



**Family and Friends Care:**

**A Guide to Good Practice for Local Authorities  
in England**

Developed by

**Family Rights Group**

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## CHAPTER 1:

### INTRODUCTION

Family members, such as grandparents, aunts or uncles, often start to care for a child because there is a crisis in the parental home. For example, there may have been incidents of violence, alcohol or drug misuse, mental or physical illness, disability, a death, separation, divorce, domestic abuse, imprisonment, or any combination of these. The children concerned are likely to have experienced trauma and possibly inadequate or inappropriate parenting as a result of being exposed to any of these circumstances.

Some relatives and friends who step in to care for the child in an emergency may be dealing with a situation that starts as a short term arrangement but becomes open ended with no clear indication as to how long it will continue. In many cases it becomes clear later that the children are with them indefinitely and many are left struggling to cope financially, emotionally and socially<sup>1</sup>, receiving little, if anything, from the state to meet the child's needs.

There are no official statistics of the number of children living with relatives and friends but the estimated figure is between 200,000-300,000<sup>2</sup> children, only 6,800 of whom are *looked-after* children<sup>3</sup>, the rest being cared for by relatives and friends, often as an alternative to being admitted into the care system. Recent legal and policy developments suggest that this figure is likely to significantly 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*<sup>4</sup>. To help achieve this, it committed to increasing capacity to deliver Family Group Conferences<sup>5</sup> to support families to take the lead in making safe plans for their children;

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<sup>1</sup> Farmer E and Moyers S (2008) *Kinship Care: Fostering Effective Family and Friends Placements* (Jessica Kingsley)

<sup>2</sup> Richards A and Tapsfield R (2003) *Funding Family and Friends Care: The Way Forward* (Family Rights Group)

<sup>3</sup> Department for Children Schools and Families: Children looked after in England (including adoption and care leavers) year ending 31 March 2008  
<http://www.dcsf.gov.uk/rsgateway/DB/SFR/s000810/index.shtml>

<sup>4</sup> DFES (2007) Care Matters: Time for Change (HMSO)  
<http://publications.dcsf.gov.uk/eOrderingDownload/Cm%207137.pdf>, pp7-8.

<sup>5</sup> A Family Group Conference is a family-led decision making process, which provides for the family to come together to work out a plan for their child, with support from the local authority.

- New guidance to local authorities<sup>6</sup>, which was published in conjunction with the Public Law Outline<sup>7</sup>, states that 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 will be issued in 2009/10 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 parents<sup>8</sup>, and
  - Ø enable family and friends carers who are relatives<sup>9</sup> to apply for a residence order or special guardianship in respect of a child they have been caring for after one year without needing the leave of the court to do so, to replace the current 3 year rule<sup>10</sup>; 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, i.e. 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.

Whilst these developments are extremely welcome, they clearly create additional challenges. Research evidence confirms that:

- a) many such children have high levels of need and therefore require high levels of support to overcome their early adversities and achieve optimal levels of well-being<sup>11</sup>; and
- b) 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 breakdown<sup>12</sup>.

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Where there are child protection concerns which have not been satisfactorily addressed and there is a possibility that the local authority might apply to the court to remove the child from their family, there is a strong expectation in official guidance that the local authority will have involved the wider family in plans for the child before they go to court; and Family Group Conferences are quoted as a useful way of bringing the family together for this purpose.

<sup>6</sup> DCSF, The Children Act 1989 Guidance and regulations Volume 1 Court Orders, 2008, TSO, para 3.24

<sup>7</sup> 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>

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

<sup>9</sup> This includes grandparents, aunts, uncles, siblings and step-parents – see s.105 Children Act 1989 for full definition.

<sup>10</sup> s.10 (5A) and s.14A CA as amended by ss.36 & 38 CYPA.

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

Recent evidence gathered by Family Rights Group in a Freedom of Information Act (FOI) survey<sup>13</sup> 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, 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. Further 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** local authority to ensure that family and friends care arrangements are appropriately assessed and supported.

This good practice guide has been developed to assist English local authorities in this task<sup>14</sup>. It is informed by

- Examples of good practice found in policies sent by local authorities in response to the FOI survey. In some instances, these are attributed to named local authorities, but where a number of local authorities have provided similar examples of good practice it has not been possible to acknowledge each individually;
- Our experience of advice work at Family Rights Group which has identified additional examples of other good practice and suggestions of how to avoid poor practice; and
- Recommendations arising from research into family and friends care.

It also contains a review of the research evidence in the UK on, and the range of legal circumstances which may arise for, family and friends carers.

The guide should be read in conjunction with the forthcoming government guidance on family and friends care to be issued by government as part of the revisions to the Children Act 1989 guidance.

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<sup>12</sup> Hunt et al, *ibid*

<sup>13</sup> Reference FRG/UoB research publication

<sup>14</sup> 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.

## CHAPTER 2

### THE RESEARCH EVIDENCE ON FAMILY AND FRIENDS CARE IN THE UK

A body of UK research evidence has been accumulating, if intermittently, over the last 25 years, demonstrating the potential benefits for children of living with family or friends when they cannot be raised by their parents. These studies have often come to very similar conclusions about the potential value to children of these placements. Two important studies published in 2008<sup>15</sup> have looked in depth at the characteristics of family and friends placements, providing detailed information about family and friends carers, the children they are raising, and the issues which these families face.

#### 2.1 Characteristics of children in family and friends care

Farmer and Moyers<sup>16</sup> compared children placed with family and friends carers with children placed with unrelated foster carers. They found that the two groups of children were remarkably similar in terms of the pre-placement adversities they had faced. The numbers of children in both groups who had experienced different forms of abuse, whose names were on the Child Protection Register when they were placed, who had been exposed to domestic violence or who had been bullied or scape-goated were very similar. However, there was a marked difference between the two sets of carers, with the family and friends carers far more likely to be facing life adversities – such as financial hardship, overcrowding and health problems – than the unrelated foster carers.

Hunt, Waterhouse and Lutman undertook a research study of children placed with family and friends carers through care proceedings<sup>17</sup>. In comparison with a group of children placed with non-relatives at the end of proceedings, they found that the children in the two groups were “*extraordinarily similar*”, although “*if anything, the kin-placed children had experienced rather more adversities.*”

#### 2.2 Outcomes for children in family and friends care

Despite the significantly lower levels of social work support offered to family and friends carers, and the life adversities experienced by many of the carers, the ***outcomes for children placed with them were comparable with the children placed with unrelated foster carers***, across a range of measures, such as health, school attendance, school performance, having a positive view of

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<sup>30</sup> Farmer, E and Moyers, S. (2008) *Kinship Care: Fostering Effective Family and Friends Placements* (Jessica Kingsley); and Hunt, J., Waterhouse, S. and Lutman, E (2008) *Keeping them in the family: Outcomes for children placed in kinship care through care proceedings* (BAAF)

<sup>16</sup> Farmer and Moyers *ibid*

<sup>17</sup> Hunt et al, *ibid*

themselves, social relationships and progress in dealing with social and behavioural problems<sup>18</sup>.

