

Family and Friends Policy and Guidance

Children's Services Operational Instructions

About this document

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Target Audience	

Children's Services Social Care operational staff

Purpose of guidance

To set out the policy and practice to be followed to ensure, wherever possible, children are placed with family and friends in situations where living with parents or persons with parental responsibility is not safe for the child.

Summary of review updates

- Viability assessment template and hyperlinks updated
- December 2023 changes requested by the Legal Team to clarify the viability assessment process (2.10) and the pre-proceedings care planning and assessment guidance (3.1 and 4.2b/c).



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1. Values and Policy Statement

- 1.1 Children have a right to be brought up by their families and everyone has a right for their private and family life to be respected. In line with wider prevailing social and cultural norms, East Sussex Children's Services believes that parents have the primary responsibility for bringing up their children and ensuring they are well cared for and this commitment to their children often continues into the child's adulthood.
- 1.2 Relatives and close friends may also play a significant role in children's lives, especially at times when things at home are not going well. Many parents draw on extended family support practically, emotionally, and financially to enable children and young people to remain in the care of their family. Often families manage these arrangements with little support except through universal services such as health and education, but for a minority it will be a very difficult time. Sometimes parents find it hard to acknowledge that they are struggling to care for their children on their own and East Sussex Children's Services will help them to draw on support from the wider family and normalise family life for children wherever it is safe and possible to do so.
- 1.3 Our aim is to work with families at an early stage when difficulties may be emerging and to enable families to find their own solution. We will take a 'least interventionist' approach to minimise statutory intervention, evaluate the risks and choose the level of support and intervention that is most proportionate to those risks.
- 1.4 We recognise that sometimes it is not safe for a child to live with their birth parents, either on a short term basis or longer term, even with support, and every reasonable and practicable effort must be made by all concerned, including by the family network, to enable the child to live within their wider network of family or friends. In order to do this, we work with families to help them to come to a family agreement about how they can safely care for their children within the wider family network (a "Family Plan"), without the need for the children to be looked after by the Local Authority ("LA"). This means that we are upfront about our worries and concerns about the risks to children and what we think needs to change and be put in place by the family to ensure children are protected and their needs are met. We will also discuss with families ideas as to how they can work together as a family to arrange for the care of their children during short term difficulties and, where relevant, in the longer term throughout childhood.
- 1.5 Where the parents and extended family can agree their own arrangements to provide an alternative primary carer for a child who would otherwise need to be looked after by the LA, the carers can be supported to do so, as made possible under s.17 of Children Act 1989 ("s.17"). However financial support is not automatically available and should not be assumed.
- 1.6 The child must always be the focus of decision making but good social work practice includes keeping the family at the centre of what is happening. It

also includes ensuring children and families receive help that is proportionate to risk and complexity of need, and that they are not routinely subjected to formal legal intervention if this is not necessary. Levels of risk and need are kept under constant review to ensure the level of intervention and support remains proportionate

2. Involving Family and Friends in Assessment and Care Planning

- 2.1 Extended family members and friends who are part of a family support network should be involved in the early help plan and the family assessment as appropriate. At the conclusion of a family assessment, if there is to be continued involvement with Children's Services, a Child's Plan will be developed. This will set out what is working well, what Children's Services are worried about, what needs to happen, when and by who, and record any progress that is made with these goals. All family assessments will consider the parents' childhood experiences and the ongoing role that extended family and friends may have to support a family.
- 2.2 At an early stage of any LA involvement, parents will be asked to provide information about family members, including names, dates of birth, addresses and contact details so that a genogram can be completed. Families are encouraged and supported to work in partnership with Children's Services to be fully involved in the plan to care for children, including ideas as to how they can work together as a family to arrange for the care of their children during short term difficulties and, if relevant, in the longer term throughout childhood. Referral for a Family Group Conference ("FGC") MUST be offered to the family from the point that escalation to Child Protection Plan ("CP plan") is being considered, and at all points onwards through the child's journey. An FGC will lead to the development of a Family Plan which should be incorporated into the CP Plan.
- 2.3 If **child protection S47 enquiries** are being undertaken the social worker will discuss with the family how the extended family can ensure the safe care of the child during these enquiries. This may involve a Family Plan for family members supervising the care of the child or for the child(ren) to stay with someone else in the family network. The child's social worker should satisfy themselves that any proposed family arrangement is safe and there are no significant concerns about the proposed carer. In these circumstances Children's Services may support this family arrangement through discretionary one-off payments under s.17 or with the agreement of the Operations Manager ("OM") a weekly payment up to a maximum of £50 per week to help with the temporary additional costs of caring for the child. The Head of Service may agree a higher weekly payment in cases of exceptional financial hardship. The parents are expected to make Child Benefit payments available to the carer to pay for food and basic daily needs for the child and if possible, to provide financial support for the care of their child, whilst not in their care.

