

Briefing by the Kinship Care Alliance on proposed amendment to the Welfare Reform Bill on family and friends carers and conditionality

Amendment 1: To exempt family and friends carers from conditionality requirements under Universal Credit for one year when a child first moves in.

Clause 19(2): Insert at end:

(f) Family and friends carers who take on the care of a child, for the first year after the child moves in;

(i) Where the child comes to live with the carer as a result of plans made within a section 47 Children's Act 1989 child protection enquiry or following enquiries under section 53 of the Children (Scotland) Act 1995 and the local authority states that the child cannot remain with the parents in the current circumstances; or

(ii) Where a child comes to live with the carer following a section 37 Children Act 1989 investigation and the local authority states that the child cannot remain with the parents in the current circumstances;

(iii) Where a carer has secured a Residence Order, including a residence order under section 11 of the Children (Scotland) Act 1995, or Special Guardianship Order to avoid a child being looked after, and there is professional evidence of the impairment of the parents' ability to care for the child; and/or

(iv) Where the carer has a Residence Order, including a residence order under section 11 of the Children (Scotland) Act 1995, or Special Guardianship Order arising out of care proceedings; or

(v) Where the carer has a Residence Order, including a residence order under section 11 of the Children (Scotland) Act 1995, or Special Guardianship Order following the accommodation of a child.

(vi) Where the carer has a Residence Order, including a residence order under section 11 of the Children (Scotland) Act 1995 or Special Guardianship Order following the death or serious illness of a parent.

(vii) Where the carer is an approved kinship carer under Part V of the Looked After Children (Scotland) Regulations 2009.*

Explanation of Amendment 1:

This would exempt for a year family and friends carers who are raising a child from the requirements under Universal Credit to seek work. These are children who cannot live with their parents, and would otherwise be likely to be in the care system, at significant financial cost to the state and against their best interest.

Reason for Amendment 1:

There are an estimated 200,000ⁱ children in the UK who are being raised by grandparents, older siblings or other family members and friends. These carers step in to bring up a child as a result of very difficult family circumstances, for example parental drug or alcohol misuse, abuse or neglect, death or serious illness, domestic violence or imprisonment. Many of the children they are looking would otherwise be in local authority care. Children may move into family and friends care at any age, not just during the early years.

For some such carers, a year's exemption from being available for work would give them enough time to manage the upheaval in their lives and support the child before having to juggle work and care. Maternity leave and adoption leave recognise this adjustment period for parents, but there is no such adjustment period in law for family and friends carers, despite the fact¹ that these children often have considerable needs, and have suffered the same adversities as those who enter the care system.

Reinforcing similar findings from an internet survey carried out by Family Rights Group, evidence from a survey of over 250 grandparents and other family and friends carers conducted by Grandparents Plusⁱⁱ found that 28% of carers gave up work when they took on the care of a child, and a further 29% reduced their hours. The same survey also found that over 8 out of 10 are aged under 65, 4 out of 10 are under 55. Family and friends carers often report that social workers insist that they give work in order to avoid the child from being taken into care, yet only a minority, around a third, receive an allowance from the local authority.

One of the consequences of provisions contained in the Bill and other policy changes being introduced is that in future many more family and friends carers will be affected by conditionality requirements. Clause 57 of the Bill provides requires that single family and friends carers, like single parents, will have to be available for work if their youngest child is five or over. Furthermore the increase in state retirement age for women will mean increasing numbers of older grandparent carers will in future be affected by conditionality. An unintended consequence of these changes is that fewer family and friends carers may step in difficult family circumstances, increasing the number of children in care as a result. This would not be in children's best interests and would considerably increase the cost to the State: it costs £40,000 for one child to be in an independent foster care placement for a year. If 5% of those currently in family and friends care were in formal foster care, this would add £500 million a year to the cost of providing for children in care.

Recent discussions with the Minister indicate that he does understand the above concerns. Should the proposed Amendment 1 to change provisions on the face of the Bill however, not succeed, we would strongly urge that Ministers made a commitment in Committee to include in Regulation that:

- a. there should be an exemption from conditionality requirements for family and friends carers for one year after taking on the care of a child who is not their own; and
- b. family and friends carers who are required by the local authority to give up work or reduce their hours in order to look after such a child are entitled to have their job seeking requirements 'switched off' for the duration of this requirement.