This reflects findings of earlier research. Rowe et al<sup>19</sup> in their study of 200 children in long-term foster care discovered that 55 of those children were placed with relatives. A comparison between those fostered with relatives and those fostered with non-relatives showed, contrary to the researchers' expectations, that "*children fostered by relatives seemed to be doing better in virtually all respects than those fostered by others.*" The study noted "*a wide variation between the five study authorities in the proportion of children in related foster homes*", ranging between 11% and 44% of the sample in different authorities. There seems to have been a willingness by social workers in some of these authorities to arrange for the carers to be given the legal status of foster carers, which would ensure that they would receive the support they needed: "*34 [from 55 children] were cases in which the local authority had taken the children into care in order to make boarding out payments and to provide more security for children who were already living with relatives.*" This is in stark contrast to the practice guidance in many of the policies received in response to the much more recent FOI study of local authorities by FRG, which appear to have the aim of keeping as many children out of the care system as possible.

Hunt et al identified the ***factors most likely to be associated with good outcomes for children placed with family and friends***. These included:

- Children are likely to fare better if they had fewer difficulties prior to placement, if they have previously stayed with the same carer, or if there is a favourable assessment of the carer's parenting capacity at the time of the proceedings<sup>20</sup>.
- Surprisingly, in 15 out of 16 cases where either the local authority or the guardian was opposed to the placement at any point, the placement lasted for as long as the child needed, and in most cases the child was provided with good quality care. This is of interest, because some local authorities have policies which state that they will not pay a special guardianship allowance or residence order allowance unless they support the order being made, and many more will not consider paying the often substantial carer's legal fees and court costs unless they support the placement<sup>21</sup>. The practical effect of this is that some carers who are providing good quality care, despite the authority's earlier presumptions, are having to struggle financially to the detriment of the child.

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<sup>18</sup> Farmer and Moyers *ibid*

<sup>19</sup> Rowe, J., Cain, H., Hundleby, M. and Keane, A. (1984) *Long-Term Foster Care* (BAAF)

<sup>20</sup> Hunt et al, *ibid*

<sup>21</sup> This is contrary to the spirit of the Special Guardianship Guidance 2005, which does not specify that the local authority must support the placement in order to fund the applicant's legal costs.

In their *interviews with children* placed with family and friends carers, Hunt et al concluded that for the children family and friends care was a very positive placement choice. The children all felt a sense of safety, and almost all considered themselves close to their carer and siblings, and “*displayed a real sense of permanence*”. The children also “*recounted a sense of ordinariness*”, were optimistic about how they were managing, and had normal expectations about their future.

Doolan et al<sup>22</sup> also found the children in their study talked about being happy and well cared for by their family and friends carers, and often attributed this to having a good relationship with the carers beforehand, or having stayed with them previously. However, the children were not consulted about being moved to relatives or friends, and sometimes only found out that this was happening on the day the move occurred.

It was not the remit of these studies to examine the policies of the local authorities to which these children and carers were all known. However, the studies do draw conclusions and make recommendations on the formulation of public policy, for both local and national government. There is broad agreement between the studies on a number of significant issues, including support.

### **2.3 Support services for family and friends placements**

There is general agreement in all the studies about the low level of support that is offered to family and friends carers, as compared to unrelated carers. From Rowe et al’s comment (1984) that “*social workers usually gave these cases low priority*”, to Farmer and Moyers’ observation (2008) that “*significantly more kin carers received low levels of support as compared with unrelated carers*”, there is a ***persistent theme of family and friends carers not receiving adequate support***, even though the children they are looking after are very similar to children in unrelated foster care in terms of behavioural difficulties and their levels of need.

Broad et al<sup>23</sup> reported that “*carers wanted more visits, improved and much more consistent communication, and phone contact with social services.*” Carers in this study identified specific issues that they wanted to discuss with social workers, such as parenting of the young person, and wider family relationships. Carers described problems in getting the help they needed in response to specific requests, such as daytime activities for young people not in school, and help with moving to larger accommodation. Hunt et al (2008) judged that there were service gaps for needy children, even when the local authority was still involved,

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<sup>22</sup> Doolan, M., Nixon, P. and Lawrence, P (2004) *Growing Up in the Care of Relatives or Friends* (Family Rights Group)

<sup>23</sup> Broad B, Hayes R and Rushforth C (2001) *Kith and Kin: Kinship Care for vulnerable young people* (NCB/Joseph Rowntree Foundation)

and felt that better provision could have stopped some placements from terminating prematurely.

Family and friends carers often did not know what support services existed, and were reluctant to ask for help.<sup>24</sup> Poor support was provided to carers living outside the local authority.<sup>25</sup> When difficulties arose in a placement where the local authority had pulled out as things seemed to be going well, the carers did not always know how to make contact if they then needed help.<sup>26</sup>

These findings, about the low level of support which local authorities provided, and the lack of clarity by carers about the services they could receive, are hardly surprising in light of local authorities' responses to the FOI questionnaire. Where authorities did provide guidelines on support, this was often limited in scope to looked after children in foster carer but not children 'in need' placed with family and friends carers. Policies were also often very vague about the details of the services which could be provided and whether family and friends carers of children outside the care system would be able to receive such support.

However, given that, despite a lack of adequate support, children in family and friends care fare in many respects as well as if not better than child living with unrelated foster carers, it seems reasonable to speculate that their outcomes would be substantially improved, and indeed would exceed those with unrelated carers, if more adequate support was available.

## 2.4 Financial support for family and friends carers

Both Hunt et al and Farmer and Moyers found ***significant numbers of the carers in their studies were struggling financially***. Farmer and Moyers found that 75% of the carers in their study were judged to be experiencing some financial hardship.<sup>27</sup>

Both studies noted that family and friends carers with residence orders were likely to be less well off than family and friends foster carers. Farmer and Moyers (2008) reported that *"When carers had been assessed as foster carers, over time social workers tried very hard to persuade them to apply for residence orders. The impetus for this was sometimes a view that the care order could be discharged and appeared to be encouraged as a cost-saving initiative and to reduce the numbers of children in care. These approaches occurred even when carers clearly needed help with parents who were undermining the placement or with contact difficulties. The effect would be to end social work visits and to move carers to a payment system which was discretionary and set at lower rates than the fostering allowances. This was not always made clear to kin carers."* Forty-

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<sup>24</sup> Farmer & Moyers, *ibid*.

<sup>25</sup> Hunt et al, *ibid*

<sup>26</sup> Hunt et al, *ibid*

<sup>27</sup> Farmer & Moyers, *ibid*

nine of the grandparent carers in Richards' study<sup>28</sup> (2001) had been granted a residence order with the involvement of the local authority, but only 23 were receiving a residence order allowance. Local authorities often appear to use their discretion over the payment of residence order allowances to avoid providing or in order to reduce the level of financial support to family and friends carers, regardless of the child and carer's need.

Hunt et al (2008) and Farmer and Moyers (2008) both studied local authority support for family and friends carers before the introduction of special guardianship orders. However Ananda Hall's study<sup>29</sup> of the first twelve months where special guardianship was available as a legal order examined 68 cases where special guardianship orders were made, of which 87% were made to family and friends carers. Hall noted that financial support emerged as "a key difficulty besetting the implementation of special guardianship." The study found a "lack of consistency between local authorities as to the acceptance of responsibility, disparity in the calculation of support packages (with many local authorities lacking written policies or guidelines in this respect) and unreliability over continuation of payments in the future on the whim of local authority budgets."

Farmer and Moyers (2008) found that even when family and friends carers were approved as foster carers they were likely to receive less overall, as the local authorities did not provide them with additional allowances which they paid to unrelated foster carer. This is despite the Manchester judgement in <sup>30</sup> in which Munby J held that is unlawful to discriminate against family and friends foster carers by paying them a lesser amount as a fostering allowance than unrelated foster carers.