FGC information for families

2.4 The FGC is a family-led decision making and planning process whereby the child (as age appropriate), parents and wider family group make a plan for the child where there are concerns about the child's welfare or safety. The FGC lets families meet together and begin to plan how to improve the situation. The FGC is a model of working with families which aims to:

- Give family members a key and central role as decision makers.
- Enable the full participation of parents and wider family members in planning for the safety and wellbeing of their child(ren).
- Ensure that children have a voice in the making of plans about them.

2.5 As part of the FGC process the social worker needs to be clear about:

- any child welfare concerns that will affect what can be agreed in the plan, including their 'bottom line' requirements to ensure the child is safe.
- resources and support Children's Services are able to provide and
- what action will be taken if the family cannot make a plan, or the plan is not agreed.

2.6 If the child cannot safely live with parents at this point the Family Plan may involve parents arranging for the child to temporarily live with family and friends carers whilst the parents are working with Children's Services to address their difficulties and further work is undertaken to explore options. In these circumstances, any short term regular financial support payments under s.17 must be agreed by the OM and will be up to a maximum of £50 per week per child, save in cases of exceptional hardship. The purpose of the payment must be explicit in the plan, for example: to support additional costs of caring for the child, such as supporting the child to get to nursery or school or after school care, or temporary reduction in the family members' income if they need to take time off work. The parents are expected to make Child Benefit payments available to the carer to pay for food and basic daily needs for the child and if possible, to provide financial support for the care of their child, whilst not in their care.

2.7 The Family Plan and Child's Plan should be updated to reflect this arrangement and the child's Social Worker should confirm in writing the support offered by Children's Services to support this Family Plan.

2.8 At this stage the child's social worker must complete a proportionate [viability assessment](#) of the family and friends carers using the 'eligibility criteria' set out in [Appendix 1](#) of the Sussex Local Authority Protocol for Assessment of Family and Friends which can be found at [Appendix A](#) of this guidance. Information for families about the qualities and abilities that make a good family and friends carer and what makes a family and friends carer unsuitable can be found on the [family and friends ESCC website](#) pages.

2.9 The following checks must be initiated or completed by the Locality team before the viability assessment can be authorised by the Operations Manager.

When the child is not yet placed:

- Initiate DBS checks for all household members over 16.
- Initiate Local Authority checks for all Local Authorities where the carers have lived, including checks for any children they have parented.
- Initiate health checks on the carers.

When the child is already placed:

- PNC on all over 16s in the household, a meeting with the carers and a visit to the property (unless the 'visits' have to be virtual due to COVID restrictions)
- There is agreement with the MASH police to complete PNCs for children placed on an emergency basis, where we have not had time to complete DBS checks - please escalate to your Operations Manager if MASH police are unwilling to complete these.
- Initiate Local Authority checks for all Local Authorities where the carers have lived, including checks for any children they have parented.
- Initiate health checks on the carers.

2.10 Where the matter is in MBA or is before the Court the viability assessment needs to be authorised by the Practice Manager and Operations Manager and reviewed by Legal Services. It should not be shared with the carers until it has been approved by the Operations Manager and Legal Services. The carer/s should then be asked about any redactions they wish to be made prior to the document being shared with other family members. A referral should be made to the Family and Friends or Fostering Team without redactions having been made as members of those services can see the unredacted assessments.

2.11 With regards to the parents agreeing to information being shared about them and the children with the potential carers, this is only basic information to identify the risks and the child's needs to the carers as they will need to be discussed as part of the assessment, and this should be raised with the parents at the time they put forward the person to be assessed. Disclosure of documents filed in the proceedings to potential carers being assessed within care proceedings should be raised within the Family Court proceedings.

2.12 The OM will add a case note setting out the basis for the agreement to this care plan (referencing the completed viability assessment), the reasons for the change in care arrangements for the child, the circumstances of this, the length of time that the care arrangement is expected to last, and the support to be available to the child, the parents, and the carers.

