Looked after children: the LA may decide that the child should be placed for adoption. They can only do so with the consent of the birth parent or under a placement order made by a court. An approved foster carer can apply for an adoption order after a year of caring for the child. Other informal carers could apply for an adoption order if the child has lived with them for a period of 3 years.</p>	
Parental Responsibility (PR)	Remains with birth parents	Remains with birth parents but the person who cares for the child may do what is reasonable to safeguard or promote the child's welfare	Remains with birth parents if child accommodated under section 20 CA, or if the child is subject to a care order or emergency protection order the local authority will have parental responsibility and determines the extent to which it may be exercised by others.	Shared by parents and holder of residence order.	PR shared with parents and any one else with parental responsibility for the child. The special guardian may exercise parental responsibility to the exclusion of all others with PR, apart from another special guardian.	Transfers to adopters and relationship with birth parents is severed.	
Approval basis	The arrangement is assessed by LA, but the carer is not 'approved' as a local authority foster carer is. The arrangement may be prohibited if assessed by the local authority as unsuitable.	None	Approved as local authority foster carers in accordance with Fostering Services Regulations. (If child is looked after, carers <b>must</b> be approved as foster carers even if close relative.)	Appointed by court following application.	Appointed by court, following application from the applicant. LA must investigate the matter and prepare a report for the court dealing with the suitability of the applicant to be a special guardian.	Adoption agency assesses and approves prospective adopters, court makes order regarding specific child. If the child is not looked after then notice of intention to adopt must be given to the LA who then carry out an assessment / report for the court.	

## CARING FOR SOMEBODY ELSE'S CHILD – OPTIONS

	<b>Private fostering</b>	<b>Family care (informal)</b>	<b>Family and friends foster care</b>	<b>Unrelated foster care</b>	<b>Special guardianship order (SGO)</b>	<b>Adoption</b>
<b>Duration</b>	Subject to discretion of person with PR and readiness of private foster carer.	Subject to discretion of person with PR	So long as placement remains in line with child's care plan, as determined by LA	Age 18.	Age 18 unless varied or discharged by the court before the child reaches 18 years.	Permanent lifelong relationship
<b>Placement supervision</b>	It is not a placement, but there are statutory visits to child by social worker (minimum 6 weekly in first year, then 12 weekly)	None	Statutory: visits to child by social worker and supervision of foster carers by supervising social worker		None	When child is placed for adoption by the LA, the placement is supervised and there are statutory reviews. Once the adoption order is made, none.
<b>Review of placement</b>	It is not a placement, but the LA may do formal reviews in addition to ongoing assessment during visits.	None	Statutory reviews of child's care plan (minimum 6 monthly) and annual reviews of local authority foster carers' approval	None	None	See above
<b>Support services</b>	Provision of advice and support as determined necessary by the LA, which may assess the child as a child in need, with a child in need plan, and provide services / support for child/family under section 17 of the Children Act 1989	No entitlement but the LA may assess the child as a child in need, with a child in need plan, and provide services / support for child/family under section 17 of the Children Act 1989	Support to meet child's needs including health plan and personal education plan. Training and practical support to foster carers in accordance with the Fostering services Regulations, NMS and CWDC standards. Young person may be entitled to leaving care support services	No entitlement (But LA has discretion to provide services / support for child/family under section 17 of the CA)	If child was looked after prior to making the SGO, LA must assess for need for special guardianship support services. LA has discretion whether to provide support. Young person may be entitled to leaving care support services if was a looked after child prior to making of the SGO.	Entitlement to assessment for adoption support services, which may be provided at discretion of LA in accordance with Regulations and NMS.

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<b>Financial support – entitlement</b>	Can claim child benefit and child tax credit if not being paid to parent. Financial responsibility to maintain the child remains with holders of PR	Can claim child benefit and child tax credit if not being paid to parent. Financial responsibility to maintain the child remains with holders of PR. Guardians Allowance payable if both parents have died, or the only surviving parent cannot be found or serving 2 years or more prison	Child benefit and child tax credit not payable. Weekly allowance to meet the costs of caring for the child. This should meet at least the national minimum rate set by DCSF. The Manchester City Council judgment ruled that allowances must be the same for all foster carers, whether or not family & friends.		Can claim child benefit and child tax credit if not being paid to parent.	Can claim child benefit and child tax credit if not being paid to parent.	Can claim child benefit and child tax credit if not being paid to parent. Entitlement to assessment for financial support (part of adoption support) if child looked after prior to order.
<b>Financial support – discretionary</b>	LA has discretion to make one-off or regular payments under section17 Children Act	LA has discretion to make one-off or regular payments under section17 Children Act	Some fostering providers pay their foster carers a fee to recognise the carers' skill, experience and commitment. The Manchester City Council judgement (which requires allowances to be paid on the same basis regardless of the relationship of the carer to the child) did not consider fees. However, Statutory Guidance for Fostering Services requires that any policy in relation to the payment of fees must be applied to all foster carers who meet the criteria in the same way and must not discriminate on the grounds of a pre-existing relationship with the child.		LA has discretion to pay residence order allowance – usually if child was previously fostered by the carers, or exceptionally if making residence order prevents child becoming looked after. Any allowance reviewed annually.	Entitled to an assessment for financial support under the Special Guardianship Regulations 2005 if child looked after prior to order and meets the criteria in the regulations. Subject to assessment as above and for former foster carers can include an element of remuneration. Regular or one off payments. Any allowances reviewed annually.	Subject to assessment, one off payments or regular adoption allowance may be paid.