

## **Response to Draft Statutory Guidance for Local Authorities on Family and Friends Care**

**Prepared by  
Family Rights Group on behalf of the Kinship Care Alliance**

### **Endorsed by the following organisations:**

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Family Rights Group  
Grandparents Plus  
The Frank Buttle Trust  
The Grandparents' Association  
Family and Friends Research project, Dept of Social Policy and Social Work,  
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## **1. About the Kinship Care Alliance**

This response has been developed by Family Rights Group on behalf of the Kinship Care Alliance. Family Rights Group is the charity in England and Wales that advises parents and other family members whose children are involved with, or require, social care services. We run a confidential telephone advice service for families. Established in 1974, we promote policies and practices that assist children to be raised safely and securely within their families.

Since 2006 Family Rights Group has been meeting regularly with a number of voluntary organisations working with family and friends carers, local authorities and academics, under the auspices of the *Kinship Care Alliance*. Members of the *Alliance* include Barnardo's, BAAF, Family Welfare Association, National Children's Bureau, NCH, Parentline Plus, The Fostering Network, The Grandparents' Association, Grandparents Plus and Voice. The *Alliance* has proved an important vehicle for developing a joint policy agenda designed to:

- prevent children from being unnecessarily raised outside their family; and
- enhance outcomes for children who cannot live with their parents and who are living with relatives.

Many of the stakeholders who have endorsed this response will also be submitting their own responses to the consultation.

## **2. Introduction**

We very much welcome the issuing of guidance on family and friends care. This development is an important indication that national Government recognises the significance to children, who are unable to live with their parents, of being able to be raised within their extended family and the uniqueness of this form of care for children. It is also a very opportune moment for guidance to be issued to assist practitioners to provide effective support to children in such arrangements as there has recently been considerable confusion and disagreement about practice in this area. Indeed recent case law<sup>1</sup> has highlighted the urgent need for clarity and coherence in the provision of support to family and friends carers.

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<sup>1</sup> See for example: Southwark, SA –v- A LA

In particular we welcome significant new requirements upon local authorities set out in the guidance which will improve the circumstances and experiences of children and carers in family and friends care arrangements, including:

- The recognition that the guidance gives to the needs of family and friends carers in all legal circumstances, including those who are not looked after (paras 8, 9, 48, 65, 66, 78, 83 and 97);
- The requirement on local authorities to have a policy on family and friends care (para 78);
- That local authorities appoint a senior officer who is responsible for family and friends care (para 81);
- The detailed policy requirements on assessment and support of family and friends carers (paras 36, 37, Chapters 3, 4 and 5);
- The principle that support for family and friends placements should be based on children's needs and not on their legal status (paras 48 and 88);
- That children who are not looked after or under any legal order should be provided with adequate support (paras 17, 54, 61, 62, 65, 66 and 102-106);
- The statement that where a local authority has played a major role in making a placement with family and friends, the child should be treated as being accommodated by the authority, unless they agree otherwise with carers at the time of placement (para 25);
- That all staff working with family and friends carer arrangements, and not just specialist practitioners, receive suitable training and information, so they will be sensitive to the needs of these children and their carers (paras 51 and 85);
- That local authorities' family and friends care policies should be made freely and widely available, and the authorities should promote general information for family and friends carers, including leaflets, website information, and briefings to other organisations which are likely to come into contact with them (paras 78, 97 and 98);
- That information should be provided about different legal situations, who has decision-making powers, eligibility for s.17 help, and how and by whom decisions are made about care and accommodation (paras 97, 105 and 130);
- That local authorities should collect information about the numbers and age of children living in family and friends care arrangements (para 83);
- That local authorities should consult children and young people, family and friends carers and parents in drawing up their policies (para 91).

These steps should help drive significant improvements in policy and practice, narrowing the huge gap between best practice and poor practice which FRG's FOI survey of local authority policy and practice highlighted. The impact will be felt in the experience of such carers and outcomes for children they are raising.

Nevertheless we believe the guidance could be significantly strengthened, as set out below:

### **Chapter 1:**

We welcome the statement at the outset that this guidance addresses the needs of children in family and friends care arrangements in the full range of legal circumstances as listed in para 1.8. Hitherto there has been a very inconsistent approach to supporting carers where the children they are raising are not in the looked after system (FRG 2009). However we are concerned that the detailed provisions relating to the range of legal arrangements is not spelt out clearly enough with legal paragraphs scattered across several of chapters. We consider that the legal context should be addressed comprehensively in chapter 2 (see below)

### **Chapter 2:**

#### **Wider Policy context:**

We propose that it would be more powerful if this chapter began by setting out, succinctly, the wider policy context. This would mean moving this section from page 12 and 13 and also expanding upon it to include:

- Consideration of the expectation that local authority will work with the family to consider wider family placements where children cannot remain safely at home with parents before the issue of care proceedings except in emergencies cited in Vol 1 Court Orders (chapter 3) and the revised Public Law Outline (April 2010) – see in particular the role of the court in considering wider family placements at the First Appointment (paras 12-13);
- the government's commitment to expand capacity to deliver FGCs in the Care Matters white paper and cross refer to later sections which discuss the use of FGCs (e.g. in chapter 4).
- References to working with wider family members and the use of family group conferences in safeguarding procedures as set out in the new version of Working Together to Safeguard Children, in force since April 2010.
- Paras 61 and 63 should also be incorporated into this section.

## Research section:

It would appear to be more logical for the research section to go before the legal section in order to provide an evidential context both on outcomes for children in family and friends care and their experiences and those of their carers.

This guidance provides an invaluable opportunity to inform busy practitioners and policy makers about the research evidence on the experiences, needs and outcomes of family and friends care arrangements for vulnerable children. This section is therefore key to promoting best practice under-pinned by research; hence it needs to be concise to ensure that it is accessible, and accurate and fully referenced to ensure that it is robust practice resource. Our comments set out below are intended to assist in achieving this aim:

- We note that the research evidence presented in paras. 26 – 39 is drawn from a document prepared by Joan Hunt for Dartington in 2006, which means the information is at least four years out of date. Further, much of the information presented in the profile of children and carers refers to evidence from international studies, including the United States, and may not be applicable to the UK. We would therefore suggest that it may be more appropriate to draw upon:
  - i) Joan Hunt's more recent paper on the UK research evidence family and friends care written for BAAF<sup>2</sup>, and/or
  - ii) the paper Paul Nixon has written for Research in Practice<sup>3</sup>, to provide accurate information about the UK carers to whom this guidance will apply.
- Para 30 (evidence on disruption) states that the picture is complex, but this paragraph does not do full justice to the complexities. For example:
  - Farmer judged that family and friends carers in her study persisted with children beyond the point at which unrelated carers gave up, and were twice as likely to show a high level of commitment to the children<sup>4</sup>; and
  - Hunt took the view that some of the family and friends placements in her study which disrupted could have been sustained with better support, while some of the placements which were struggling could have been improved by being better supported<sup>5</sup>.
- Para 32 needs to explain further about safety issues regarding alleged breach of contact restrictions. The way it is currently written may raise

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<sup>2</sup> Hunt, J. (2009) *Family and Friends Care*. In G. Schofield and J. Simmonds (eds) *The Child Placement Handbook: Research, policy and practice*. London, BAAF

<sup>3</sup> Nixon, P (2008): *Relatively speaking: themes and patterns in family and friends care research and implications for policy and practice* Research in Practice

<sup>4</sup> Farmer & Moyers (2008) *Kinship Care: Fostering Effective Family and Friends Placements* Jessica Kingsley

<sup>5</sup> Hunt et al, (2008) *Keeping them in the family: Outcomes for children placed in kinship care through care proceedings* BAAF

concerns amongst practitioners without any real point being made about what might be protective factors or ways of approaching this. Both Farmer and Hunt agree that family and friends carers are likely to protect children from their parents, and that the incidence of children being abused in these placements was about 4% - which was the same as the figure for unrelated foster placements in Farmer's study. However, Farmer also found that family and friends carers were more likely to be subjected to false allegations<sup>6</sup>.