3. Pre-proceedings Care Planning

- 3.1 Care Planning Forum is a meeting of senior managers to consider the plans for the child and whether the levels of concern are such that they meet the threshold to step up to Meeting before Action (MBA) under the Public Law Outline (PLO), or in some circumstances where the situation is so unsafe, whether to make an application to the court to safeguard the child(ren) without delay. The focus of the MBA is to be clear to the family about what support the LA will be provide, what action is needed by the parents/family, and what the expectations are to around change to avoid the need for the LA to issue care proceedings. The assessment and intervention plan for the pre-proceedings will be discussed and agreed at the initial MBA. The pre-proceedings process includes consideration of the interim arrangements for the care of the child and discussion with family about family and friends options for the long term care of the child, as an alternative to the child becoming a Looked After Child (“LAC”) if parental care is assessed to be unsafe at the end of the pre-proceedings PLO assessment process. Decisions under the PLO should be made within 16 weeks of the initial MBA to ensure timely decisions are made about the medium to long term care of the child. Any extensions to the pre-proceedings timetable need to be agreed with the family and be planned and purposeful.
- 3.2 Whilst the pre-proceedings process is underway, the interim arrangements for the care of the child is likely to be one of the following three options:
- a. The child can be safely cared for by the parents as primary carers with support from the extended family network. S.17 support may be needed to support this plan.
 - b. The parents agree that the child cannot currently be safely cared for by them and there is a Family Plan for the care of the children by family and friends carers during the MBA period, which has been instigated and agreed by the family. The family and friends carers should be asked to complete a means test and may be provided with S.17 means tested financial support linked to fostering maintenance allowance. The family and friends carers should be advised to claim Child Benefit and any other welfare benefit entitlement. A full family and friends kinship carer assessment should also be undertaken to inform contingency planning for the long term care of the child should it not be safe for the child to return to parental care at the end of the MBA process. The Sussex Local Authority Protocol for Assessment of family and friends which can be found at [Appendix A](#) of this guidance should be followed. A review FGC may also be convened to help to support the family carers, clarify the family agreement and resolve any contact issues.
 - c. The parents agree that the child cannot currently be safely cared for by them and have not identified and/or arranged an available alternative family and friends carer. The parents agree that the child needs to be temporarily accommodated by the LA under s.20 Children Act 1989 (“s.20”), in most cases this will be with LA foster carers, but on occasion will be with family and friends carers arranged by the LA. In this situation, family and friends carers will need to be approved as

temporary foster carers under [Regulation 24 Care Planning, Placement and Case Review \(England\) Regulations 2010](#) (“CPPCR 2010”) and will receive fostering maintenance allowance. See section 5 for more details. In these circumstances, where an FGC has previously been refused, agreement to and participation in a FGC must be part of the expectations of the MBA process. A review FGC may also be convened to explore what support may be needed to enable a potential family and friend carer to become available.

- 3.3 If the potential family and friends carers live outside of the UK, there is an expectation that they will travel to the UK for the purpose of assessment.
- 3.4 In any situation where the child is temporarily separated from the parent(s) and cared for by another family member, legal advice should be sought to confirm the status of the placement. This advice should be shared with the Head of Service.

Regulation 24 - The Care Planning, Placement and Case Review (England) Regulations 2010 (CPPCR 2010)

- 3.5 If the child is temporarily accommodated under s.20 with a Family and Friends Carer, this is a placement under [Regulation 24 of the CPPCR 2010](#). The OM will add a case note setting out their agreement to this placement, with explicit reference to the viability assessment, the family assessment, and, if the matter is before the Court, to the initial statement and care plan filed in care proceedings. This is to evidence that the child will be safe and well cared for, and that this is the most suitable placement for the child.
- 3.6 See sections 2.8 to 2.12 for guidance on the checks that must be initiated or completed, authorisation of the viability assessment and information sharing with the carer/s, and a link to a good practice example.
- 3.7 The Operations Manager will send the viability assessment to the Fostering Operations Manager, for the Fostering Team to initiate an assessment of the viability of a Fostering Assessment. This is the preferred assessment route where children are placed under Section 20 of the CCA 1989 with Family and Friends carers outside of care proceedings. The two different assessment routes (a fostering assessment or a kinship assessment) will be explained to the carers and they will be given a leaflet explaining this. They will be offered funding to seek one off legal advice.
- 3.8 If it is clear that the carer/s will not meet the standards required by the Fostering Panel for approval as foster carers, or they do not wish to be assessed as foster carers, a full kinship assessment will be initiated. The discussions with the carer/s and the decision making will be recorded on LCS.
- 3.9 The case should be presented to Care Planning Forum, and to Formulations for help with the assessment and intervention plan. Formulations is a meeting chaired by the SWIFT OM which provides the social work team with advice on the assessments and intervention plan. SWIFT is multi-disciplinary service in

East Sussex staffed by experts and professionals which provides independent assessments and support services.