## 2.5 Contact

The studies found that **children placed with family and friends were likely to be in touch with at least one parent<sup>31</sup>, and were more likely than children in unrelated foster care to be in contact with aunts, uncles and cousins: where they were placed with paternal relatives they were also more likely to be in touch with their fathers<sup>32</sup>**. Children placed with family and friends were far more likely to live close to where their parents lived than those placed with unrelated foster carers, making the logistics of contact potentially easier, and

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<sup>28</sup> Alison Richards (2001) *Second Time Around: A survey of Grandparents raising their Grandchildren* (Family Rights Group)

<sup>29</sup> Ananda Hall (2007) *Special guardianship and permanency planning: a missed opportunity?* (Dissertation submitted in application for MA in Child Studies, King's College, University of London)

<sup>30</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]. This is discussed further in the next chapter.

<sup>31</sup> Hunt et al, *ibid*

<sup>32</sup> Farmer & Moyers, *ibid*

making it more likely that children could enjoy continuity in arrangements for their education and healthcare.

Where contact with parents was supervised, ***family and friends carers were far more likely than foster carers to do the supervision***, even though the relationship between the carers and the parents was often difficult.<sup>33</sup> Contact with parents is potentially beneficial for children who have to live away from their parents.<sup>34</sup> Children and practitioners both reported that contact could benefit children by enabling them to maintain their family links and sense of identity. However, for children to benefit the contact should be structured and feel safe for the child, which may require practitioners to supervise the contact. Unfortunately, too often the latter support is not available to children in family and friends care arrangements. Both recent studies did report that problematic contact with parents could have a negative effect on some children, and one noted that in a “*substantial minority of cases appeared to be entirely negative for the child*”.<sup>35</sup> Both studies suggested that consideration needs to be given more often to terminating or controlling contact when it is detrimental to children.

## 2.6 Assessment

Both recent studies have raised ***issues about the suitability of the processes used by local authorities to assess family and friends carers***. The studies raise the question of whether family and friends carers should be assessed in the same way, and subject to the same standards, as unrelated foster carers. Carers are reported as querying the need for a prolonged, in-depth assessment, when they are already caring for the children.<sup>36</sup> Farmer and Moyers (2008) recommend consideration of other assessment formats such as a strengths-based model, which “*would be a major improvement as long as needed services are actually provided.*”

Hunt et al observed that ***social workers were not good at predicting future problems in their assessments***: “*Problems which had been anticipated rarely materialised; problems which arose had rarely been flagged.*”<sup>37</sup> However, they were more successful in their assessments of parenting skills, and an assessment of carers as having a positive evaluation of their parenting skills was likely to lead to good outcomes for children placed with them.

The studies also raised ***issues about the threshold for approval as a carer***. “*Carers who would not have been approved as non-relative carers because of health, age, accommodation or past offences were nevertheless able to provide*

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<sup>33</sup> Farmer & Moyers, *ibid*

<sup>34</sup> Catherine Macaskill (2002) *Safe Contact* (Russell House Publishing); Quality Protects Research Briefing #2 (2000) *Placement Stability* (Dept of Health, Research in Practice, Making Research Count)

<sup>35</sup> Hunt et al, *ibid*

<sup>36</sup> Farmer & Moyers, *ibid*

<sup>37</sup> Hunt et al, *ibid*

*a good standard of care. It is important that kin with high levels of need or background difficulty are not too readily excluded from being approved as foster carers and from being assisted financially and practically.*<sup>38</sup> In some cases, carers who were judged not to meet the standards for approval as foster carers, maybe because of ill health or inadequate housing, were encouraged to apply for a residence order instead, which meant that ironically these vulnerable carers and children would receive less support than if they were fostering.<sup>39</sup>

Because of the specialised nature of the task of assessing family and friends carers, the ***studies recommend that these assessments should be carried out by specialist workers.***<sup>40</sup> In addition, *“it may be that either specialised placement panels are needed or that existing panels need some training about the distinctive features of kinship care if they are to facilitate these placements without compromising on assessing risk. Such training needs to ensure that the normative assumptions based on the characteristics of non-relative foster carers or adoptive parents do not become a barrier to a full understanding of the strengths and potential of kin carers.”*<sup>41</sup>

## 2.7 Poor quality placements

Both Farmer and Moyers and Hunt et al recognised that a ***small minority of the placements in their studies were not adequately meeting the needs of the children placed.*** The number of children actually abused in family and friends foster placements was small: in Farmer and Moyers’ study, the proportion of children experiencing abuse was the same in family and friends care as in unrelated foster care at 4%, but the family and friends carers experienced more false allegations, often from parents who did not agree with the placement. Farmer also found that placements which were unsatisfactory were likely to continue for longer where the children were placed with family or friends carers. Hunt et al’s findings were similar, but they identified some reasons why this happens. It was sometimes due to the lack of a viable alternative placement for the child, a wish to continue a placement with a sibling who was faring better, or the child’s wish to return to the placement after being moved. It was the view of Hunt et al that poor quality placements being allowed to continue for no reason was not a common problem.

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<sup>38</sup> Farmer & Moyers, *ibid*

<sup>39</sup> Farmer & Moyers, *ibid*

<sup>40</sup> Hunt et al, *ibid*

<sup>41</sup> Farmer & Moyers, *ibid*

## 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>42</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>43</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>42</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>43</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>44</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>45</sup>). This is consistent with the aims of new government guidance (issued in conjunction with the Public Law Outline<sup>46</sup>) to consider wider family options before issuing care proceedings<sup>47</sup> and the right to respect for family life in Article 8 of the European Convention on Human Rights<sup>48</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>49</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>44</sup> (s.22(1) CA).

<sup>45</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>46</sup> Public Law Outline, *ibid*

<sup>48</sup> DCSF, Children Act 1989 Regulations and Guidance, Volume 1 Court Orders, chapter 3

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

<sup>48</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>49</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>50</sup> to the care plan<sup>51</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>52</sup> in which Munby J held that 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>53</sup> and s/he must refer back to the parents or others with parental responsibility for all important decisions about his/her care<sup>54</sup>.

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<sup>50</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>51</sup> Regulation 3 Arrangement for Placement of Children Regulations 1991

<sup>52</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>53</sup> s.3(5) CA 1989

<sup>54</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>55</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>56</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>57</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>55</sup> s.1 Child Support Act 1991

<sup>56</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>57</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>58</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>59</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>58</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>59</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>60</sup> unless it is revoked by the court.

In the absence of any court order to the contrary<sup>61</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>62</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>63</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>64</sup>.

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<sup>60</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>61</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>62</sup> Re B (A Child) CA (Civ Div) 24/7/2007

<sup>63</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>64</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>65</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>66</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>67</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>68</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>69</sup>. However, in addition, s/he can ask to be assessed for support.

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<sup>65</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>66</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>67</sup> S.14C CA

<sup>68</sup> s.5 CA as amended by s.115(4) Adoption and Children Act 2002

<sup>69</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>70</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>71</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>72</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>73</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>74</sup>.

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<sup>70</sup> Regulation 3, 6, 8, 9, 10 & 13 Special Guardianship Regulations 2005 (SGR)

<sup>71</sup> R (on the application of B)(Claimant) –v- Lewisham LBC and MB [2008] EWHC 738

<sup>72</sup> Regulation 3 & 13 SGR

<sup>73</sup> Regulation 11 SGR

<sup>74</sup> Regulation 12-16 SGR

## CHAPTER 4

### PRINCIPLES OF GOOD PRACTICE FOR LOCAL AUTHORITY WORK WITH FAMILY AND FRIENDS CARERS

This chapter makes recommendations about the guiding principles which should underpin good practice by English local authorities in working with family and friends carers, with the next chapter suggesting how these principles should be put into practice.