- Para 36 needs to be expanded regarding the discussion of parenting capacity rather than specific concerns which often don't materialise
- Para 38: Regarding the statement that family and friends carers are 'potentially more difficult to work with', we would suggest that they are no more difficult than other kinds of cases of social work with families provided practitioners are experienced and open to learning.
- Para 39: should be amended to say meeting needs of these 'children and' families.

### **Legal section:**

There are a range of legal options for children living in family and friends care arrangements, each of which has consequences both for the ability of the carer to make decisions about the child (largely determined by whether or not they have parental responsibility for the child) and in terms of their ability to access support services for the child they are raising. Whilst the possible legal options are helpfully listed in para 8 of the draft guidance (i.e. informal arrangements, private fostering, Looked after children, children subject to a residence, special guardianship or adoption order), the legal information available in the legal section of chapter 2 and elsewhere, does not clearly follow this list and is therefore not as helpful as it could be. Indeed it is confusing as it is currently laid out.

Again, as with the research evidence, this guidance provides an invaluable opportunity to inform busy practitioners and policy makers about the legal framework for family and friends care arrangements and the associated powers and duties of the local authority. This is critical because family and friends care is an area of practice which is subject to repeated judicial reviews and other legal challenge, particularly on the issue of local authority support. We therefore recommend that the legal input to the document is considerably revised to include a detailed account of the legal framework so as to help practitioners understand the implications of the legal complexities (particularly around whether or not a child is looked after), and hence get their practice right. It may be best if this was set out in a separate chapter.

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<sup>6</sup> ibid

Specifically we suggest that this legal section includes all legal information contained elsewhere in the document and follows the clear list of legal arrangements in paragraph 1.8. Further:

- Paras 67-70, 75, chart on page 21, paras 93-94, 101, 127-129, 131, 137, 139-142, 175-179 should be moved to this legal section
- Para 25: although it would be unusual to have a detailed legal discussion in statutory guidance, there has been such extensive litigation on the issue of whether a child placed with a relative by the local authority is a looked after child (often in an emergency and typically following child protection enquiries), that we believe it is essential that this paragraph is expanded to explain the Southwark judgement more fully. In particular it needs to:
  - explain the fact that where the local authority has been involved in making the arrangement for the child to go to live with the relative, and they do not have a care or emergency protection order, then, in the absence of the carer (who should be enabled to give informed consent) agreeing explicitly otherwise at the time of placement, the child will be deemed to be looked after;
  - ensure the carer is able to give informed consent to any such arrangement and if they are agreeing to the child not being looked after they should understand the financial and other consequences of this; and
  - Include reference to more recent cases which have addressed the same point (see R (on the application of A) Coventry City Council [2009] EWHC 34; R (Collins) –v- Knowsley MBC EWHC 2551 Admin QBD Dec 2008; GC v LD, DD, RBK, LCC [2009] EWHC 1942 (Fam); SA v A Local Authority [2010] EWHC 848 (Admin)

Both case law and the experience of carers contacting our respective advice lines indicate that, despite these judgements, many local authorities continue to seek to avoid children having looked after status despite having asked the relative to step in to care for the child, and being very prescriptive to the carer about what he or she may allow in terms of the parents contact arrangements. Thus we believe strongly that if this issue is not squarely addressed here so as to clarify what is good and poor (and potentially unlawful) practice, there will undoubtedly continue to be further litigation on the same point with many children and their carers suffering unnecessarily as a result.

- Para 16 correctly states that the definition of a child in need in CA 1989 s17 is wide, but local authorities still have discretion over how they interpret the definition, with many choosing not to recognise children who are living with family and friends carers as children in need. With clear evidence from research that children in family and friends care arrangements have suffered many of the same pre-placement adversities and have many of the same needs as children placed with unrelated

carers<sup>7</sup>, we would welcome emphasis in this guidance that all children living with family and friends carers as an alternative to care or as a result of a protection plan are likely to be well be children in need, and should be entitled to have their needs accordingly assessed.

- Para 17: It would be helpful if this paragraph were amended to state that local authorities should 'have in place' rather than 'considering having in place') eligibility criteria for paying financial support. We suggest that family and friends placements which have averted the need for a child becoming looked after, or which have been made as part of a child protection plan, should be *de facto* eligible. This point should then be moved to chapter 4 before para 102 as it relates to local authority policy rather than existing legal requirements.

Para 17: this paragraph also needs to set out specifically the implications for tax credits and benefits of providing cash support under s.17.

In order to assist with the task of developing the legal section, we have attached the legal chapter written by Family Rights Group in their Good Practice Guide on Family and Friends Care (see para 80) which could be adapted, together with a chart used regularly in FRG training for social workers and Independent Reviewing Officers which sets out the different features of each order in case this is of use (see Appendix 1). It should be noted that this does not include the most recent cases of 2010 cited above

Finally, cross referring to chapter 4 (paras 97-101), it is essential that the advice and support available to family and friends carers includes signposting them to where they can access independent legal advice (for example Family Rights Group Advice Service (tel 0808 801 0366) so that they are informed about their involvement with and care for the child.

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<sup>7</sup> Farmer & Moyers (2008) op cit, Hunt et al (2008) op cit

### Chapter 3:

We welcome the following points which are stated within Chapter 3:

- Para 48 as a broad statement of intent
- That access to services should be based upon the needs of the child, and not the legal arrangement that the child is living under;
- The needs of children living with family and friends carers should be reflected in the Joint Strategic Needs Assessment prepared by the Children's Trust, and the Children and Young People's Plan;
- The duty on local services, including health and education, to meet the needs of children with family and friends carers, and publish information that demonstrates their responsiveness to the needs of family and friends carers;
- Children's centres and family centres should be a valuable accessible source of support to family and friends carers;
- No child or young person should have to become a looked after child for the sole purpose of enabling financial, practical or other support to be provided to the child's carer, and fear of losing support should not be an obstacle to carers taking on the long-term responsibility for a child through RO or SGO;
- Family and friends carers who are caring for a child who would otherwise be looked after should receive proper recognition and effective support;
- There should be a discussion about the priorities of placement with the children and young people concerned, and their wishes and feelings should be taken into account

This chapter contains much helpful information about universal and specialist services but is confusing because it also seeks to cover looked after children. In order to give this chapter a clearer focus we suggest that:

- the section on looked after children, which essentially addresses the legal framework (paras 67-70 and the chart on page 21), should be moved to the legal section discussed above;
- the section on assessment of looked after children (paras 71-74) should be moved to chapter 5 on assessment of looked after children; and
- chapter 3 should then be re-named: 'Meeting the needs of children and young people through family and friends care with support from universal and specialist services' in order to clarify its content to the reader. This would reflect current expectations of multi agency practice under the Common Assessment Framework.

