

Briefing for the House of Lords on an amendment to the Welfare Reform and Work Bill to exempt kinship care households from the benefit cap

Clause 7 Page 9, line 35, at end insert—

“() After subsection (11) insert—

1. “() That kinship carers are exempted from the benefit cap if the kinship carer is caring for a child and:
 - a) is responsible for the child but is not the child’s parent or step-parent **and**
 - b) has undertaken to look after the child because the child:
 - i. has no parents or has parents who are unable to care **or**
 - ii. would likely be otherwise looked after by the local authority because of concerns about the child’s welfare.

This briefing is drawn up by Family Rights Group on behalf of the Kinship Care Alliance and endorsed by:

Barnardo’s	Buttle UK	Caritas Social Action Network	
Childhood Bereavement Network	Children England	The Children’s Society	
CoramBaaf	The Fostering Network		
Grandparents Plus	Kinship Carers UK	Kinship ‘Foster’ Carers Group	
Mentor UK	Nagalro	The Open Nest	
Prison Advice and Care Trust	Quaker Social Action		
PAC-UK	TACT	Unison	YBont

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1. The current situation

There are an estimated 200,000 children being raised by kinship carers across the UK. Kinship carers are grandparents, older siblings and other relatives and friends who step in to care for children, many of whom would otherwise be in the care system. These children typically are unable to live safely with their parents due to parental abuse or neglect, alcohol or drug misuse, domestic violence, mental ill health, disability, imprisonment or bereavement.

2. 95% of children living in kinship care arrangements are not 'looked after' by the local authority. Therefore by keeping children out of the care system these carers save the taxpayer billions of pounds each year in care costs avoided. However, the financial cost of raising the child typically falls directly on the carers themselves.
3. Most children in kinship care are doing significantly better than children in unrelated care, despite having suffered similar earlier adverse experiences¹ – in particular they feel more secure and have fewer emotional and behavioural problems and are also doing better academically. This is despite them receiving little or no support.² Research shows that the main determinant of access to support is the child's legal status, in particular whether the child is in or out the care system, rather than their needs.³
4. By becoming the full-time carer of a child, often in an emergency, kinship carers face significant additional costs both in terms of equipment needed (eg: beds, school uniform, larger car) and maintenance costs. Their family size increases and can even double overnight. The largest survey of kinship carers in the UK (Ashley, 2015) found that 49% of respondents had to give up work permanently as a result of taking on the kin children, and a further 18% had to give up work temporarily, and in addition 23% had to reduce their hours temporarily or permanently. The situation was particularly difficult for single kinship carers, 52% of whom had to give up work permanently and 21% temporarily. In many cases this plunged the household into poverty and debt.
5. The survey (Ashley, 2015) also found that 15% of kinship carers were living in private rented accommodation, 19% in housing associated rented accommodation, 19% in council housing and 48% owned their own homes/had a mortgage.

¹ Selwyn et al (2013) The Poor Relations? Children & Informal Kinship Carers Speak Out (University of Bristol)

² Farmer, E and Moyers, S (2008) Kinship Care: Fostering Effective Family and Friends Placements (Jessica Kingsley Press)

³ Hunt & Waterhouse 2013 **It's Just Not Fair! Support, need and legal status in family and friends care** (FRG/Oxford University Centre for Family Law and Policy)

6. The survey also found that 30% of kinship carers households were currently receiving housing benefit. The figure rose to 36% amongst larger kinship care households with three or more children.
7. The University of Bristol analysis of the 2011 census found that more than 76% of kinship care in England were living in a deprived household (Wijedasa, 2015).
8. Wijedasa's study of the 2011 Census also reported that Greater London and North East England were the regions with the highest rate of children in kinship care. There were 30,620 children aged under 18 years old being raised by a relative who are not their parent in Greater London i.e. 1.7% of all children in Greater London. The London Borough of Brent is the local authority area with the highest rate in England – 2.8% of all under 18 year olds are being brought up by a kinship carer in Brent. The lower benefit cap is likely to particularly affect families in London given the very high housing costs.