#### 4.1 Statement of principles

A number of local authority 'family and friends care' policies begin with a statement of principles. ***Staff and carers should be able to read an introductory statement, demonstrating an official view by the local authority supporting the principle of placing children with family and friends carers, where it is safe to do so, and explaining what the local authority aims to achieve with this policy.*** Statements of principle which were included within policies include the following:

*"The aims of this policy are:*

- to increase children's access to family and friends placements as the first choice when they cannot live with their parents*
- to improve the financial assistance, services and supports made available to children and carers in family and friends placements*
- thus to improve outcomes for children who cannot live with their parent/s.*

*Key practice principles:*

- Child's interests are paramount*
- Respect for individual, cultural, family and community diversity*
- Participation of children and families in all aspects of the work*
- Evidence based practice will inform decision making and practice interventions*
- Partnership being a goal between professionals, children, parents and extended family." (West Berkshire)*

*"Wandsworth Borough Council highly regards kinship foster care as a valuable permanency option for children unable to live with their birth parents, [and it] is committed to ensuring children who are looked after by members of their extended family and social networks receive a high quality of care and that there is recognition of the unique complexities kinship foster carers manage within their families." (Wandsworth)*

*"If young people have to live apart from their family of origin, both they and their parents should be given adequate information and helped to consider alternatives and contribute to the making of an informed choice about the*

*most appropriate form of care. Parents should be expected and enabled to retain their responsibilities and remain as closely involved as is consistent with their child's welfare, even if that child cannot live at home either temporarily or permanently ... Partnership with parents is best promoted through fair and open practice that takes account of individual differences, provides information to children and parents on their options and rights and treats all members of the community with respect as fellow citizens."*  
(Bracknell Forest)

*"The preferred option for every child who cannot live with their parents is to grow up in the care of their family or with an adult with whom they have an existing significant relationship."* (Havering)

*"Local Authorities have a duty to support placements that they have made or are funding. The level of monitoring, support and funding provided to the range of kinship care arrangements should be based on an assessment of the child and carer's needs and clarity about the status of and accountability for the placement."* (Lincolnshire)

Other local authorities have family and friends care policies which begin with statements explaining why family and friends care should be the first placement choice for children. Several quote research evidence which demonstrates that family and friends care can be a good option for many children, for example:

- Cornwall's policy states that *"the evidence is clear from research that these placements work, and work well."*
- Oxfordshire's Kinship Care Statement includes a summary of literature and research, which lists many of the advantages of family and friends care placements which are cited in literature, and an annex to the report listing key messages from research.

Some authorities also reinforce the message that, not only is it good practice to seek to place children with family and friends, but there is also a legal obligation under the 1989 Children Act to place a child with *"a relative, friend or other person connected with him, unless that would not be reasonably practicable or consistent with his welfare."*<sup>75</sup>

## 4.2 Consistent approach

***Local authorities' work with family and friends carers should be the governed by consistent principles, regardless of the legal status of the carer or the child.*** Some local authorities achieve this by having a single family and friends care policy which covers all the legal options. However, family and friends care arrangements may also fall under separate policies dealing with different legal arrangements including foster care, special guardianship, residence orders, private fostering and children in need. Local authorities should

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<sup>75</sup> S.23(6) Children Act 1989.

ensure that, where there are separate policies, there is specific guidance on family and friends care in each policy, with a consistent approach to working with family and friends carers evident throughout the policies.

### 4.3 Support based on need, not legal status

Chapter 3, on the legal framework, describes how children's entitlement to receive support depends upon their legal status. Looked after children, placed with relatives or friends who are their foster carers, have a statutory *entitlement* to be supported, whilst with all other legal arrangements the support provided is at the local authority's discretion.

Our examination of local authorities' policies sent in respect to the FOI survey (2009) found that some local authorities had policies which aimed at avoiding children being granted looked after status. There may be very good reasons for this, including the avoidance of unnecessary intrusion for families of statutory social work involvement in their lives. However, some authorities were upfront that they wanted to minimise the cost to them of supporting family and friends care arrangements, regardless of the needs of individual placements. This would appear to be at odds with the principles of putting the needs of children first as outlined in chapter 2.

We would recommend that ***local authorities should have a principle of assessing and meeting the needs of family and friends carers they are involved with, regardless of legal status.*** This should specifically include a commitment to children in private or private fostering arrangements.

*“Eligibility for services to support the placement should be based on the needs of the child and carers, not the child's legal status.” (Dudley)*

### 4.4 Clarity and transparency

***Family and friends carers should have access to the local authority's policies on family and friends care.*** These policies should be clearly expressed and easily available to carers, social workers and other professionals. Experience from the FRG national advice line is that many carers feel that once the local authority becomes involved, they become subject to an arbitrary process and many are often frustrated by the lack of clarity from local authority social workers.

While some local authorities do produce information leaflets for the family and friends carers they work with, these are often low on content, containing reassuring phrases rather than practical information.

Providing information which is genuinely informative and addresses issues which concern carers, such as the assessment process, the way allowances are worked out, and the support which would be available under different legal options, could help to assure carers that they are being dealt with fairly and consistently according to the local authority's own procedures. It also places carers in a better position to make informed choices including which legal option would be most likely to provide them and the child with the support they need.

#### **4.5 Thorough and detailed guide to procedures**

The FOI survey found that there was often a variation both between local authorities, and between different teams *within* a local authority, in the way they deal with family and friends carers. Further, when local authorities do not have family and friends care policies, or where there are significant gaps in their policy guidance, then decision-making can be devolved down to individual social workers or team managers. As a result, carers' access to support can depend to a large extent on the ad hoc actions of individual workers or managers.

Just as important as carers having clear information, ***social workers who are working with family and friends carers also need a transparent and thorough policy framework, in order to ensure consistency of practice, an anti-discriminatory culture and informed decision-making*** throughout each children's services department in its work with family and friends carers and the children they are raising.

**Family and friends carers using the Family Rights Group discussion forum describe a lack of clarity from the social workers they are dealing with:**

*"We have never been told what we are entitled to. The reason given is that the policies are not written yet. Or nobody knows as this is new. How do we find out what we are entitled to? Like most we have had a dramatic change of life style. All "retirement" plans gone. I had to give up work and if I try and return later I will have lost all seniority therefore will be on minimum wage."*

*"A new social worker turned up today. I did lay into her somewhat, I'm sick of the stock answer of 'I don't know, I wasn't there' - well do your job and find out or get me the person who was there and who does know!!"*

*"I saw a solicitor who said I had a good case for applying for a Residence Order on my grandson. His social worker came to see me next day and said she would speak to Family Placements about him coming to me in the interim, and would sort out contact as soon as possible. She also said I would be made party to the care proceedings and be able to get non means tested legal aid. I went away for a few days last week and on Friday I rang the social worker to find out what was happening. She said that I now have to go through my solicitor and their legal department and not speak to her. I spoke to my solicitor yesterday. She said that was rubbish, they should still be keeping the lines of communication open for me. I tried speaking to the social worker twice yesterday but she didn't call back. I have tried again this morning. Yesterday I also asked to speak to her manager twice, but I was told I need to speak to the social worker and not her. I'm so confused as to what is going on."*

#### **4.6 Legally compliant**

Local authorities' policy framework for family and friends care should **explain the legislation and guidance which underlie the policies**. Policies must comply with legislation and relevant case law, for example:

- the judgment made against Manchester (2002)<sup>76</sup> which found that it was unlawful to discriminate against family and friends foster carers by paying them a lesser amount than unrelated foster carers;
- the judgment against Southwark (2007)<sup>77</sup> which confirms that, unless the local authority agrees otherwise with the carer at the time of placement (see chapter 3 on the legal context), a child who is placed with a relative or friend by the local authority will be treated as a looked after child.