In addition,

- Para 50: this para needs to include assessment of need, not just reference to resources/support they can access

- Para 51 last line: it should refer to ‘children and’ family and friends carers
- Para 62: The recognition of the value of Family Group Conferences is to be welcomed. We would however, suggest further strengthening this by amending this para to state that *“Family Group Conferences should **always be offered**, since they provide an effective method of engaging the support of wider family and friends at an early stage.”*
- Para 65 & 66: We strongly welcome the guidance in these paragraphs: “No child or young person should have to become a looked after child, whether by agreement with those holding parental responsibility or by virtue of a court order, for the sole purpose of enabling financial, practical or other support to be provided to the child’s carer. Authorities should seek to provide any necessary support services without resorting to the child becoming looked after unless this is the only appropriate way to ensure that the child’s needs are met.” This is the most crucial message in this guidance, hence we think it should be written in bold and should be moved to the beginning of chapter 4 as it relates primarily to local authority support for family and friends carers and the issue of whether or not children need to become looked after.
- Paras 65 and 66 may also read better if they were in reverse order. Also para 65, the last sentence p17 should be moved to chapter 4 as it relates to policy.
- Para 71: We would query the use of the word ‘rigorously’ in ‘rigorously assessed’ – suggest replace with ‘fully assessed’.

#### Chapter 4:

We welcome the following points from Chapter 4:

- Requirement on local authorities to publish a comprehensive policy covering the full range of legal circumstances which should be freely and widely available and kept up to date;
- Children should feel they are active participants in decisions that are being made about them;
- A senior manager should be responsible for ensuring the local authority discharges its duties in accordance with the statutory guidance, and ensuring the children's trust partners are proactive in meeting the needs of family and friends placements;
- Up to date information should be kept about the number of family and friends carers in the local authority's area under different legal arrangements;
- Staff should be aware of the family and friends policy, and ensure that it is applied fairly and consistently;
- Anyone considering becoming a family and friends carer should be able to have access to the policy, and be able to be clear about how they would contact the local authority and other agencies for information about relevant services;
- Staff implementing the policy should have appropriate training;
- Local authority should consider appointing dedicated workers or team;
- Policies should be based on a clearly stated set of values and principles;
- Policies should promote permanence for children unable to remain at home with their parents through placements with family and friends, where appropriate;
- Support should be based on the needs of the child and not merely legal status;
- The policy should set out explicit objectives which relate to those of the local Children and Young People's Plan, and achieving those objectives should be included in the performance reporting systems of the children's trust;
- Authorities should consult children and young people, family and friends carers and parents in drawing up their policies;
- The policy should set out the relevant legal framework;
- Policies should highlight the availability of independent sources of advice, such as FRG, The Fostering Network and Citizens Advice Bureaux;
- Policies should set out clearly eligibility for s17 financial assistance, and provision of such help should be transparent and subject to an agreement;
- Contact should take place to meet the needs of the child, but may need to be carefully managed;
- Family and friends carers should have access to support groups;
- Family and friends foster carers should have equity of provision and entitlement with non-related foster carers, with fees and allowances being paid on the same basis;

We welcome the overall structure and clarity which we believe will help local authorities to develop effective policies to support family and friends care arrangements. In particular we welcome:

- Para 78 the suggestion of using websites is very welcome as carers frequently describe how difficult it is for them to access information unless they have contact with one of our advice lines. However we suggest that both of these should include details of the named person with responsibility for implementing these policies and providing them with further information on support services;
- Para 80: we welcome the reference to FRG's good practice guide. The reference however, needs updating because it's no longer a draft document:  
<http://frg.org.uk/pdfs/Good%20practice%20guide%20book%20England%2022%20March%2010.pdf>
- We strongly recommend that paragraphs 65 & 66 (in reverse order) should be moved to the beginning of this chapter and be combined with a statement of key principles to set the context for local authority support in this chapter.

#### **Management and Accountability**

- Para 83: As currently drafted, this places a duty on the whole local authority to collect such data which may be unduly onerous, at least initially. We suggest that it should be amended to clarify that it is just Local Authority Children's Social Care Services, not all local authority departments, which should collect this data initially, although the local authority may want to consider how to collect information more broadly in the longer term, eg from education, housing departments, to inform their Children and Young People's Plan.

#### **Values and Principles**

- Paras 86 and 87: We would suggest that values principles and objectives should be at the start of the chapter before management and accountability.
- Para 90: We would suggest that this para cross-refers to the research section where full references should be available.

#### **Legal framework:**

- Para 92: If our suggestion of setting out the legal framework comprehensively in one section in chapter 2 (or as a separate chapter) is accepted then this section should simply cross refer to that section.
- Para 93-94: we reiterate that we propose that these paras are moved to the legal section
- Para 95: This paragraph needs to be moved to the new section on assessment of support needs discussed below:

### **Information about services and support (paras 97-101):**

- In order to enable family and friends carers to give informed consent to the legal consequences of the arrangement when a child is placed with them as discussed in the Southwark case (para 25) we suggest that the guidance recommends that the local authority:
  - i) Gives the prospective carer the chart on page 21, or chart in Appendix 1, and reasonable time to consider its contents before being asked to consent to the proposed legal basis of the arrangement (including no order) and
  - ii) Refers family and friends carers with details of relevant advice lines (see Appendix 2) to enable them to get independent advice on what is proposed
- Para 101 should be moved to the legal section

### **New section on Assessment of support needs:**

- This chapter clearly needs a section on assessment of need for support making it clear that this should not be determined by legal status. It should specify when and how it should happen for both looked after (this will need to cross refer to chapter 5) and non looked after children taking account of any eligibility criteria set by the local authority. The latter will need to address the type of assessment of children in the different legal circumstances:
  - **S.17:** this should cross refer to para 16 and the fact that, given the clear evidence from research that children in family and friends care arrangements have suffered many of the same pre-placement adversities and have many of the same needs as children placed with unrelated carers<sup>8</sup>, this guidance should emphasise that all children living with family and friends carers as an alternative to care or as a result of a protection plan are likely to be children in need, and should be entitled to have their needs accordingly assessed.
  - **Residence and special guardianship orders:** it will need to refer to the circumstances in which children under these orders will/may be assessed for residence order allowances/special guardianship support in addition to any support received under s.17, cross referring to the legal section which will outline the law on this.
- Para 95 should be moved to this section and adapted accordingly.

### **Financial support (paras 102-107):**

We are concerned that the guidance seems to be inconsistent over the level of fostering allowance that should be paid to family and friends foster carers. On page 21, it states that for a child accommodated under section 20 “*weekly*

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<sup>8</sup> Hunt et al (2008) op cit, Farmer & Moyers (2008) op cit

*fostering allowances will be paid in accordance with national minimum allowance*". However, elsewhere in the guidance (p32, para 137), it refers to Munby's 2002 judgment against Manchester City Council, that it is unlawful to discriminate against family and friends carers by paying them less than non-relative foster carers, and states that *"the fostering service must pay allowances and fees to family and friends foster carers on the same basis as those to all other foster carers."* Since many local authorities pay their non-relative foster carers at a higher rate than the national minimum allowance, those authorities would have to pay their family and friends foster carers at the same higher rate in order to respect the precedent established by Munby's judgment. In addition:

- Para 106: This para needs to set out entitlements to EMA and whose income it's assessed on. It should also specify support with university fees.
- Para 107: delete 'others with PR' as it is not accurate

### **Accommodation**

- Para 108: While recognising that most housing providers are hard-pressed, and that there is significant housing need amongst many groups within society, nevertheless housing and indeed significant overcrowding is a major concern for some carers and indeed inadequate housing is a key factor that had prevented some children from living with otherwise suitable relatives carers and instead ending up in the care system. We would therefore suggest that this para could be amended to provide stronger support for the housing needs of family and friends carers.
- Para 109: This should state that the LA can also provide accommodation under s.17 (6) and refer to the duty on other LA depts. to cooperate in s.27.