- 3.10 The social worker must visit to see the child in the placement on a weekly basis prior to the initial LAC review, (“ILAC”) which must take place within the first 20 working days of the placement. Following the ILAC, the social worker must visit to see the child in placement at a minimum level of 4 weekly until either the case is presented to the Fostering Panel, and the carers are approved as LA foster carers for the child, or the child is no longer LAC.
- 3.11 If the placement continues beyond 16 weeks, and full approval has not been given by the Fostering Panel, the OM can give agreement to extending the placement for a further 8 weeks, under Regulation 25 of the CPPCR 2010. The OM will review the electronic records, and consult with the practice manager, social worker, fostering OM, (see section 6.3) and the Independent Reviewing Officer. If a full Family and Friends assessment has been completed, the OM will consider this. If the OM is satisfied that the child is safe and well cared for, and that this remains the most suitable placement for the child, the OM will add a case note confirming agreement to the extension of the placement, based on these enquiries.
- 3.12 On an exceptional basis, if the placement is to continue beyond 24 weeks and the carers have not been given full approval by the Fostering Panel, the placement must be considered by the Assistant Director and Director of Children’s Services, based on a risk assessment. This risk assessment will be completed by the allocated Social Worker in Locality Children’s Social Care. In some cases, there will also be accompanying information provided by the Fostering Team where prospective carers have expressed a desire to be assessed as Local Authority foster carers and this process has begun. The risk assessment will lay out the strengths and risks of the placement and the monitoring and support which will be provided. This agreement must be in place at the point at which the child has been in placement for 24 weeks. Use the [Assessment of Current Regulation 24 Placement](#) template published on the [family and friends care operational instructions](#) pages.

4. Conclusion of Pre-Proceedings Assessments

- 4.1 The pre-proceedings process will include robust assessment of potential kinship carers, as well as the parents. The conclusions of these assessments will inform one of the following care planning decisions, which are also informed by our family and friends values and principles (see paragraph 1) and the timescales for the child. We will evaluate the risks, take a ‘least interventionist’ approach to minimise statutory intervention and choose the level of support and intervention that is most proportionate to those risks. The long term needs of the child will be the central focus of this decision making.
- 4.2 The potential options at the conclusion of PLO assessments are:
- Assessments conclude that parent(s) can safely care for the child with the support of services and/or the extended family network.

- b. Assessments conclude that in the short to medium term it is still unsafe for the child to be fully cared for by either parent, but intervention work is to be carried out with the parent(s) with a view to them resuming care of the children. The parent(s) and extended family are in agreement with the assessments and recommendation for the Family Plan to continue and the family and friends carers to be medium term primary carers whilst parent(s) continue to work to address the concerns. This plan is also considered by the LA to be in the best interests of the child. Any means tested financial support under s.17 linked to fostering maintenance allowance will continue. The plan **MUST** be reviewed in accordance with the timescale of the intervention and in all cases a minimum every 3 months. The pre-proceedings process will conclude despite the parents continuing work. If the plan for rehabilitation of the children to the parent's care is not achieved, legal advice will be sought by Children's Services and the LA plan for the children discussed with parents and extended family.
- c. Assessments conclude that in the short to medium term it is still unsafe for the child to be fully cared for by either parent, but intervention work is to be carried out with the parent(s) with a view to them resuming care of the children. The parent(s) and extended family are in agreement with the assessments and recommendation for the child(ren) to continue to be placed with the family and friends under s.20. In this situation every effort should be made to engage the family and friends carers in a full fostering assessment. If it becomes clear that the family and carers would not meet the required standard under the Fostering Regulations, then discussion between the Head of Service Locality and Head of Service LAC/Agency Decision Maker for Fostering needs to take place as soon as possible and be recorded on the child's case record with agreement as to whether a family and friends assessment is completed as an alternative or the Unregulated Placement Risk Assessment is completed for consideration by senior managers. If an Unregulated Placement Risk Assessment is required, this should be completed by the allocated social worker/fostering social worker and endorsed by the appropriate practice manager, OM and Head of Service within 14 days. This will then be considered by the Assistant Director/Director of Children's Services. As part of this decision, managers will also need to consider whether it is appropriate for that child to remain subject to s.20 or whether a care proceedings application is required.
- d. Assessments conclude that it is unsafe for the child to be fully cared for by either parent in the foreseeable future. Parent(s) and extended family are in agreement with the assessments and recommendation by the LA for the family and friends carers to be long term primary carers. The family and LA agree that the family and friends carers should seek to gain parental responsibility to achieve legal security for the child and the parents and family are willing to take forward the ongoing arrangements. Agreement to this care plan must be sought from Head of Service. The family should seek legal advice about the most appropriate order to secure the placement - Child Arrangement Order (CAO) or Special Guardianship Order (SGO) - and make an application through private proceedings. In a minority of complex cases, even where there is a high level of agreement, consideration