#### **4.7 Collaborative working**

Local authorities should make every effort to **ensure that those who know the child best, namely their parents, wider family and friends, are involved in decisions about the child, such as where they are going to be safely placed if they can't stay at home**. A family group conference draws together all those of importance in the child's life, it gives the child a voice and is a decision making process that utilises the families' knowledge, commitment and resources to plan

<sup>76</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>77</sup> Southwark LBC –v- D [2007] 1 FLR 2181

for the child. It is also a way of contingency planning, so family members can come forward as potential carers without undermining efforts by parents to keep their children.

Family group conferences should be a standard part of the procedure for planning for a child who may be subject to care proceedings.

Local authorities should aim to work in partnership with family and friends carers, acknowledging and respecting the carer both in how individual cases are dealt with and in service planning.

*“Children’s welfare is best promoted when the authority is able to work in partnership with parents and other relevant agencies. All care plans should take account of parents’ and children’s views.”* (Bracknell Forest)

*“There needs to be an accessible process for making decisions in which families and friends can fully engage and participate.”* (West Berkshire)

#### **4.8 Expertise within the workforce**

Although it can be dealt with under a number of different policy headings, family and friends care is an area of social work which has its own distinctive features and body of knowledge. Local authorities need to ensure that social workers in this area of work are able to develop the relevant expertise, or have access to suitable training and information systems.

#### **4.9 Child centred**

Local authorities should state explicitly that family and friends care policies will be child-centred. The needs and the ascertainable wishes and feelings of the child, and the capacity of carers to safeguard the child, should be central in any decisions about choice of placement and approval of carers. This needs to be reinforced throughout a policy in order to have any real meaning.

Hampshire’s Kinship Care begins by stating that *“The child’s welfare is paramount,”* and then focuses throughout the policy on the child’s rights, the child’s needs being met, and the child’s involvement in the process. The word ‘child’ occurs in almost every paragraph of the policy, serving as a constant reminder that this is a service for children.

#### **4.10 Support including financial support**

Many family and friends carers agree to look after the child without being told by the local authority whether they will receive any financial assistance or support

services. It is only after the child has gone to live with them that they find out that the level of support they are going to get is well below what they expected to get or indeed non-existent. Consequently many carers suffer significant financial hardship.

***Before they are asked to make a commitment to a child, carers should be provided with clear information about the level of support, including financial assistance, that they will be offered***, including how finances have been calculated and how long this support will last. Carers, who may, for example have to give up their job to care for the child(ren) will then be able to make an informed choice about whether the placement is feasible for them to enter into, and indeed they will be able to challenge the local authority's proposals at an early stage, should they wish to do so. This is consistent with the Southwark judgement discussed above.

*"Families need to know that there will be continuing support available should they become carers."* (West Berkshire)

#### **4.11 Recognise the uniqueness of family and friends care**

At the end of their study of family and friends care in Scotland<sup>78</sup>, Aldgate and McIntosh describe the difference between family and friends care and other ways of supporting children and families: *"Kinship care is unique. It is not foster care. At the same time it is more than family support ... carers will need a model of support which recognises the child, parents and kinship carer as part of a family system with its own strengths, networks and needs."* Local authorities' policies on supporting family and friends carers should reflect the fact that this is an arrangement which is significantly different from other care arrangements they might more often make for children, and support should be provided which recognises the unique advantages to the child, such as continued family relationships, as well as the areas where additional support might be needed, such as family contact.<sup>79</sup>

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<sup>78</sup> Aldgate, J. and McIntosh, M. *Looking after the family: a study of children looked after in kinship care in Scotland*, Edinburgh: Social Work Inspection Agency, 2006

<sup>79</sup> As described in: Hunt, J., Waterhouse, S. and Lutman, E, *Keeping them in the family: Outcomes for children placed in kinship care through care proceedings*, London: BAAF, 2008; and Farmer S and Moyers S, *Kinship Care: Fostering Effective Family Placements*, London: Jessica Kingsley, 2008

## CHAPTER 5

### **POLICY INTO PRACTICE: PROPOSALS FOR ENSURING FAMILY AND FRIENDS CARERS RECEIVE ADEQUATE PRACTICAL SUPPORT**

The previous chapter outlined the guiding principles that should underpin local authority policies on working with family and friends carers. This chapter describes practical steps which local authorities and practitioners working with family and friends carers in England could take.

The chapter is divided into proposals which:

- affect the structure of the organisation;
- could be incorporated into the local authority's family and friends care policies; and
- could be taken by individual practitioners working with family and friends carers.

#### **5.1 THE WAY THE ORGANISATION WORKS**

Local authorities should take the following steps to establish structures and systems for enabling good practice in the authority's family and friends care work.

##### **5.1.1 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 annually reviewed and revised and forms part of the authority's Children and Young People's Plan. The officer will ensure that the family and friends care dimension of the local authority's policy development is regularly considered.

##### **5.1.2 Data collection**

***Local authorities should routinely collect data about the family and friends carer placements*** they are dealing with, whether or not the children are looked after. As a minimum this should include:

- The numbers of children within the authority known to be living with family and friends carers, e.g. by a census of schools, nurseries, etc
- The numbers of family and friends carers, and the number of children being raised by them, who are involved with children's social care services, and their legal status
- Financial support provided to family and friends carers and the children they are raising, broken down by numbers of children under different legal orders

- the number of family and friends carers who have their own linkworker
- complaints made by family and friends carers
- the number of disruptions of family and friends placements.

### 5.1.3 Strategic planning

***The collection and analysis 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. Analysis of family plans arising from family group conferences can also provide an additional wealth of information for the authority to consider in tailoring services to local needs.

Given 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 planning and priority setting by providing information about the level at which family and friends care placements are being used and supported at local level, and the effect this is having on local authority budgets.

### 5.1.4 Dedicated staff

The local authority should ***appoint dedicated staff to carry out family and friends care work***, or to advise staff doing this work. Local authorities have a variety of models for the work of dedicated family and friends care practitioners.

- Hampshire reports that they have a kinship care support team, consisting of a team manager and three support workers, who “*support close relatives who are looking after a child who is not in the care system.*”
- Poole has a senior practitioner in the fostering team, with “*designated responsibility for overseeing the kinship foster placements [and] an advisory role with the childcare teams and with family placement social workers.*”
- Buckinghamshire and Tower Hamlets have dedicated teams which are located within the fostering service.
- Where carers are special guardians, they often receive support from the post adoption support team.

In all of the above instances, the support that carers receive from practitioners depends upon the child's legal status: one authority provides dedicated staff to children who are outside the looked after system, others provide this support to children who are in the looked after system, while family and friends carers who are special guardians are likely to be supported by a completely separate team.

It is clear from responses to the FOI survey that some local authorities choose to prioritise services to particular groups of family and friends carers according to legal status, while other authorities recommend that services should be provided according to the needs of the child and the carer. Local authorities should ensure that children falling outside the groups they have chosen to prioritise are not allowed to fall through the net. The expertise of the family and friends practitioners should be made available to all children and families social work staff, and to other staff working with family and friends carers, such as education welfare officers, family centre staff and nursery workers. This could be achieved by practitioners holding regular surgeries, visiting other children and families teams, jointly working with other staff working family and friends carers, or through the 'cascade' method with family and friends champions.