### **Contact**

- Paras 110-114: Whilst recognising the difficulties that contact arrangements can present for family and friends carers, the guidance does not sufficiently address the imbalance in support provided to family and friends carers, compared to non-related foster carers, in sustaining contact. Although the guidance suggests that *"where there are safeguarding concerns there may be a need for the involvement of children's social care services to support safe contact arrangements"*, there are many instances where contact difficulties fall short of the yardstick of safeguarding concerns, but nonetheless are still highly problematic for the children and their carers. The guidance would assist many children and family and friends carers if it recognised that contact arrangements require far more support than they are currently receiving, and suggested that support with contact should be far more routinely provided.
- Para 112: We suggest this para recognises that some families may be more comfortable if support with contact is provided through voluntary

sector agencies, which may have more specialised skills, and have the advantage for the families of not being connected with the local authority. The para could also refer to the potential use and value of family mediation and how to find a mediator. It could remind LAs of the power to support contact for children away from home under sched 2 para 10

- Para 113: It should also be noted that research evidence does not support the statement that *“Contact may be limited through a court order and family and friends carers ... **may not understand the necessity of these limitations on contact** with their own children or other close relatives.”* Although social workers have expressed concerns that family and friends carers would not co-operate with contact arrangements because of a close relationship with the parents, Hunt et al (2008) found that contact was one area where social workers’ predictions of problems that would arise were rarely accurate. The experience from FRG’s advice line and discussion forum would suggest that contact is far more likely to be problematic due to parents’ hostility to the carers, which would suggest that far more support should be provided to carers, children and parents to make contact beneficial to the children involved.
- Para 113: The statement *“Where contact needs to be supervised, this is most likely to be undertaken by the carers themselves”* should be re-drafted as it could be taken as prescriptive rather than descriptive: *“Where contact needs to be supervised, there is a danger of carers being left to manage this themselves.”*
- Para 114: This para should refer to power to pay for contact expenses – sched 2 para 16
- Para 164: This para may be better placed in the contact section in chapter 4 after para 114. We would also challenge what evidence there is to support the statement in the guidance that the following is a significant rather than an occasional problem: *“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 the restrictions set.”* We believe this paragraph needs therefore to be amended.

#### **FGCs:**

- Para 116: The guidance states that *“Local authorities should ensure that they have arrangements in place to offer a family group conference or other form of family meeting”*. Whilst we welcome the reference to family group conferences, we would question the value of adding in the phrase any *“other form of family meeting”*. There is a body of evidence on the benefits of the FGC model and indeed the DCSF and DoE have invested in promoting the approach because it is proven to be a successful model. In contrast there is no such evidence that other forms of meetings deliver similar results.

- Para 116: This para should also be amended to reflect the arms length nature of the FGC service which, whether provided in house or by an outside agency, is independent of the referring agency
- Para 118: Needs re-phrasing, to provide clarity that the agency should provide assistance to family members with travelling to attend FGCs, and should sufficiently invest in FGC services to enable attendance, but it will be the FGC co-ordinator's role to support family members' to contribute to the FGC.

#### **Support groups:**

- Para 123: Suggest strengthening, eg local authority should ensure that family and friends carers can attend a support group if they wish.

#### **Family and friends foster carers:**

- Para 130: this is a critical para which needs to cross refer to discussion of when a child is looked after and in particular the Southwark case in legal section in chapter 2 (or separate chapter). Para 130: the second sentence in this para should be moved to the new section on assessment of support needs – it is misplaced here as it does not relate to family and friends foster carers.

Para 131: We reiterate that this paragraph needs to be moved to the legal section in chapter 2 (or separate chapter). **TDS standards:**

- Para 135: We welcome the recognition that family and friends foster carers may sometimes find it difficult to complete the CWDC TDS standards, and the statement that *“Authorities should ensure that the TDS Standards are framed and delivered in such a way that the carers can see how they support them in their caring role, building upon any areas for development identified in the assessment.”* However, some of the TDS standards are simply not relevant to the tasks that family and friends foster carers are doing, and they will find it impossible to demonstrate how they have met all the standards. We therefore recommend that CWDC standards should be revised for family and friends carers in order to be fit for purpose, as has been done for other groups and this should be done at a national level, and not left to individual local authorities. If this is not possible then we recommend that the requirement for family and friends foster carers to complete the standards should be dropped, but with the option of opting in.

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#### **Special guardianship, residence order and adoption**

- Paras 139-142 we suggest should be shifted to legal section in chapter 2. We would also recommend that they are amended to include more detail on the support available under each legal order and on the question of when needs may/must be assessed in each of these circumstances.

- Entitlements to EMA and support for university should also be addressed in relation to each type or order and whose income it is assessed on Para 185: It should specify which regulations are being referred to – presumably the Care Planning, Placement and Case Review (England) Regulations [2010]

There are frequent problems in practice when children are placed with family and friends carers who live in a different borough to their parents. Where the local authority has been involved in making this arrangement they frequently claim following placement that they no longer have responsibility for the child. Whilst the special guardianship regulations address this point specifically, considerable problems arise particularly in relation to s.17 support services because the statutory provision specifically refers to support services for children in need 'in the local authority area'. The result is that carers are frequently refused services by both the previous and the new local authority when they ask for support. In order that children and their carers do not fall foul of this gap in the system we strongly recommend that the guidance clarifies which local authority is responsible and who they should turn to for support to access the full range of support services in the new borough, including educational provision and specialist health provision, which, if they are not looked after children, can be very difficult to access.

## Chapter 5

We welcome the following points from Chapter 5:

- Family and friends foster carers should be assessed as to their capacity to meet the needs of a specific named child;
- The policy recognises that a different approach is needed for assessing family and friends foster carers as compared to other foster carer applications. These assessments will require a collaborative approach between the carers and the assessing social worker;
- Where possible these assessments should be carried out by specialist workers who are appropriately trained;
- Fostering panels should have a full understanding of family and friends foster care (possibly there should be a separate fostering panel for family and friends), and they should include someone who has been a family and friends foster carer themselves, or someone who as a child was placed in family and friends foster care;
- IROs should be trained to ensure they are aware of issues for looked after children living with family and friends foster carers;
- Assessment should be undertaken in genuine partnership between carer and social worker, and assumptions about family functioning should not be made purely on the basis of historical behaviour;

- Introduction (paras 148-9) we propose below that the legal framework for assessment of foster carers, referring to the new Care Planning and Review Regulations 2010 (CPPRR) and associated guidance, should be detailed in the legal section in chapter 2 (or a separate chapter) but in its place we think there should be a summary in the key legal provisions about approval and temporary approval of family and friends foster carers in the introduction to this chapter, cross referring to the legal section. This summary should also clarify that it is intended that it should be possible to make immediate placements where required despite restrictions of regulation 25 CPPRR.
- Para 164: This needs to be moved to the contact section in chapter 4.
- Para 166 on: We suggest a separate para on attachment of the child to the carers, stressing that this is an assessment of the placement and not just of the carers' competence
- Paras 168 & 169: We suggest that the guidance should state that these issues need to be explored with the family
- Paras 175-179 – We suggest that these should be moved to the legal section.

