

CHAPTER 5: CONCLUSIONS AND RECOMMENDATIONS

CATHY ASHLEY

1. Conclusions

The findings from the sibling carers research study and the international literature review reinforce conclusions from other studies into family and friends care arrangements, namely:

- the difficulties that relatives sometimes face in even being considered as a potential carer for a child who can no longer live with their parents. Indeed the situation is often particularly hard for siblings, who may be readily discounted by local authorities because of their young age, home circumstances or own background in care.
- the constant battle that many carers feel they are engaged in, just to get the support they and the children need from the local authority and other relevant agencies. Some sibling carers felt that their youth meant that their voice was even less likely to be heard by agencies.
- the financial, practical and emotional sacrifices that carers make out of love for the children, which for sibling carers sometimes meant living in poverty, giving up higher education courses, career plans or relationships, or holding together a job and caring role but at expense of their personal social life.
- the hostility carers sometimes faced from the child's parents/other relatives.
- the multiple difficulties and vulnerabilities of the children for whom they are caring.
- overcrowding and poor housing: again the young age of sibling carers meant they were unlikely to have more than a one bedroom flat or would be sharing rented accommodation if they were living away from their parents' home.
- coping with shifting and changing relationships, with a sibling having to step suddenly into a parental role.

2. Recommendations

The following recommendations attempt to address many of the challenges set out above in order to help promote and support sibling care arrangements. We conclude with some tips for sibling carers.

2.1 Recommendations for Government

Sibling carers offer vulnerable children a safe and loving home diverting them from the care system and saving the state a large amount of money but this is often at the expense of their own well-being. In the interests of both fairness and the welfare of the children and also to prevent rising care costs in a child welfare and family justice system

already struggling to cope with record care order applications, the following is recommended:

a) Financial support

- Government considers the introduction of a **national financial allowance** for family and friends carers who raise a child as an alternative to them being taken into care, where there is professional or judicial evidence that the parents are unable to care for the child.
- **The benefits system** acknowledges the specific situation of family and friends carers. This could include acknowledgement that for a period of at least a year, family and friends carers may be unable to seek work due to their new caring responsibilities and that there should be exemptions to the benefits cap.
- Government considers amending rules for public funding for legal costs so that sibling carers and other relatives and friends are entitled to public funding to cover their **legal costs in order to secure the child's future** with them, if their case meets the merits test. This could be evidenced by the one of the following:
 - The child being the subject of child protection enquiries and the local authority stating that the child cannot remain living with the parents in the current circumstances;
 - The child being the subject of a court directed investigation under s.37 Children Act 1989 and the local authority stating that the child cannot remain with the parents in the current circumstances;
 - The child being accommodated under s.20 Children Act 1989 when the sibling carer seeks legal funding with a view to taking on or securing their care with them;
 - The child being subject to care proceedings when the sibling carer seeks legal funding to take on or secure their care with them.

b) Other support

- Government considers amending the definition of who is 'a child in need' in the Children Act 1989 s.17 (10) to include "(d) children being cared for by family members or friends"
- Government considers requiring local authorities to provide family and friends care support services, including a dedicated family and friends care worker/team and the commissioning of services from the voluntary sector. These should be similar to the duties on local authorities in respect of adoption support services. Government funding would need to be available to enable local authorities to carry out such responsibilities.

2.2 Recommendations for local authorities

- Consistent with the Government's *Family and Friends Care: Statutory Guidance for Local Authorities and Care Planning, Placement and Case Review (England) Regulations 2010 and statutory guidance*:
 - Local authorities should publish a **family and friends care policy** and this should recognise and include sibling carers.
 - The requirement to **consider a placement with family and friends** as the first option for a child who is unable to continue living with their parents should include consideration of any older siblings as potential carers.