### 5.1.5 Consistency

Local authorities should ensure consistency in decisions affecting family and friends carers, through their policies and their organisational structures. Policies which provide practice guidance are more likely to ensure consistency and fairness. Carers in the following situations could find themselves particularly affected by their local authority having gaps in their policy guidance:

- **Section 17 support (for children in need):** Many local authorities have little or no policy guidance on supporting carers who are looking after a child as a 'private arrangement' or a private fostering arrangement, with the result that local team managers can have considerable discretion over the use of Section 17 funding to support these placements. ***Local authorities should identify children who are living with family and friends carers, under no legal order, as being children in need.*** This step would entitle them to an assessment of need under section 17 of the 1989 Children Act, which would open the door to them receiving the support services they need. The policy should also include guidelines on the criteria for receiving financial support and the amount payable. The Isle of Wight's kinship care policy states that "*Children who are supported away from home with friends or relatives are children in need.*"
- **Payment of legal costs and court fees:** Carers can incur court costs and legal expenses of many thousands of pounds when they are legally represented in care proceedings or in applying for a special guardianship order or residence order, as illustrated by the following example from Family Rights Group Discussion Board:

*"I have a residence order for my granddaughter which cost me £2,500. This was contested by my daughter ... who only turned up in court 4 times. I work full time (supposed to be!) and therefore do not qualify for any assistance. Unfortunately my granddaughter's father has now been released from prison after*

*...serving a 5 year sentence and has decided that he wants contact and custody! ...the case is still ongoing, to date this so far has cost me £1,200."*

58 local authorities stated in their letter responding to our FOI survey that they do sometimes pay legal costs and court fees for family and friends carers applying for a special guardianship order, but had no written policy on when they would do so<sup>80</sup>. 56 made the same response with regard to carers applying for a residence order. **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..

- **Assessment by specialist workers:** It is widely recognised that assessments of family and friends carers have unique features which require specialist skills and knowledge,<sup>81</sup> but many local authorities have no specialist workers to do these assessments, and no policy and practice guidance for non-specialist practitioners, who are likely to have little or no previous experience of doing them. Yet recommendations by these non-specialist practitioners inform local authority panel and court deliberations when they are making decisions which have lifelong consequences for the children and carers affected. **Local authorities should ensure that assessments of family and friends carers are carried out by specialist practitioners, using a suitable assessment format.**
- **Family and Friends panels:** Local authorities should also consider whether they could **improve consistency and the quality of decisions about family and friends care by introducing family and friends panels.**
  - North Yorkshire's policy describes their plan to create a Family and Friends Care Panel for placements outside the looked after system, to *"ensure that the support is effective and that services are sustained and regularly reviewed over periods of time"*.
  - Hackney's policy describes a Kinship Panel whose initial remit is to consider approval of Regulation 38 placements, but whose *"functions will widen in time to include private fostering assessments and the wider group of children living with relatives and friends who are supported by the department through Part III Services and/or Section 17 of Children Act 1989."*

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<sup>80</sup> In respect of special guardianship, this is set out in the statutory guidance.

<sup>81</sup> See for example Department of Children, Schools and Families *Care Matters Time for Change* (2007) and Hunt, J., Waterhouse, S. and Lutman, E, *Keeping them in the family: Outcomes for children placed in kinship care through care proceedings*, London: BAAF, 2008

### **5.1.6 Training**

It is important that practitioners in this area of work should have regular opportunities to update their knowledge and develop their expertise. Practitioners need to be able to keep abreast of messages from research, and policy development in areas such as assessment of family and friends carers. It is likely that staff working with family and friends carers will develop a higher level of expertise in this field than the authority's own internal trainers and thus access to specialist external training is essential to enable such staff to develop their skills and extend their knowledge. Local authorities should thus ensure there is adequate funding in their training budget to cover this.

### **5.1.7 Training for panel members**

The local authority should arrange training for the members of any fostering or other panel which is making recommendations about family and friends care placements. Such placements can challenge the preconceptions of panel members about what constitutes a safe placement which meets a child's needs, as some family and friends carers may fall outside the usual criteria for approval as a carer, and yet can go on to provide successful placements for children.<sup>82</sup> It is as important for panel members to acquire some specialist knowledge about family and friends care as it is for practitioners carrying out the assessments.

### **5.1.8 Working with families**

Local authority policies, procedures and structures should encourage collaborative work 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. Family and friends carers should contribute both in respect of individual cases but also in service design and policy making. This could include family and friends carers sitting on the family and friends panel and the children's forum of the local strategic partnership, family and friends carers being surveyed for their views, and family and friend care support groups etc being explicitly involved in informing the authorities' family and friend care plan and policies.

Family group conferences are a proven effective way of identifying and enabling family members to come forward as potential carers, which should form part of the procedures of all local authorities' work with family and friends carers.

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<sup>82</sup> Farmer and Moyers (2008) identified overcrowding, health problems and criminal records as issues for family and friends carers in their study. In some cases, the nature of the issue would probably have ruled the carer out from approval to look after unrelated children.

Family group conferences are family-led decision making meetings involving all those who are significant in the child's life. Parents, relatives and friends develop a plan for the child's care, following significant earlier preparation by an independent co-coordinator who explores the issues with each person attending the meeting. The family plan addresses child welfare and/or protection concerns including those identified and communicated to the family by the local authority. The child is supported to be involved in the meeting, with the use of an advocate where appropriate. The family plan is approved by the local authority *provided* it satisfactorily addresses the welfare and protection concerns.

Local authority policies should ensure that the wishes and feelings of children and young people will be considered when decisions are being made about them, including decisions about the choice of a family and friends placement.

*“Following an assessment that a child or young person cannot live with their birth parents, social care staff must actively consider Kinship Care options at the earliest stage, and pursue these where it is considered to be in the best interests of the child or young person, taking account of his/her wishes and feelings in accordance with his/her age and maturity. Advocacy must be ensured where appropriate.”* (Redcar and Cleveland)

One authority has a policy of inviting children and young people to attend or express their views to the fostering panel which will be making decisions about them:

*“Kinship Foster Carers, and young people where appropriate, will be invited to attend part of the Fostering and Permanency Panel or to share their views using alternative means.”* (Wandsworth)

### **5.1.9 Support groups**

Local authorities should provide opportunities for family and friends carers to attend support groups specifically designed for them. The local authority may run the group itself, or help establish the group or provide funding with the group itself run by a voluntary organisation or by family and friends carers themselves. Family Rights Group can provide free practical consultancy advice to carers and professionals considering setting up such group (tel 020 7923 2628).

As well as support groups for carers, it is also important provision is made by the local authority for whole family events whereby the child and their family and friends carers can participate in activities with other families in a similar situation, and also that there are services specifically designed for children being raised in family and friends care.

### **5.1.10 Training for carers**

Local authorities should provide training for family and friends carers. While much of the training which is provided for unrelated foster carers will also be suitable for family and friends carers to attend, there should be some training which is specifically for family and friends carers, to deal with the issues which are unique to their situation: for example, the complexities which arise from having a family or friend relationship with the parents of the child they are raising; or how the carer could manage the change in their relationship with the child. Local authorities may be interested that Family Rights Group is currently designing a training course specifically for family and friends carers.