## Appendix 1: Extract from Family Rights Group Good practice Guide on Family and Friends care concerning legal framework:

### CHAPTER 3

#### LEGAL FRAMEWORK FOR FAMILY AND FRIENDS CARE

When there is a crisis in the family, relatives and friends often rally round to make sure the children are well looked after, and often make arrangements between themselves to look after children until the crisis has passed. Mothers, and most fathers<sup>9</sup>, have parental responsibility which gives them the authority to make such private arrangements. The local authority only becomes involved if there are welfare or protection issues with which the family needs support or intervention, or if the arrangement falls within the definition of private fostering<sup>10</sup>.

The FOI survey described in chapter 1 asked local authorities for details of their policies relating to family and friends care, both how these arrangements are made and what support is offered. Not surprisingly, the findings show that these policies vary according to the legal status of the arrangements, including the following:

- children who are *looked after* by the local authority (whether in care or accommodation) and placed with relatives or friends who are approved as local authorities foster carers on a short or long term basis, or
- children who are living with such carers as a result of a private arrangement between the parents and the carer in which local authority may, but is not necessarily involved, or
- children who are in a nebulous arrangement whereby the local authority asks a relative or friend to help out by looking after a child following a crisis in the parental home but then withdraws, asserting that the child is not looked after, and/or
- children who are living with relatives or friends under a residence or special guardianship order.

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<sup>9</sup> A father has parental responsibility if he is or has been married to the mother at any time since the birth of the child (s.2 CA 1989); if he is registered as the child's father on the birth certificate (since 1.12.03); and if he has acquired it by formal legal agreement with the mother or by court order (s.4 CA 1989 as amended)

<sup>10</sup> A private fostering arrangement arises where a person is looking after or proposes to look after a child (who is not their own) for a period which is or is intended to be more than 28 days, who is neither a LA foster carer, nor a relative within the meaning of s.105 CA i.e. not a grandparent, sibling, aunt or uncle (half or full blood or by affinity) or step-parent (including civil partners). According to the Private Fostering Regulations and Guidance there is a *requirement for notification of intended placements* or placements made in an emergency, which the local authority is then required to *monitor/investigate*. This involves initial *inspection of premises and suitability of the carer*, information about health education etc. and a requirement to *visit at regular intervals* of not more than 6 weeks in first year, less frequently thereafter.

There are consequences in terms of access to support services and the carer's ability to make decisions about care of the child which flow from the legal status of each of these types of arrangement. These are discussed below.

### **3.1 Children who are looked after by the local authority and placed with family or friends:**

A child is *looked after* when they are in care under a care or emergency protection order or when they are in accommodation by voluntary agreement with the parents/those with parental responsibility<sup>11</sup>.

When a child is *looked after* in the care system, there is a duty on the local authority to place a child with ...'a relative/friend provided it is reasonably practicable and consistent with the child's welfare' (s.23 (6) CA<sup>12</sup>). This is consistent with the aims of new government guidance (issued in conjunction with the Public Law Outline<sup>13</sup>) to consider wider family options before issuing care proceedings<sup>14</sup> and the right to respect for family life in Article 8 of the European Convention on Human Rights<sup>15</sup>. Such a placement can be made in an emergency with only minimal checks being carried out for up to 6 weeks; thereafter that person must be formally assessed and approved as a local authority foster carer in accordance with the Fostering Services Regulations 2002 for the placement to continue lawfully<sup>16</sup>.

A relative or friend caring for a child in this context is required to enter into a fostering agreement with the local authority which includes mutual expectations and terms of the placement, including social work and other support to be provided. S/he is able to make decisions about day to day care but, in relation to important decisions about the child's upbringing, must refer back to the local authority. In every case concerning a child who is looked after, the local authority must consult with the child's parents/significant others in relation to all decisions about the child (s.22 (4) & (5) CA) and, where the child is accommodated, the local authority must also obtain the consent of a person with parental

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<sup>11</sup> (s.22(1) CA).

<sup>12</sup> This provision will be replaced by the new duty on the local authority to consider relatives who are foster carers as a first choice to look after children in the care system where child cannot return home to their parents when s.22C CA (as amended by s.8 CYPA) is implemented.

<sup>13</sup> Public Law Outline, *ibid*

<sup>14</sup> DCSF, Children Act 1989 Regulations and Guidance, Volume 1 Court Orders, chapter 3

<http://www.justice.gov.uk/guidance/careproceedings.htm>

<sup>15</sup> s.22C Children Act 1989 (CA) as amended by s.8 CYPA. This provision, which is not yet in force, requires local authorities to consider relatives who are approved as local authority foster carers as the first choice of placement for children in the care system who cannot return home to live with their parents.

<sup>16</sup> This provision will be replaced when the draft Care Planning, Placement and Case Review Regulations (England) [2010] and associated guidance are finalised and implemented. These set out the mechanism for placement with, and approval of a 'connected person' who takes on the care of a looked after child prior to being assessed as foster carer for him/her (reg 25).

responsibility<sup>17</sup> to the care plan<sup>18</sup> and all important decisions about the child. This can seem quite onerous for a relative or friend caring for a child as s/he has little autonomy, but it reflects the fact that in such an arrangement s/he does not have parental responsibility for the child.

Despite evidence in the FOI survey that practice is sometimes to the contrary, such a carer has the same right to financial and other support as unrelated foster carers (s.22 (2) CA). This is confirmed by the Manchester case<sup>19</sup> in which Munby J held that it is unlawful to discriminate against family and friends foster carers by paying them a lesser amount as a fostering allowance than unrelated foster carers. The child is also entitled to support from the local authority when s/he leaves care provided s/he falls into one of the categories outlined in the Children (Leaving Care) Act 2000.

However, this legal arrangement, and associated entitlement, to support is dependent on the child being *looked after* in the care system, and thus accounts for only a very small minority of family and friends care placements, not least because children will often have gone to live with family and friends carers, in an emergency, to *avoid* them having to go into care. This is discussed further below.

### **3.2 Children living with relatives or friends as a result of private arrangements made directly between the parents and the carer:**

As stated above, in some cases, arrangements for a child to go and live with a relative or friend are made directly between the parents and the carers, either as a result of private discussion or as a result of a Family Group Conference. The local authority may have been involved in referring the family to a Family Group Conference and in agreeing to any subsequent plan made by the family, but they may not be directly involved in making the placement with the family member.

In these circumstances, if the carer does not apply for a residence or special guardianship order, then s/he will not have parental responsibility for the child. His/her ability to make decisions about the child's care is therefore limited to day to day matters<sup>20</sup> and s/he must refer back to the parents or others with parental responsibility for all important decisions about his/her care<sup>21</sup>.

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<sup>17</sup> Parental responsibility is defined as: "All the rights, duties, powers, responsibilities and authority, which by law a parent has in relation to the child and the administration of his or her property." (s.3(1) CA 1989). This includes consent to medical/dental treatment and school trips, what religion s/he will follow, agreeing to the child being taken outside the UK etc. One or more people can have parental responsibility at the same time. Mothers and most fathers have parental responsibility but if the local authority has a care order or there is a special guardianship order in force, the local authority/special guardian can override the parents' decisions.

<sup>18</sup> Regulation 3 Arrangement for Placement of Children Regulations 1991

<sup>19</sup> The Queen on the Application of L and others –v- Manchester City Council; The Queen on the Application of R and another –v- Manchester City Council [2002] 1 FLR 43]

<sup>20</sup> s.3(5) CA 1989

<sup>21</sup> ss. 2 & 3 CA 1989. See also footnote 15.