Amendment 2: To exempt family and friends carers from the Benefit Cap

Clause 93(4): Insert at end:

Family and friends carers will be exempt from the benefit cap:

(i) Where the child comes to live with the carer as a result of plans made within a section 47 Children's Act 1989 child protection enquiry or following enquiries under section 53 of the Children (Scotland) Act 1995 and the local authority states that the child cannot remain with the parents in the current circumstances; or

(ii) Where a child comes to live with the carer following a section 37 Children Act 1989 investigation and the local authority states that the child cannot remain with the parents in the current circumstances;

(iii) Where a carer has secured a Residence Order, including a residence order under section 11 of the Children (Scotland) Act 1995, or Special Guardianship Order to avoid a child being looked after, and there is professional evidence of the impairment of the parents' ability to care for the child; and/or

(iv) Where the carer has a Residence Order, including a residence order under section 11 of the Children (Scotland) Act 1995, or Special Guardianship Order arising out of care proceedings; or

(v) Where the carer has a Residence Order, including a residence order under section 11 of the Children (Scotland) Act 1995, or Special Guardianship Order following the accommodation of a child.

(vi) Where the carer has a Residence Order, including a residence order under section 11 of the Children (Scotland) Act 1995 or Special Guardianship Order following the death or serious illness of a parent.

(vii) Where the carer is an approved kinship carer under Part V of the Looked After Children (Scotland) Regulations 2009.*

(viii) Where the child would suffer undue hardship if the exemption did not apply.

Explanation of amendment 2

This is a probing amendment which would exempt family and friends carers from the cap on total benefit payments.

Reason for amendment 2

Clauses 93 and 94 provide for the introduction of a cap on the total benefit payments a single person or couple may be entitled to claim. Clause 93(4) provides for the introduction of regulation to make exceptions to the cap, and the amendment would include family and friends carers among the exceptions.

Some family and friends carers will be penalised for taking on the care of a child by the introduction of a cap for total benefit payments introduced by the Bill. This would be unfair on people who have stepped in because of difficult family circumstances to keep vulnerable children out of care. Family and friends carers often live in large households as a result of taking in children, with an estimated one in 10 living in households of five or more people, and so will be disproportionately affected by the benefit cap. Around six in 10 give up work or reduce their hours when children move in, because of the needs of the children they are looking after, and are often told to do so by social workers. Particularly for large households where family and friends carers also have the own children still living at home, or take in several children, the cap will act as a disincentive for people to provide care and is likely to have the unintended consequence of more children being taken into care.

Case studies

Paul is a 24 year old sibling carer of his six younger brothers and sisters. They were taken into care when his mother disappeared. Paul successfully secured a Special Guardianship Order for all 6 children to live with him, and social workers have stated that he cannot go back to work until the youngest (now 7) is at secondary school, because of what the children have been through. He is living in a London borough and is an example of how kinship carers may in future be significantly affected if the benefit cap is implemented as planned.

Hazel is 58 and is being told by the Job Centre that she needs to come off Income Support in December this year as her youngest grandchild is approaching 7. Hazel cares for her 3 grandchildren who are now 12, 11 and 6 years old. The children were removed from parents after severe neglect due to drug and alcohol misuse. Hazel's health is poor, she has applied for Disability Living Allowance but was turned down at appeal. Hazel was working full time before the children were placed with her but gave up that job to care for the children. Hazel is extremely worried about the consequences of being forced to try to find employment now. She feels she'll have to take a low paid job, find the money to cover childcare whilst leaving three extremely vulnerable unsettled children in after school clubs or with a childminder.

Organisations supporting this amendment:

Action for Prisoners' Families
British Association for Adoption and Fostering
Buttle UK
Family Rights Group
The Fostering Network
The Grandparents' Association
Grandparents Plus

NAGALRO
Prison Advice and Care Trust

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ⁱ Richards and Tapsfield (2003) *Funding family and friends care*, Family Rights Group

ⁱⁱ Survey Findings Report: What if we said no? Grandparents Plus, 2010