#### **5.1.11            Accessibility and openness**

The local authority's family and friends care policies should be clearly written and made publicly available, by being placed on the local authority's website with paper copies available on request.

## 5.2 POLICIES AND PROCEDURES

### 5.2.1 Assessment

The similarity between family and friends care and foster care by people unrelated to or previously unknown to the child lies in the fact that both involve caring for a child who was not born to the carer. However, despite this similarity there are many significant differences between the two tasks, and the assessment process needs to recognise and address these differences. For example:

- **Carer/child relationship.** Unrelated foster carers know that the children placed with them will be previously unknown to them, and that part of their task as carers will be to build a trusting relationship with the child. For the majority of family and friends carers, a significant and possibly trusting relationship already exists with the child. However, the carers may have to negotiate a changed relationship with the child, since parenting a child requires a more authoritative relationship with the child than being a grandparent, aunt, uncle, sibling or friend does in normal circumstances.
- **Carer/parent relationship.** Similarly, unrelated carers are unlikely to have a pre-existing relationship with the children's parents, unlike family and friends carers. Research has shown that there are far more likely to be difficulties between carers and parents when the carers are family or friends<sup>83</sup>. Despite a concern expressed by some social workers that family and friends carers will enter into a damaging, collusive relationship with the child's parents, research has also shown that they are just as likely as unrelated carers to protect children<sup>84</sup>. However, the cost to the carers of safeguarding the child is often the loss of their relationship with the child's parents – who may be the carers' own child or sibling. It can also be easier to safeguard unrelated carers if parents are felt to be a potential threat, by keeping their location secret from the parents.
- **Contact.** Many family and friends carers experience a lot of hostility from the parents of the children they are raising, who may blame them for taking the child away from them or for not colluding with them against the social workers. This hostility can make contact particularly difficult for family and friends carers to manage. However, they are far more likely than unrelated carers to be left to manage contact on their own, without support or supervision<sup>85</sup>.
- **Timing.** Most foster carers ask to be assessed at a time of their choosing, when they feel they have the capacity to bring another child or children

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<sup>83</sup> Farmer & Moyers (2008) *ibid*

<sup>84</sup> Farmer & Moyers (2008) *ibid*

<sup>85</sup> Farmer & Moyers (2008) *ibid*

into their family. In contrast family and friends carers are forced to make a decision about whether to take a child into their home when the need arises. Sometimes this is made as an immediate decision in an emergency. Many carers have to make life-changing decisions, such as giving up jobs or moving home, in order to be able to meet the child's needs.

- **Impact on the family.** While it is virtually a requirement of applicants to foster that the decision to apply is a consensual one made by the whole household, the decision to look after a child who is a relative or friend can create significant tensions within the family, e.g. with a partner who is unrelated to the child, or with carers' other children.
- **Motivation.** While many unrelated foster carers are motivated by a generalised wish to help vulnerable children, for family and friends carers the motivation is usually to help a child already known to them, who might otherwise enter the care system, and with whom in many cases they already have a close and loving relationship.
- **Attitude towards being assessed.** While unrelated carers generally approach making an application to foster in the knowledge that this will involve an intrusive assessment process, family and friends carers will not have mentally prepared themselves for this in the same way. Family and friends carer assessments need to find ways to involve carers, so that producing the assessment report can feel like something that they are doing in partnership with the social worker, and not a process that they are being subjected to.
- **Carers' own feelings.** Family and friends carers are often deeply affected themselves by the events which have led to the need for a child to live away from his or her parents, e.g. they might be dealing with the death of their own child, their brother's severe mental health deterioration, their sister's drug addiction etc, at the same time as they are being assessed.

***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 assessment process should investigate 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. Family Rights Group is currently piloting a family and friends carer assessment form which is designed to address

these issues and draws upon the carers' and parents' knowledge and perspective to enable more informed professional judgements.<sup>86</sup>

*"Movement away from more traditional methods (centred on professional information gathering, analysis and decision) to a model of exchange and action between worker and family is recommended."* (Oxfordshire)

### 5.2.3 Criteria for approval of family and friends carers

Just as a different framework should be used for assessing family and friends carers than the one used to assess unrelated foster carers or adopters, so the criteria used to decide on their approval should also take account of these differences. The policies of some local authorities do recognise that the criteria for approving family and friends placements can differ from the criteria used to approve unrelated foster carers, for example:

*"Kinship carers will be approved on their ability to provide care that is in the best interests of a particular child. Approval may be given for a placement with a family member or friend that is in the child's best interests, even though the kinship carer might not fully meet the standards of the local authority for 'stranger' carers in some ways."* (East Sussex)

The white paper *Care Matters Time for Change* has stated the government's intention to address concerns about the "suitability of the approval processes for family and friends carers".<sup>87</sup>

### 5.2.4 External support for carers

Local authorities should consider funding external support for family and friends carers who are looking after a child under a legal order, whether or not they were supported by the local authority. The local authority's opposition to a placement being made can lead to a difficult and mistrustful relationship between the carer and the authority but it should be noted that Hunt et al found that where there had been disagreement or conflict about a placement with kinship carers during care proceedings, the placement was significantly **more** likely to provide good quality care than where there was no disagreement.<sup>88</sup> Therefore, the fact that the local authority thought a particular placement was likely to fail does not mean that such a placement which then goes ahead (for example because the court has made a residence or special guardianship order) should be allowed to fail subsequently for the lack of adequate support which other family and friends carers would receive in the same circumstances.

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<sup>86</sup> This form has been designed by Family Rights Group, the Fostering Network and BAAF and is based on work originally developed by C Edwards and E Brockleby in conjunction with FRG and Hampshire Social Services

<sup>87</sup> Department of Children, Schools and Families *Care Matters Time for Change* (2007)

<sup>88</sup> Hunt, J., Waterhouse, S. and Lutman, E, *Keeping them in the family: Outcomes for children placed in kinship care through care proceedings*, London: BAAF, 2008

### 5.2.5 Information for carers

Local authorities should provide information sheets or leaflets to family and friends carers which explain the services that the local authority provides for them, and how they can complain or challenge the actions or decisions of the local authority. This information should be available on the council's website and in hard copy upon request, and should be in different formats for those who cannot read English. The information leaflets should provide:

- Basic information about the family and friends care service, such as the contact address, phone number and email address
- Information about the different legal arrangements under which family and friends carers might be looking after a child
- Information about the procedures for assessing family and friends carers
- Information about the support services which can be provided for family and friends carers
- Information about the allowances which can be paid to family and friends carers
- Details of any support groups the carers can attend and also any which are available to the children they are raising
- Details of any training programme for family and friends carers
- Information on how to access the local authority's complete family and friends care policies, e.g. by looking on the local authority's website, or requesting their own copy on paper
- Signposts to organisations which the carer might approach for independent advice and support, such as Family Rights Group, the Fostering Network and The Grandparents Association
- Advice on how to access independent advice on legal options and support
- Complaints leaflet

### 5.2.6 Financial support

Local authorities should have clear and consistent policies about their financial support for family and friends carers, which meet legal requirements.