In terms of financial support for the placement, the parents are legally liable to support the child<sup>22</sup>; conversely the carer is not liable to maintain the child although they may do so in practice. However, the very nature of these placements, which commonly arise out of parental tragedy, trauma or abuse, means that the parents are often unable to provide, and the carers' only other sources of financial support are

- state benefits, including child benefit and child tax credit depending on their means, and,
- where the child is assessed as being in need, discretionary support from the local authority under s.17 (6) CA<sup>23</sup>.

The local authority also has discretion to provide other practical and emotional support, for example social work support, if the child is deemed to be in need, following an assessment, under s.17 CA<sup>24</sup>. However, in reality many family and friends carers cannot access such support, despite the child often having acute emotional and behavioural problems, because the local authority's eligibility criteria for children in need are restricted to cases which border on child protection, hence do not apply to them because they are now providing safe care for the child.

### **3.3 Children who are placed with relatives or friends by the local authority which then treats them as not being looked after**

It is increasingly common practice for the local authority to ask relatives or friends to look after a child in response to a crisis in the parental home which makes it unsafe for the child to remain with his/her parents. This often happens in the context of child protection enquiries (under s. 47 CA, sometimes with the police being involved), and as an alternative to children being placed with unrelated foster carers, without any court proceedings being initiated and sometimes without the parents being actively involved in making the arrangement. Such placements may be made in an emergency, with little or no planning of the placement involved, yet frequently become the long term or permanent arrangements by default.

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<sup>22</sup> s.1 Child Support Act 1991

<sup>23</sup> Currently this can only be provided in exceptional circumstances. However this restriction will be removed when s.24 Children and Young Person's Act 2008 is implemented.

<sup>24</sup> The definition of a child in need is set out in s.17(10) CA and includes a child who is aged under 18 and:

- who is unlikely to achieve or maintain a reasonable standard of health or development without the provision of appropriate services by a local authority; or
- whose health or development is likely to be significantly impaired or further impaired without the provision of appropriate services by a local authority; or
- who is disabled.

Whilst the aim of placing children within their family network is entirely consistent with the policy initiative from government outlined above, the local authority frequently argues that:

- ∅ it does not need to remain involved, and the child is not *looked after*, deeming it to be a private arrangement between the parent and the carer concerned, which they merely facilitated.
- ∅ it is not under any duty to support and monitor the placement or promote the child's welfare, with the result that the support needs of the child and carer are not met<sup>25</sup>.

It should be noted that this practice has been held to be unlawful: the Court of Appeal has confirmed that where the local authority has been involved in making such a placement and has not agreed otherwise with the carer, the child should be treated as being looked after by the local authority. In such circumstances the family and friends carer will be a local authority foster carer and be entitled to receive a fostering allowance and support to care for the child according to s.23 (2) CA<sup>26</sup>. However many local authorities still seek to avoid this legal status for the child, at least in part because of the resource commitment involved.

Neither the carer nor the local authority has parental responsibility for the child in these circumstances, since no court orders have been made conferring it. The carer may do what is reasonable to safeguard and promote the child's welfare (s.3 (5) CA) but should in theory refer back to the parent or other person with parental responsibility about significant decisions. Yet in practice such carers find that the local authority will frequently stipulate to the carer that they must not allow the parent contact with the child without their agreement or supervision. This is complicated for the carer to implement because s/he is purporting to prevent the parent who does have parental responsibility from seeing their child. This situation is sometimes resolved by the carer applying for a residence order or a special guardianship order.

### **3.4 Residence orders:**

A family and friends carer wishing to have more autonomy in their care of the child often decides, or is encouraged by the local authority, to apply for a residence order. Financial assistance towards legal costs *may* be given by the local authority (under s.17 CA).

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<sup>25</sup> Tapsfield, R (2001) 'Kinship Care: A Family Rights Group Perspective'. In Broad, B (ed.) (2001) *Kinship Care: the placement choice for children and young people* (Russell House)

<sup>26</sup> Southwark LBC –v- D [2007] 1 FLR 2181; R (on the application of A) Coventry City Council [2009] EWHC 34 (Admin); R (Collins) –v- Knowsley MBC EWHC 2551 (Admin QBD) Family Law Dec 2008 p1270.

A residence order decides where a child will live and confers parental responsibility on the person in whose favour the order is made. It normally lasts until the child is 18<sup>27</sup> unless it is revoked by the court.

In the absence of any court order to the contrary<sup>28</sup>, a person with a residence order may make most important decisions about the child's care, for example regarding contact arrangements. However s/he may not take the child outside the UK<sup>29</sup> for longer than one month without the consent of everyone else with parental responsibility and s/he may not appoint a testamentary guardian for the child which can leave carers worrying about what may happen to the child in the event of their death.

The parent has a right to apply to court to revoke a residence order without needing the court's leave (permission) to make the application. A parent can also apply to the court for a prohibited steps order or specific issue order (s.8 CA) to ask the court to determine how parental responsibility is exercised by the carer in relation to a particular issue which is in dispute. This opens up the possibility of the parent challenging the carer about key decisions relating to the child's care.

In terms of support for the placement, the position is similar to private arrangements in that the parents are legally liable to support the child financially and the person with the residence order is not, although they may end up having to do so in practice. As with private arrangements, where the parents are unable to provide, the person with the residence order may be entitled to state benefits including child benefit and tax credits depending on his/her circumstances. If the child is assessed as being in need, the carer and the child may also receive discretionary financial and other support from the local authority under s.17 CA<sup>30</sup>, although again the strict eligibility criteria for a child being determined as being in need often preclude many children and family and friends carers from receiving such support. In addition the carer may also ask the local authority to be assessed for a residence order allowance which the local authority has a discretionary power to pay (sched 1 para 15 CA). Recent case law confirms that this can be paid by the local authority even if it was requested by the carer after the residence order was applied for<sup>31</sup>.

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<sup>27</sup> Residence orders used to last until the child is 16 unless the court made a specific direction in favour of a non-parent applicant that it should last until 18. However, s.37 Children and Young Persons Act 2008 now enables the court to make a residence order to last to the age of 18 without restriction. This provision was implemented on 1.9.09.

<sup>28</sup> The court can make a prohibited steps or specific issue order to determine a particular question relating to the exercise of parental responsibility for the child (s.8 CA). A parent has a right to apply for such an order, hence they have the ability to make a legal challenge of the carer's decisions which can be undermining for the carer.

<sup>29</sup> Re B (A Child) CA (Civ Div) 24/7/2007

<sup>30</sup> As discussed above, this can currently only be provided in exceptional circumstances. However, this restriction will be removed when s.24 Children and Young Person's Act 2008 is implemented.

<sup>31</sup> R(H) –v- Essex CC [2009] EWHC 353

### 3.5 Special guardianship orders:

Family and friends carers, who wish to seek a more permanent legal arrangement for a child, are increasingly choosing to apply for a special guardianship order<sup>32</sup>. This order is more secure legally than a residence order because a parent cannot apply to revoke it unless s/he has the permission of the court; however, unlike an adoption order it does not sever the legal relationship between the child and his/her birth family.

