



Family and Friends Care:

A Guide to Good Practice for English Local Authorities: Summary of key points

Developed by

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INTRODUCTION

There are no official statistics of the number of children living with relatives and friends but the estimated figure is between 200,000-300,000¹ children, only 6,800 of whom are *looked-after* children². Recent legal and policy developments suggest that this figure is likely to increase in the future. In the last few years, there has been a strong lead from government, supported by a cross party consensus, that children who cannot live with their parents should live with their relatives or friends wherever possible, as long as they are safe, rather than going into care:

- In Care Matters: Time for Change the Government stated: '*For those children and young people who need to be cared for outside their immediate family, we should, at all relevant stages of the care planning process, explore the potential for children to live with or be supported by their wider family and friends*³. To help achieve this, it committed to increasing capacity to deliver Family Group Conferences⁴ to support families to take the lead in making safe plans for their children;
- New guidance to local authorities⁵, which was published in conjunction with the Public Law Outline⁶, states that (except in emergencies) before the local authority reaches a decision that it should apply for a care order, it should explore, possibly through a family group conference or a family meeting, whether alternative care can be provided safely for the child by a relative or friend;
- Further new guidance is being issued in 2010 to include a framework for family and friends care;
- The Children and Young Person's Act 2008 (CYPA) includes provisions which:
 - Ø require 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 parents⁷, and
 - Ø enable family and friends carers who are relatives⁸ to apply for a residence order or special guardianship in respect of a child they have been caring for

¹ Richards A and Tapsfield R (2003) *Funding Family and Friends Care: The Way Forward* (Family Rights Group)

² Department for Children Schools and Families: Children looked after in England (including adoption and care leavers) year ending 31 March 2009
<http://www.dcsf.gov.uk/rsgateway/DB/SFR/s000878/index.shtml>

³ DFES (2007) Care Matters: Time for Change (HMSO)
<http://publications.dcsf.gov.uk/eOrderingDownload/Cm%207137.pdf>, pp7-8.

⁴ Further information can be found about Family Group Conferences at
www.frg.org.uk/advice/advicesheets.

⁵ DCSF, The Children Act 1989 Guidance and regulations Volume 1 Court Orders, 2008, TSO, para 3.24

⁶ The Public Law Outline is new guidance issued to courts on the management of care proceedings. It can be found at: <http://www.justice.gov.uk/guidance/careproceedings.htm>

⁷ s.22C Children Act 1989 (CA) as amended by s.8 CYPA. This provision is not yet in force.

⁸ This includes grandparents, aunts, uncles, siblings and step-parents – see s.105 Children Act 1989 for full definition.

- after one year without needing the leave of the court to do so, to replace the current 3 year rule⁹; and
- The draft Care Planning, Placement and Case Review Regulations (England) [2010] and associated guidance indicate the government's intention that:
 - Ø the first placement choice for children who cannot stay with their parents should be with a connected person, ie a family member or friend; and
 - Ø local authorities should be allowed 16 weeks, or exceptionally 24 weeks, in order to carry out a thorough fostering assessment of a family member or friend who has taken on the care of a looked after child, instead of the current inadequate six weeks.

These developments are extremely welcome, but they clearly create additional challenges. Whilst research evidence confirms that the outcomes for children living with family and friends carers are as good as if not better than those of children who are placed with unrelated carers¹⁰, it also confirms that many children living with family and friends carers have high levels of need and therefore require high levels of support to overcome their early adversities and achieve optimal levels of well-being¹¹. Conversely, it also shows that a lack of adequate support means that carers struggle to meet the child's complex needs, putting children at risk of poor outcomes, and in some cases the placement may breakdown¹².

Recent evidence gathered by Family Rights Group in a Freedom of Information Act (FOI) survey¹³ reveals that, currently, services provided to family and friends carers, and the children they are raising, vary substantially across the country and are often grossly inadequate. A few authorities are extremely proactive in promoting and supporting such arrangements even when they are not legally obliged to, whilst others seek to avoid providing support wherever legally possible. The majority of authorities have no coherent written approach to family and friends care, and in particular there is an absence of written policies, procedures or guidance on assessment and financial and practical support for the vast majority of children being raised by family and friends carers outside the looked after system. Details of the survey findings are summarised in Appendix 1.

Urgent action is required at national and local level in order that clear policies and systems are in place in **every** English¹⁴ local authority to ensure that family and friends care arrangements are appropriately assessed and supported. Drawing on the data from this FOI survey and from research evidence, Family Rights Group

⁹ s.10 (5A) and s.14A CA as amended by ss.36 & 38 CYPA.