- Family and friends foster carers should be paid at the same weekly rate as unrelated foster carers, including an entitlement to additional payments and enhancements where they meet the criteria for receiving them.
- The carers for children who were placed with them by a local authority under Regulation 38 of the Fostering Services Regulations 2002 should be paid a full fostering allowance, as these children are 'looked after'.
- The authority's policy should deal with financial support for family and friends carers who are looking after a child who is not looked after or under a legal order, and state the amount that can be paid, for example  
*"Social Workers should approach the assessment sympathetically, bearing in mind the likely cost if the placement were to fail and the child enter the care system. The fairest system of financial support*

*is to pay all carers, irrespective of legal status, the equivalent of the basic boarding out fee minus Child Benefit and other benefits or payments made to the carers in respect of the care and maintenance of that child.” (Isle of Wight)*

- Local authorities should pay family and friends carers who are special guardians the level of allowance they would have received if they were fostering the child, minus any child benefit and tax credits they are receiving for the child. This is in line with the guidance on special guardianship,<sup>89</sup> and is supported by a judicial review decision against Lewisham.<sup>90</sup>

### **5.2.7 Regulation 38 placements**

The looked after status of children who are placed with family and friends carers under Regulation 38 of the Fostering Services Regulations (2002) appears to present some local authorities with particular problems. The time limit of six weeks which the regulation places on these placements continuing lawfully can present difficulties, because the local authority should either carry out a full fostering assessment within the six weeks, or terminate the placement. We have received numerous reports from carers, describing situations where local authorities have done neither, and placements have been allowed to drift on in an arrangement which has no legal status. Moreover, some local authorities have a policy of paying the carers for these children less than their fostering allowance rate and many more make no specific mention in their written policies of payments to these carers.

Children who are placed under Regulation 38 have the status of being looked after children, and their carers ought to receive the full fostering allowance and be assessed as foster carers in accordance with the Fostering Services regulations 2002 for the placement to continue lawfully.

### **5.2.8 Contact**

Contact between the children in family and friends placements and their parents or other family members can present particular problems, because of the pre-existing relationship between the carers and the parents. In Farmer and Moyers' study (2008), family and friends carers were far more likely to supervise this contact than foster carers were, but it was also far more likely that there would be difficulties between the carers and the parents. Local authorities should assess the need for contact to be supported in family and friends placements, particularly when such placements have arisen as a result of child protection concerns. This should cover:

- Where should contact take place?

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<sup>89</sup> Special Guardianship Guidance (2005) *Department for Children, Schools and Families*, para. 65

<sup>90</sup> *B V London Borough of Lewisham* [2008] EWHC 738 (Admin)

- How often should contact take place?
- Who should be present at contact?
- Does contact need to be supervised?
- What other forms of contact, such as telephone or letterbox, can be agreed?

A contact agreement should be drawn up between the parents, the carer and the local authority. The agreement should cover the issues just stated, as well as the following points:

- Duty to inform others if any party is unable to attend contact
- What happens if a contact session is unable to take place as agreed?
- What happens if either party is late for contact?
- How will other forms of contact be managed?
- Support services which the local authority will provide to ensure safe contact, eg access to a contact centre, professional contact supervisors, assistance with travel costs, etc.

## **5.3 ACTIONS BY AND FOR PRACTITIONERS**

### **5.3.1 Practitioners support groups**

In the South East of England, a support group has been established for practitioners working in the field of family and friends care. This group meets approximately quarterly, and while it is mostly attended by local authority kinship care workers, it also includes academics working in this area and practitioners from the voluntary sector: the group is currently provided with administration by Grandparents Plus. Now in its eighth year, this group offers an opportunity for practitioners who may feel isolated within their organisation to meet their peers, and it regularly features guest speakers with specialist knowledge and expertise. We would recommend that practitioners in all regions consider setting up their own groups.

### **5.3.2 Advocating for family and friends care**

Practitioners who are working within this field should consider ways in which they can advocate for the increased usage of family and friends as the placement choice for children, and for better support to be provided for children once they are placed with family and friends carers.

In addition to the legal obligation placed upon local authorities to make family and friends the first placement choice for children who cannot remain at home with their parents<sup>91</sup>, there is a growing body of research evidence to support the view that this could be a good placement choice for many more children than is currently the case.

Practitioners should consider how they could advocate for better recognition of family and friends care within their organisation.

- Can they suggest improvements to their organisation's family and friends care policies?
- Can they suggest practical steps to implement some of the policies we are proposing here, which would improve local practice?
- Are practitioners able to use their links with family and friends carers in order to act as an advocate for their views within the organisation?
- Can practitioners empower family and friends carers, by enabling them to make links with each other, in order to support each other and take up the issues they have in common?

Practitioners should also consider how they can participate in campaigns and lobbies which aim to improve the entitlement of kinship carers to receive support services and adequate financial support. Much of the campaigning for kinship care in England takes place under the auspices of the Kinship Care Alliance, a

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<sup>91</sup> s.22C Children Act 1989 (CA) as amended by s.8 CYPA

coalition of voluntary organisations, academics and local authority practitioners. Anybody who is interested in the activities of the Kinship Care Alliance can find details of its campaigns and lobbying activities on the Family Rights Group website ([www.frg.org.uk](http://www.frg.org.uk)).

## CHAPTER 6

### RESOURCES

#### 6.1 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)

**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

**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

**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

## 6.2 Useful recent publications:

Argent H (2009) Supporting Kinship Placements, London: BAAF

Jordan L and Lindley B (2006) Special Guardianship: what does it offer children who cannot live with their parents?

Roskill C (2007) Wider Family Matters: A guide for family and friends carers. London: Family Rights Group

Family Rights Group: a series of advice sheets for family and friends carers, all downloadable from [http://www.frg.org.uk/advice\\_sheets.html](http://www.frg.org.uk/advice_sheets.html), including:

- [Residence Orders: information for family and friends carers \(Draft\)](#)
- [Special guardianship - what's in it for carers?](#)
- How to apply for a special guardianship order (**in development**)
- [Family and friends care: becoming a foster carer](#)
- [Support for relatives and friends who are caring for children](#)
- [Financial implications of a child coming to live with you](#)

Family Rights Group (2009) Report on freedom of information survey of local authority policies on family and friends care, [www.frg.org.uk](http://www.frg.org.uk)

Smith A (2009) Fostering: A Benefits Handbook, London: BAAF

## **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
- 95% 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:

- 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%) have no guidance on the assessment of wider relatives and friends who fall within the definition of private foster carers (see legal section)
- 62% of those authorities did not mention non-financial support for non-looked after children in family and friends care placements or failed to describe any eligibility criteria for such support
- 85% of authorities lack explicit criteria stating which family and friends carers of non looked after children are eligible for financial support and at what rate.

### 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.

## Recommendations:

### 10 steps towards a better deal for family and friends carers and the children they care for:

1. a new culture of **respect for family and friends carers** who take on the care of children often in extremely difficult family circumstances. As a minimum they should be fully informed of the options open to them when they take on the care of a child.
2. a **national allowance** for family and friends raising a child for more than 28 days as an alternative to the child being taken into care.
3. **official data** gathered on children being raised by family and friends carers.
4. children in family and friends care treated as **children in need** to ensure that they have all necessary support and recognised as a **specific group** requiring tailored policies and support.
5. all local authorities funded by central government to ensure provision of **support services** for children and their families including assistance with contact, respite and support groups.
6. all children and families entitled to a **family group conference** prior to care proceedings (or immediately afterwards in an emergency).
7. a new **duty on local authorities**, backed by central government funding to:
  - ensure the provision of family group conferencing services
  - support implementation of the family plan
  - provide independent family advice and advocacy services.
8. a **tailored assessment** process for family and friends care.
9. public funding for family and friends carers to secure a **legal order** to safeguard a child.
10. new government guidance to ensure that family and friends *foster carers* receive the **same allowances** as non-relative foster carers.