A special guardianship order lasts until the child is 18 unless it is revoked by the court. A parent may not apply to revoke a special guardianship order unless the court gives leave which is dependent on the parent providing evidence that there has been a significant change in circumstances since the order was made s.14D (3) (b). The special guardian has parental responsibility which s/he can exercise to the 'exclusion of anyone else with parental responsibility' s.14C (1) (b) CA<sup>33</sup>. This means that the special guardian can make most decisions about the child without referring back to the parents; however s/he does need the consent of everyone with parental responsibility or the leave of the court to: change the child's surname, remove the child from the UK for more than 3 months and where this is required by law (e.g. marriage between 16-18)<sup>34</sup>. S/he also has no right to override the parents' rights in relation to adoption or placement for adoption and s/he must notify the parent if the child dies. S/he will also be able to appoint a guardian for the child in the event of his/her death<sup>35</sup>.

Again, in terms of support for the placement, the position is similar to private arrangements and residence orders in that the parents are liable to support the child financially, and the special guardian is not from a legal point of view, although they are likely to be so in practice. Where the parents are unable to provide, the special guardian may be entitled to state benefits including child benefit and tax credits depending on his/her circumstances and where the child is assessed as being in need, s/he and or the child *may* also receive discretionary support from the local authority under s.17 CA<sup>36</sup>. However, in addition, s/he can ask to be assessed for support.

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<sup>32</sup> Although this FOI survey was conducted in 2007, some local authorities did not provide us with policies and procedures about special guardianship as they were not yet developed or finalised, despite the special guardianship provisions being implemented on 31.12.05 including a legal requirement on local authorities to establish a special guardianship support service.

<sup>33</sup> A parent retains the right to apply to the court for a prohibited steps order or specific issue order (s.8 CA) to ask the court to determine how parental responsibility is exercised in relation to a particular issue which is in dispute, but the court is less likely to grant such an order than under a residence order because of the exclusive nature of the special guardian's parental responsibility.

<sup>34</sup> S.14C CA

<sup>35</sup> s.5 CA as amended by s.115(4) Adoption and Children Act 2002

<sup>36</sup> As discussed above, this can currently only be provided in exceptional circumstances. However, this restriction will be removed when s.24 Children and Young Person's Act 2008 is implemented.

The local authority has a duty to establish special guardianship support services (s.14F CA) although this does *not* equate to carers having a right to having their individual needs met. Support services that the local authority must establish include financial support to provide regular income to support the placement<sup>37</sup>, subject to a means test, and where this is payable, it should be at the level of fostering allowances rather than adoption allowances<sup>38</sup>. Other support services that the local authority should provide includes help with contact, support groups and assistance with legal costs, none of which are means tested<sup>39</sup>. If the child was looked after immediately before the special guardianship order was made, the carer and child have a right to have their support needs assessed; but in all other cases, although there is a strong expectation that the local authority will carry out an assessment, this is identified in statutory guidance as being discretionary<sup>40</sup>. However, whether or not services are provided to meet the identified needs is a matter for the local authority's discretion informed by their assessment of need and detailed statutory guidance<sup>41</sup>.

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<sup>37</sup> Regulation 3, 6, 8, 9, 10 & 13 Special Guardianship Regulations 2005 (SGR)

<sup>38</sup> R (on the application of B)(Claimant) –v- Lewisham LBC and MB [2008] EWHC 738

<sup>39</sup> Regulation 3 & 13 SGR

<sup>40</sup> Regulation 11 SGR

<sup>41</sup> Regulation 12-16 SGR

## A COMPARISON OF DIFFERENT LEGAL OPTIONS

	<b>Informal arrangements including private fostering</b>	<b>Children on EPOs and COs</b>	<b>Children accommodated by the local authority</b>	<b>Residence order</b>	<b>Special guardianship order</b>	<b>Adoption</b>	<b>Guardianship</b>
<b>Who has PR?</b>	Mothers, fathers/anyone else who has acquired PR by court order or agreement with parents	LA; Mothers, fathers/anyone else who has acquired PR by court order or agreement with parents	Mothers, fathers/anyone else who has acquired PR by court order or agreement with parents	Person with RO; mothers, fathers/anyone else who has acquired PR by court order or agreement with parents	Person with SGO who can exercise PR to exclusion of anyone else with PR; mothers, fathers/anyone else who has acquired PR by court order or agreement with parents	Adopters and anyone else who has acquired PR by court order or agreement with adoptive parents	Guardians (and anyone else who has acquired PR by court order)
<b>Who can make decisions on behalf of the child?</b>	Carer can make day to day decisions about the child's care but only those with PR can make important decisions e.g.: consent to medical treatment, leaving the UK etc	Carer can make day to day decisions about the child's care in consultation with LA, but LA makes all important decisions about child in consultation with parents or carers	Carer can make day to day decisions about the child's care in consultation with LA, but only those with PR can consent to medical treatment, leaving the UK etc.	Person with RO can make decisions without having to consult others with PR (although should for important decisions) but some restrictions: name change, consent to adoption/ adoption placement, change of religion)	Person with SGO who has right to exercise PR to exclusion of anyone else with PR, but some restrictions: name change, consent to adoption or adoption placement, change of religion)	Adoptive parents and anyone else who has acquired PR by court order or agreement with adoptive parents	Guardians
<b>Can the child be removed from my care?</b>	Yes by person with PR	Yes by LA	Yes by person with PR	No unless RO revoked or LA has EPO or CO	No unless SGO revoked or LA has EPO or CO	No unless LA has EPO or CO	No unless LA has EPO or CO
<b>Can I take the child</b>	Only with consent of all those with	Only with consent of LA for up to	Only with consent of all those with	For up to one month, otherwise	For up to three months, otherwise consent of all	Yes	Yes but consent of anyone else

<b>out of the UK?</b>	PR, or leave of court.	one month, unless court gives leave	PR or leave of court	consent of all those with PR or leave of court required	those with PR or leave of court required		with PR required
<b>Can I appoint a guardian?</b>	Parents/guardians with PR can appoint a guardian – see rules for when appointment takes effect	Parents/guardians with PR can appoint a guardian – see rules for when appointment takes effect	Parents/guardians with PR can appoint a guardian – see rules for when appointment takes effect	Parents/guardians with PR can appoint a guardian – see rules for when appointment takes effect in RO cases	SGO holders can appoint a guardian – see rules for when appointment takes effect in SG cases	Adoptive parents/guardians with PR can appoint a guardian – see rules for when appointment takes effect	Parents/guardians with PR can appoint a guardian – see rules for when appointment takes effect
<b>Can the order be revoked?</b>	N/A	Yes on application to court	N/A	Yes – parents and others with PR have a right to apply to revoke the order	Yes but parents need leave to apply to revoke the order -only granted if there is significant change of circs	No – it is irrevocable	Yes by court order
<b>Am I entitled to support?</b>	Discretionary support under s.17, subject to assessment	Fostering allowance payable to LA foster carers	Fostering allowance payable to LA foster carers	Discretionary support under s.17 and residence order allowance, subject to assessment	Discretionary support under SG support services, subject to assessment – entitlement to assessment for SG's, child and parents	Discretionary support under adoption support services, subject to assessment – entitlement to assessment for adopters, child and birth parents	Discretionary support under s.17, subject to assessment

## **Appendix 2: List of useful contacts for family and friends carers:**

### **Action for Prisoners' Families**

Promotes the just treatment of families by the prison system; provides a nationwide network of support services to prisoners' families; and offers a helpline to anyone with a relative or friend in prison in England or Wales.