¹⁰ Farmer E and Moyers S (2008) *Kinship Care: Fostering Effective Family and Friends Placements* (Jessica Kingsley)

¹¹ Hunt J, Waterhouse S and Lutman E (2008) *Keeping them in the family: Outcomes for children placed in kinship care through care proceedings* (BAAF)

¹² Hunt et al, *ibid*

¹³ Family Rights Group in association with the University of Birmingham (2009) *Report on Freedom of Information survey of local authority policies on family and friends care*

¹⁴ This version will be revised and re-published to include guidance for Wales in due course. It will also be available on the FRG website.

has developed a Good practice guide on family and friends care to assist local authorities in this task. The full document can be found at www.frg.org.uk/pdfs/good%20practice%20guide%20book%20guide%20final.pdf.

The following is a summary of the key points in the Good Practice Guide on Family and Friends care:

1. Messages from research

Local authorities' policy and practice on working with family and friends carers should be informed by messages from research. A summary of the research evidence can be found in the full document.

2. Lead Officer

A senior manager should be designated as the 'lead officer' for family and friends care. This officer would have responsibility for ensuring that the local authority has a plan for its family and friends care work, which is reviewed annually and forms part of the authority's Children and Young People's Plan.

3. Data collection

Local authorities should routinely collect data about the family and friends care placements, whether or not the children are looked after and regardless of whether there is a legal order for the child. This should include details about the numbers of children and carers known to the authority, the financial and non-financial support being provided to them, the number of complaints made by family and friends carers, the number of such placements which disrupt and an analysis of plans arising from family group conferences.

4. Strategic planning

The collection of the above data is critical in enabling local authorities to formulate an informed plan for family and friends care, providing the authorities' senior management team and political leadership with information necessary in identifying and setting policy priorities, designing services, and budget and resource planning and allocation. In the absence of any national data set on family and friends care placements, information collected by individual authorities also has the potential to assist national government in planning and setting priorities by providing information about the extent to which family and friends care placements are being used and supported at a local level, and the effect this is having on local authority budgets.

5. Dedicated staff

The local authority should appoint dedicated staff to carry out family and friends care work, or to advise staff doing this work. The local authority should ensure that the expertise of the dedicated staff are made available to support all family and friends carers, regardless of their legal status, whether by working directly with them or by advising social workers and other practitioners who are working with them.

6. Consistency

Local authorities should ensure consistency in decisions affecting family and friends carers, through their policies and their organisational structures. This should include specific guidance to practitioners which covers the following:

- Children living with family and friends carers, under no legal order, should be identified as potentially being children in need, thus entitling them to an assessment of need under section 17 of the 1989 Children Act;
- The local authority should have clear criteria for paying section 17 financial support, and guidelines on the amount payable. This information should be published and made available to existing or potential family and friends carers;
- Assessments of family and friends carers should be carried out by specialist workers, using a suitable assessment format (discussed under 12 below);
- Family and friends care panels should be established in order to improve consistency and the quality of decisions being made about family and friends carers.

It is also suggested that local authorities should consider adopting a policy of paying the legal costs and court fees of family and friends carers where:

- a residence order or special guardianship order is being sought as the outcome of care proceedings; or
- an application by family and friends carers for a residence or special guardianship order has averted the need for care proceedings.

7. Training for practitioners

Practitioners should be assisted to keep abreast of messages from research and policy development in the area of family and friends care, by being able and encouraged to attend specialist external training courses.

8. Training for panel members

Members of any fostering or other panel which is making recommendations about the approval of family and friends carers should receive specific training, as such placements may challenge the preconceptions of panel members about what constitutes a safe placement that meets a child's needs. This should include training on a suitable assessment format.

9. Working with families

In consultation with service users, local authority policies, procedures and structures should be developed to encourage joint working between families and the local authority, through the use of family group conference services, assessments which encourage collaborative working, consultation with children and young people, and professional family advocacy.

10. Support groups

Local authorities should provide opportunities for family and friends carers to attend support groups specifically designed for them. These groups can be run by the local authority, a voluntary organisation, or by the carers themselves. Where run by the local authority, experience has shown that the groups work better where they are run by practitioners other than social workers.

11. Training for carer

To support family and friends carers in the caring role, they should be able to attend training for unrelated foster carers which is relevant to them. These are cited as one of the special guardianship support services to be made available but all family and friends carers could benefit from attending support groups irrespective of legal status. The local authority should also provide training specifically for family and friends carers, on issues which are uniquely relevant to them.