may need to be given to the LA issuing public law proceedings to secure the placement for the child. In such circumstances agreement to issue must be sought from Head of Service and Assistant Director.

- e. Assessments conclude that it is unsafe for the child to be fully cared for by either parent and assessment of the family and friends alternative carers is positive. Parent(s) don't agree with the conclusions of the assessments and/or the option of family and friends caring for the child. Agreement should be sought from Head of Service and Assistant Director to issue care proceedings. The starting point would be for the LA proposed plan to follow the least interventionist principle through the court being invited to make a CAO in the interim with the possibility of an SGO being recommended at final hearing. Consideration needs to be given to whether an Interim Supervision Order needs to be requested and in complex cases it may be appropriate for the LA to share parental responsibility by inviting the court to make an Interim Care Order ("ICO"). If an ICO is made the child becomes a LAC and the carers need to be approved as temporary foster carers under Regulation 24 Care Planning, Placement and Case Review (England) Regulations 2010 ("CPPCR 2010") and will receive fostering maintenance allowance. See sections 3.5 and 5 for more details.
- f. Assessments conclude that it is unsafe for the child to be fully cared for by either parent and there is no viable alternative family and friends carer. Agreement should be sought from Head of Service and Assistant Director to issue care proceedings with the LA proposed plan to secure permanence for the child outside the family.

5. Family and Friends Assessment and Support within Care Proceedings

5.1 Potential Family and Friends Carers may, on some occasions, only be identified once care proceedings have been initiated and in these circumstances the Sussex Local Authority Protocol for Assessment ([Appendix A](#)) should be followed.

5.2 LAC may on occasion, be placed with family and friends carers within care proceedings. This may occur when:

- where the family did not make an arrangement for the care of the child with family and friends prior to the issue of care proceedings, the child is in need of accommodation and is placed with family and friends by the LA with the consent of the parents; or
- where the family did not make an arrangement for the care of the child with family and friends prior to the issue of care proceedings, the LA seeks removal of the child from the parents care against the parents' wishes and has identified a potential alternative family and friends carer who can care for the child in the interim pending final hearing; or

- the court makes an ICO within the care proceedings for a child who is already living with family and friend carers under a Family Plan; or
- a child subject to an ICO moves to live with family and friend carers during care proceedings.

5.3 In such circumstances, where the child is placed under s.20 or an ICO and therefore a LAC, the family and friends carers become temporary foster carers under Regulation 24 CPPCR 2010.

5.4 See sections 2.8 to 2.12 for guidance on the completion of the viability assessment of the carer/s, including the checks that must be initiated or completed, authorisation of the viability assessment and information sharing with the carer/s, and a link to a good practice example of a viability assessment.

5.5 At this point there should be consultation between the Locality OM and Fostering OM to consider, in the event that at the end of the care proceedings the decision is that the child should permanently live separately from its parent(s), the likely role that the family and friends carer may play in the recommended final care plan and to plan the most proportionate assessment, approval and support arrangements. There are three most likely scenarios:

- a. LA final care plan is likely to support the child remaining with the family and friends carer under a CAO or SGO. In these cases, it is not deemed proportionate to complete both a full family and friends kinship assessment and a full fostering assessment in respect of the same care arrangement. The Local Authority will complete the full family and friends kinship assessment in these cases.
- b. LA final care plan is likely to be for care outside the family and the current arrangements are temporary interim arrangements within proceedings.
- c. LA final care plan is likely to be recommending a Care Order (“CO”) with a plan for long term foster care and the family and friends carer wants to be a long term foster carer. In which case, to ensure the long term placement is a regulated one. they would need to be successfully assessed as a LA foster carer and a full fostering assessment will be completed.