Unit 21, Carlson Court

116 Putney Bridge Road

London, SW15 2NQ

Advice line: 0808 808 2003, Open Mon – Fri 9-5, Sat 10 – 3

Tel: 020 8812 3600

Fax: 020 8871 0473

E-mail: [info@actionpf.org.uk](mailto:info@actionpf.org.uk)

[info@prisonersfamilieshelpline.org.uk](mailto:info@prisonersfamilieshelpline.org.uk)

### **Addaction**

Addaction is the UK's largest drug and alcohol treatment charity. It provides nationwide support and services to adults and young people with drug and alcohol problems, and their families.

67-69 Cowcross Street

London

EC1M 6PU

Tel. 020 7251 5860

Fax. 020 7251 5890

Email: [www.addaction.org](http://www.addaction.org)

### **Adfam**

Adfam was founded in 1984 and since then has been working with and for the families of drug and alcohol users.

25 Corsham Street,

London,

N1 6DR

Tel: 020 7553 7640

Fax: 020 7253 7991

Email: [www.adfam.org.uk](http://www.adfam.org.uk)

### **Advisory Centre for Education (ACE)**

Provides information on state education and free telephone advice on many subjects like bullying, exclusions, special educational needs and admission appeals.

1c Aberdeen Studios,

22 Highbury Grove,

London N5 2DQ

General advice line:

0808 800 5793 Open M-F 10-5

Exclusion advice line:  
0808 800 0327  
Exclusion information line:  
020 7704 9822 (24hr answer phone)

### **BAAF**

Leading charity for children separated from their birth families. Provides information, free advice, recruits adopters and permanent foster parents, and the website can help you find your local agencies.

Saffron House,  
6-10 Kirby Street,  
London,  
EC1N 8TS  
Tel: 020 7421 2670/1/3  
Fax: 020 7421 2669 email: [southern@baaf.org.uk](mailto:southern@baaf.org.uk)

### **The Candle Project**

Bereavement counselling for children, young people and their families in the south east London area. Also offer specialist training, advice and consultancy services to schools and other agencies working with children facing bereavement.

Frances Kraus  
tel 020 8768 4586  
[f.kraus@stchristophers.org.uk](mailto:f.kraus@stchristophers.org.uk)

### **Children's Legal Centre**

UK charity concerned with law and policy affecting children and young people. Many years of experience in providing legal advice and representation for children, their carers and professionals. Also runs the National Educational Law Advice Line for the Legal Services Commission.

University of Essex  
Wivenhoe Park  
Colchester  
Essex  
CO4 3SQ  
United Kingdom  
**Tel:** 01206 877 910  
**Fax:** 01206 877 963  
E-mail: [clc@essex.ac.uk](mailto:clc@essex.ac.uk)  
Child Law Advice Line: 08088 020 008  
Open M-F 9.30 – 5.

**Family Fund Trust**

Gives grants to low-income families to meet the additional needs of caring for a severely disabled child.

4 Alpha Court

Monks Cross Drive

York

YO32 9WN

Tel: 0845 130 4542 or 01904 621115

Textphone 01904 658085

Fax 01904 652625

Email: [info@familyfund.org.uk](mailto:info@familyfund.org.uk)

**Family Rights Group**

The national charity that works with families whose children are involved with or require support from social care agencies. Develops and promotes practice and policies which improve children's lives, and runs a freephone advice and support service for families. The website has lots of information and hosts a discussion board specifically for family and friends carers. Family Rights Group also administer a contacts database for carers and organises events and runs a free consultancy telephone service for carers interested in being involved in a family and friends care support group.

Second Floor

The Print House

18 Ashwin Street

London E8 3DL

Advice line: 0800 731 1696 Monday-Friday 10am-3.30pm

Tel: 020 7923 2628

Fax: 020 7923 2683

Email: [office@frg.org.uk](mailto:office@frg.org.uk)

**The Fostering Network**

UK-wide charity for those with a personal or professional interest in fostering. Its services include information and advice, practical support, publications and training. It also works for high standards in foster care.

Ring 020 7261 1884 between 10am and 4pm Monday to Friday,

or email [info@fostering.net](mailto:info@fostering.net)

**Fosterline**

Confidential advice line for foster carers run by The Fostering Network, which provides independent, impartial advice about fostering issues, including concerns about a child's future, allegations and complaints, changes in legislation and financial matters.

Phone 0800 040 7675 between 9am and 5pm Monday to Friday, except Wednesday when the line is open until 8pm  
Email: [fosterline@fostering.net](mailto:fosterline@fostering.net)

### **The Grandparents' Association**

Works to improve the lives of children by working with and for all grandparents, especially those who have lost or are losing contact with their grandchildren because of divorce, family feud or other problems, those caring for their grandchildren on a full-time basis, and those with childcare responsibilities for their grandchildren.

Moot House

The Stow

Harlow

Essex

CM20 3AG

Advice line: 0845 4349585 Open Mon – Fri 10 – 4, occasionally evenings and weekends

Office: 01279 428040

Welfare Benefits: 08443571033

Email: [info@grandparents-association.org.uk](mailto:info@grandparents-association.org.uk)

### **Grandparents Plus**

National charity which champions the vital role of grandparents and the wider family in children's lives - especially when they take on the caring role in difficult family circumstances.

Grandparents Plus

18 Victoria Park Square

Bethnal Green

London E2 9PF

Telephone: 020 8981 8001

Email: [info@grandparentsplus.org.uk](mailto:info@grandparentsplus.org.uk)

### **Mentor UK**

International organisation supporting drug prevention amongst young people and the promotion of health and well-being. Supports drug prevention projects and develops policy.

Mentor Foundation UK

Fourth Floor

74 Great Eastern Street

London

EC2A 3JG

United Kingdom

Tel: +44 20 7739 8494

Fax: +44 20 7739 5616  
Email: [admin@mentoruk.org](mailto:admin@mentoruk.org)

**PACT (Prison Advice and Care Trust)**

The Kinship Care Support Service provides support and advice to family members and friends who care for children whose mothers are in HMP Holloway  
HMP Holloway Visitors' Centre  
Parkhurst Road  
London  
N7 0NU  
Telephone: 020 7700 1567

**PADA (Parents Against Drug Abuse)**

Working with parents of drug users. Services include a fully accredited training programme, an alternative therapies programme, one to one support, outreach service and a support group for grandparent carers.

The Foundry  
Marcus Street  
Birkenhead  
Wirral  
CH41 1EU  
National Families Helpline: 08457 023867  
**Phone:** 0151 649 1580  
**Fax:** 0151 647 8050

**Parentline Plus**

Works for and with parents, offering range of services including a helpline, text phone, email advice service, groups and workshops.

520 Highgate Studios,  
53-79 Highgate Road,  
Kentish Town,  
London,  
NW5 1TL  
24hr Advice line 08088002222

**TalktoFrank**

Provides a helpline about drugs and also an A-Z of information through its website.

Advice line: 0800 77 66 00 (24hr)  
Text: 8211  
[www.talktofrank.com](http://www.talktofrank.com)

**Voice**

Empowers young people in public care particularly by helping them through advocates, and campaigns to improve their lives.

320 City Road

London EC1V 2NZ

Tel: 020 7833 5792

Young person's advice line: 08008005792 Open M-F 9.30 - 6

Fax: 020 7713 1950

Email: [info@voiceyp.org](mailto:info@voiceyp.org)

**Young Minds**

Committed to improving the mental health of all children and young people.

48-50 St John Street

London

EC1M 4DG

Tel: 020 7336 8445

Fax: 020 7336 8446

Parents helpline: 0808 802 5544