The following quotes from respondents to the survey (Ashley, 2015) illustrate the financial struggle that many kinship carers are facing as a result of taking on children who might otherwise be in the care system:

“We struggle to survive. I lost my home and my career. I pay childcare costs... We now live in private rent (accommodation) at a higher cost than staying in my own home was.”

“When they first came I got heavily in debt juggling money/work/moving house and I have never been able to catch up with my debts. I just swing from day to day dodging debt collectors!!!”

“I am permanently broke, lost car and house. Now homeless in a bed and breakfast.”

“It has almost bankrupted us. (We) had to move house to a cheaper area away from support network.”

“Financial hardship. Restricted financial choice and opportunity. Fewer educational opportunities and extra-curricular activities for the children. Fewer school trips. Can't afford extra tuition (needed for time children missed during crisis period). Can't afford a reliable small car despite this being an essential requirement in rural area. Household running costs are much higher (food, heating, washing, petrol etc). We are not extravagant and buy clothes and books from charity shops. Next year will be harder as the eldest goes to college aged 16 - fares are £1000 a year for a local bus pass.. I have had to cut back on a lot recently, including visits to my elderly mother who is in a nursing home in the midlands. Also cannot visit friends and family as often as in the past, so we are more isolated than before.”

“Given up my career and husband gave up work, ultimately husband left the household as he couldn't cope. So total reduction in finances and living on benefits”

“My youngest birth kids (*kinship carer is a great aunt*) don't do any activities like they used to, we've had to change from brands to the cheapest possible foods, I buy a lot of second hand clothes/furniture/toys, we struggle to do things as a family.”

“In debt, having paid over £5000 in legal costs to ensure the children could safely live with me permanently.”

“Forced to pay high rent in private housing making me so poor. Living in poor conditions. No help or support with the children.”

Our concerns in relation to the benefit cap and kinship carers

9. We are extremely concerned about the impact on kinship care households of the reduced benefit cap to £20,000 outside Greater London & £23,000 in Greater London. The Department of Work and Pension's impact assessment estimates that benefit entitlement will be reduced "for those not making a behavioural response" by an average of £63 per week as a result of the reduced cap.
10. As described above many kinship carers have to give up work to take on the children. Unlike adopters, they are not entitled to a period of paid leave for the children to settle in. Many of the children arrive to live with the kinship carers following a crisis and are deeply traumatised. Some have suffered prior abuse and have insecure attachments. The survey found that kinship carers reported that 43% of the children had emotional and behavioural problems. As a result, a 'behavioural response' of staying or returning to work is not a realistic option for many kinship carers, particularly during the early period of the children coming to live with them.
11. The impact of this drop in income is very likely to force more kinship carers into severe poverty/debt with the result that they have to move home.

"I had a really well paid job...now i worry constantly about money..i always listen to what the government are doing as the changes with universal credit will affect me and my little one...I'm scared of losing my home and being homeless." – grandmother carer

12. This could jeopardise existing kinship care arrangements and understandably deter some potential kinship carers from coming forward to take on the care of a child/children, particularly if they have dependent children of their own or are considering taking on a sibling group. What kind of choice is it that the state is forcing families to make when in order that an aunt or uncle does right by their niece and/or nephew, they must uproot their own children from their home, friends and school, leaving behind their own support network, to live in poverty somewhere that they may know no-one?
13. We fear this policy could result in children being denied the chance of being raised in an otherwise suitable placement within their family network, thus impacting on the child and family members' right to respect for family life. It could also increase the number of children in care, which would not be in the children's best interests and at considerable cost to the Government.⁴

⁴ National Audit Office (2014) Children in Care reports that the cost of one child being in an independent foster care placement for a year is £40,000.

14. The above amendment would exempt kinship care households from the benefit cap.

15. For further information please also read briefings on kinship care and the Welfare Reform and Work Bill 2015 published on the Kinship Care Alliance's webpages <http://www.frg.org.uk/involving-families/kinship-care-alliance/kinship-care-alliance-briefings-and-campaigns>