- The requirement to make **information available about local support services** which could be used by family and friends carers should include ensuring information is equally accessible to sibling carers at the start of their sibling's placement with them.
- Local authorities apply the requirements in the Department for Education's Family and Friends Care: Statutory Guidance for Local Authorities to sibling carers in exactly the same way it is applied to all other family and friends carers. This means that **sibling carers may be entitled** to receive:
 - Family support services where a child is not looked after, including practical support and 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 experiences¹;
 - Section 17 financial support on a regular basis, where a child is not looked after;
 - Information that would enable them to make informed choices about the legal options available;
 - Information about resources in the local area and support services which could support;
 - Information about independent organisations, such as Family Rights Group, which could offer advice;
 - Support from staff who have been appropriately trained to understand the issues they are faced;
 - Financial support;
 - Support with managing contact;
 - Access to a support group.
- Local authorities are **clear with sibling carers about the legal status of the sibling carer and the child** or young person they are caring for. This should include according them the status of foster carer and foster child where the local authority has played a major role in arranging the placement.
- Children who are unable to live with their parents are offered a **family group conference** and siblings are involved both in terms of support/contact and as potential carers.
- Sibling carers should be offered a range of support services and information as soon as the local authority becomes aware of the sibling care arrangement. This should include:
 - Information about different legal arrangements and options;
 - Financial support appropriate to the sibling carer's needs and those of the child they are caring for;
 - Access to a support group;
 - Respite care;
 - Bereavement counselling, if appropriate, for the child and their sibling carer;

¹ Department for Education Family and Friends Care: Statutory Guidance for Local Authorities (2011)

- Access to training to support sibling carers in gaining the skills and knowledge; they may need;
 - Assistance with re-housing where there is overcrowding.
- Local authorities should recognise that **contact** may be a particularly difficult issue for sibling carers, particularly if the contact is with a parent who is opposed to the placement. There should be a risk assessment, with support services being provided, to ensure that contact can happen safely for the child or young person as well as the sibling carer.
 - Local authorities should assist sibling carers to enable them to receive the **full range of benefits and allowances** for which they are eligible and ensure access to financial support necessary to promote the welfare of the child and stability of the placement. This should include the payment of a fostering allowance, special guardianship allowance, residence order allowance or a regular section 17 payment as appropriate, as well as advice on claiming benefits and tax credits.
 - The **procedures used to assess** the suitability of older siblings as potential carers for their younger brothers and sisters should be such as to allow the potential sibling carer the full opportunity to explain the strengths that they will bring to the task of raising their younger siblings. The assessment process should assist the sibling carer with thinking through the following issues and identifying what support they need for the placement to work:
 - Changing their role from older sibling to caregiver and rule maker;
 - The experience they have already of caring for younger siblings and how this may have prepared them for becoming a full-time carer;
 - Potential difficulties from parental contact;
 - Managing their own feelings about events in the family which have led to them becoming a sibling carer – who is there to support them?
 - Fitting everything in – is it feasible to continue with other commitments like work or studies?
 - Any opposition in the family to them becoming a sibling carer and if so, how will they deal with it;
 - What support is needed for the placement to succeed, including the potential sibling carer's views on their own support needs.
 - Local authorities and other agencies and organisations dealing with sibling carers should ensure that sibling carers do not have grounds for feeling that they are not being taken seriously or are being discriminated against on account of their age.
 - Where the local authority is involved in a sibling care arrangement in which sibling don't live together, the local authority must ensure that the siblings are able to maintain contact with each other, where appropriate, by providing transport, covering travel costs or arranging such other support as is necessary, to enable this to happen.

2.3 Tips for sibling carers

- Seek advice! Family Rights Group and other independent organisations offer free, confidential advice and someone will be able to help clarify whatever you are unclear about.

- If the local authority is involved when you become a sibling carer, ask them to provide you with information about your legal rights and options and the implications for financial and other support. If you are not happy with the information you receive, seek advice!
- If you are not happy with the service or the support you are receiving, you can complain using the local authority's complaints procedure. If you want some help with making a complaint, seek advice!
- It may help to discuss your situation with other sibling carers, either by meeting in person or on an internet discussion forum. Family Rights Group is planning to develop its family and friends carers' discussion forum to include a section specifically for sibling carers.