12. Assessments

In *Care Matters: Time for Change*, the government recognised the unsuitability of formats currently being used to assess family and friends carers. The local authority should assess the suitability of family and friends carers for a particular child by using an assessment format which prioritises the child's safety and wellbeing, and recognises the strengths that family and friends carers can bring to raising children already known to them. The form should invite a collaborative approach between the carer/s and the assessor, and, as well as investigating safety issues, it should explore the areas where family and friends carers are likely to need additional support, such as managing contact and their relationship with the child's parents.

In collaboration with Fostering Network and BAAF, Family Rights Group has developed a new assessment form which complies with regulations and guidance but is tailored to address the circumstances of family and friends carers who, typically, have a pre-existing relationship with the child concerned. The form is currently being piloted with a number of local authorities

13. Legally compliant

Local authority policies must comply with legislation and relevant case law, for example:

- the judgment made against Manchester (2002) which found that it was unlawful to discriminate against family and friends carers by paying them a lesser amount than unrelated foster carers¹⁵;
- the judgment against Southwark (2007) which confirms that, unless the local authority agrees otherwise with the carer at the time of placement, a child who is placed with a relative or friends by the local authority will be treated as a looked after child¹⁶.

¹⁵ 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

¹⁶ Southwark LBC –v- D [2007] EWCA Civ 182; [2007] 1 FLR 2181

Appendix 1: Summary of findings from the Family Rights Group Freedom of Information Survey (2009)

Policies and procedures

- The vast majority (69%) of local authorities do not have a written coherent approach to family and friends care.
- 52% of local authorities who stated that family and friends care should be the first option for children in need of alternative care had no policy on family and friends care.
- Despite these children being extremely vulnerable and many local authorities encouraging such placements most local authorities (57%) do not have a policy for children who are being raised by family and friends outside the care system.
- There are significant regional variations between authorities having a clear policy for children who aren't *looked after* living in family and friends care arrangements, with 80% or more of authorities in the North East and Yorkshire/Humberside not having a policy.

Dedicated family and friends care post:

- Most local authorities (61%) do not have any dedicated family and friends care posts.
- Dedicated family and friends care posts may have influenced the coherence of the authority's approach.

Family and friends foster carers (looked after children)

- Only 10% of local authorities are committed to providing family and friends carers of *looked after* children the same level of non-financial support as unrelated foster carers.
- 9% of local authorities are explicitly paying family and friends carers who are raising looking after children less than unrelated foster carers, despite this being unlawful.
- 9% of local authorities are explicitly paying family and friends carers in emergency placements of *looked after* children a lower rate than they pay once the carer is approved as a foster carer.
- Most local authorities are failing to commit to a policy or rate at which they pay family and friends carers in emergency placements of *looked after* children.
- 89% of local authorities did not mention support for family and friends carers with legal fees where there are ongoing issues concerning the child's legal status.

Family and friends carers (non-looked after children)

- Just over half of local authorities (52%) have no guidance on the assessment of relatives caring for a child outside the *looked after* system
- A significant minority (42%) has no guidance on the assessment of wider relatives and friends who fall within the definition of private foster carers
- 62% of those authorities responding either did not mention non-financial support for children in family and friends care placements outside the care system or failed to describe any eligibility criteria for such support
- 85% of authorities lack explicit eligibility criteria stating which family and friends carers of children outside the care system are eligible for financial support and at what rate.

Residence orders:

- Only 27% of authorities who responded had a residence order policy that specifically addressed family and friends carers
- 87% of local authorities' policies on residence orders did not provide details of what non-financial support could be available to carers and children
- In 64% of local authorities, policy guidance about the provision of financial assistance informed carers that this would be subject to an assessment of their financial circumstances, but most did not describe how this would be calculated.
- In only 25% of responses was eligibility for a residence order allowance explicitly based upon the child's needs.
- A majority of authorities failed to provide clear criteria in their policies as to which carers might be assisted with legal fees to apply for a residence order.

Special Guardianship orders:

- Despite regulations that local authorities should provide a range of specified special guardian support services, 41% of authorities responding made no mention of non-financial support for special guardians, or if they did they gave no specific details of what they provide
- 19% of local authorities made no mention of special guardianship financial support or were unclear about the amount they will pay
- 41% of authorities who informed FRG that they assist special guardians with legal fees, didn't include such a statement within their policy documents, thus carers in their authority were unlikely to be aware of the authority's potential willingness to assist them.

Costs of family and friends care

- Less than a third of local authorities provided information on numbers of children in family and friends care arrangements who they supported, indicating such data isn't routinely collected. Even fewer provided data on number of carers assisted
- Budgets supporting children in family and friends care under a residence order averaged £3800 per case, where support was provided
- Budgets supporting children in family and friends foster care averaged £6300 per case.