5.6 If at the start of the arrangement it is not immediately clear which category it will fall into, then discussion should take place with the Fostering Team. Information will be sent to the carers, and they will have the opportunity to talk to a fostering social worker on the phone to get more information. If the carers express a clear desire to be assessed as LA foster carers. and there are no initial identified barriers to fostering approval and assessment, an initial joint visit will place. The allocated social worker and fostering social worker will visit to enable the carers to better understand which route is most appropriate in this case and the extent to which the carers would likely meet fostering standards if they wish to pursue this route.

5.7 Under this policy, the LA would not be completing full fostering assessments in relation to family and friends carers where there is agreement that the desired

outcome for the child will be to remain with that family and friends carer under a SGO or CAO.

5.8 If the likely LA final care plan would be for the child to remain with the family or friends carer under a CAO or SGO or the LA care plan is for care outside the family and therefore, the current fostering arrangements are temporary interim arrangements within proceedings

- the carer should remain under the responsibility of Locality Social Work Services
- The OM should decide on the likelihood of full fostering approval being required within the context of the care plan and this will inform the ongoing assessment and support of the carers with an emphasis on proportionate statutory intervention and supporting the extended family unit.
- The Fostering OM should advise on updates to the family & friends assessment if needed to comply with the CPPCR 2010 with a focus on evidencing safe standards of care
- Payment of the carer will be at fostering maintenance rate from the fostering budget and the carer should be advised that they must not claim Child Benefit or any other benefits for the child.
- The agreed process for ongoing assessment and support should be discussed with the carer with the rationale behind it.
- It should be exceptional for full approval as a foster carer to be needed if the care plan is clear and the court timetable is focused on conclusion within 26 weeks. In circumstances where carers have been approved by Adoption and Permanence Panel and if optional attendance at Skills for Fostering is completed and the carer agrees to undertake further mandatory training the carer is paid the additional professional fee
- Locality Social Work Services complete the SGO report and Support Plan
- Once the CAO or SGO is made at the end of proceedings support is provided to the carers and child in accordance with the SGO support plan and Child's Plan, with ongoing financial support being in accordance with the family and friends SGO and CAO financial support policy paid from family and friends allowance budget in Locality Social Work Services

5.9 If the likely outcome is a CO and the family and friends carer wants to be a long term foster carer:

- the carer should be allocated to a Fostering Service social worker who undertakes the assessment
- The carer will be referred to complete pre-approval training
- Fostering social worker completes ESCC Prospective Foster Carer Report for presentation to the Fostering Panel.

- Placements that continue beyond 24 weeks without a positive full fostering assessment are unregulated and must be sent, with a risk assessment to Locality Assistant Director and Children's Services Director for authorisation and agreement must be given before the 24 week timescale is passed.
- Payment of the carer initially will be at fostering maintenance rate from the fostering budget and the carer should be advised that they must not claim Child Benefit or any other benefits for the child.
- Once the carer is approved and attendance at Skills for Fostering is completed and the carer agrees to undertake further mandatory training the carer is paid the additional professional fee
- If, at the end of proceedings, a CO is made ongoing support for the approved family and friends foster carers will be provided from Fostering Team.

6. Special Guardianship Order Financial Support Policy

Financial Support for SGO carers is governed by section 14F of the Children Act 1989, the Special Guardianship Regulations 2005 ("the Regulations") and the DfEs Special Guardianship Guidance ("the Guidance"). The Regulations, supported by the Guidance, provide for a detailed scheme as to the assessment of a special guardian's, or prospective special guardian's, need for support including financial assistance. This policy relates to financial support only.

6.1 Under Regulation 8, financial assistance may be paid either:

- a. Periodically (usually weekly), if it is provided to meet a need which is likely to give rise to recurring expenditure; or
- b. in any other case by a single payment or, if the LA and the special guardian or prospective special guardian agree, by instalments.

6.2 A decision to provide a SGO allowance can only be made in East Sussex County Council (ESCC) by a Head of Service.

6.3 ESCC will remain responsible for periodic SGO allowance, irrespective of where the special guardian and child lives, subject to paragraph 6.17 below.

6.4 The general principle should be that where a person is seeking to make a permanent and substantial commitment towards a child by means of a SGO, this commitment by the individual should generally include a willingness to meet costs associated with such a commitment. It is recognised, however, that in some circumstances, for children with whom the LA have been actively involved, financial support may be required to enable plans for permanence outside of LA care to be made.

6.5 In formulating this policy due consideration has been given to the differing responsibilities, roles and duties underpinning different types of arrangements where a child is living away from its parents care.

6.6 Where payable, a periodic SGO allowance reflects the rigorous assessment process which looks at not only short term issues but also long term issues to

ensure (as best can be ensured) that the child's need for permanency is likely to be met by the arrangement. It also reflects that the special guardian can exercise parental responsibility to the exclusion of any other holder of parental responsibility, with only some limited statutory exceptions.

- 6.7 Where payable, the maximum periodic SGO allowance is set at the equivalent of the fostering maintenance allowance for a child of that age. A SGO is a private law order which does not entail an obligation to work within the LAC system which is an onerous and specialised task requiring specialist assessment and training. The amount of the periodic SGO Allowance does not generally include any reward element and the actual level of payment in each case will be determined by a financial assessment (means test). ESCC uses the DfEs recommended standardised means test model.
- 6.8 It is not the function of the LA to accept responsibility for income maintenance. Financial support should not duplicate any other payment available to the special guardian or prospective special guardian. In determining the amount of any financial support the financial assessment must take into account: the financial resources of the special guardian or prospective special guardian, including income and outgoings; any other payment available to them, universal benefits, including child benefit, tax credits or any other benefit that can be claimed for the child; the financial needs/resources of the child (if any) excluding mobility/attendance allowance/benefits related to disability; and any other grant, benefit, allowance or resource available to the special guardian in respect of their needs as a result of becoming a special guardian of a child. (Regulation 13)
- 6.9 The financial assessment is reviewed annually to determine that payment of the allowance is still appropriate and consistent with the Regulations and Guidance and departmental policy. (Regulation 10)
- 6.10 The prospective special guardian or special guardian will be notified in writing of the outcome of the financial assessment. The person who requested the assessment has 28 days to make representations in relation to the decision.
- 6.11 The payment of a SGO allowance may affect receipt of benefits and advice should be sought of the appropriate Benefit Agency. Help in determining eligibility to benefits can be provided by a Department of Work and Pensions (DWP) adviser.
- 6.12 Where appropriate, the LA will exercise discretion to continue paying an element of remuneration to former family and friends foster carers in accordance with Regulation 7 of the Regulations.

Circumstances under which financial support is payable

- 6.13 Save for where the child is looked after by the LA or was looked after immediately before the making of an SGO (Regulation 11.1), ESCC will ordinarily only assess for the payment of a periodic SGO allowance to family and friends SGO carers who are otherwise unable to financially support the

arrangement or agree similar support payments from the family, in respect of children who are made subject to a SGO in the following circumstances:

- a. Following PLO assessments concluding that it is unsafe for the child to be cared for by either parent, the parents and extended family are in agreement with the assessment and plan for family and friends to be long term primary carers and the parents and family are willing to take forward the ongoing arrangements through a private law application. The family and LA agree that the family and friends carers should seek to gain enhanced parental responsibility to achieve legal security and permanence for the child via an SGO AND without this application the LA would initiate care proceedings; or
- b. as part of a disposal of Care Proceedings where the LA is recommending that it is in the child's welfare interests for an SGO to be made; and
- c. The applicant is living in the United Kingdom at the time of the financial assessment

6.14 If a situation arises where the outcome at the end of care proceedings is that the child is made subject to an SGO/CAO contrary to the LA final care plan, a decision about whether that care arrangement will be supported financially by the LA will be made on a case by case basis by the Head of Service/Assistant Director.

Review and Cessation

6.15 Where financial support is to be paid periodically it is subject to the following conditions (Regulation 10)

- a. The special guardian or prospective special guardian will inform the LA immediately if:
 - the special guardian changes address
 - the child dies
 - the child moves
 - there is a change in the special guardian's financial circumstances or the financial needs or resources of the child which may affect the amount of financial support payable; and
 - the child ceases to live with the special guardian; the child attains the age of 18 unless he/she continues in full time education or training (when it may continue until the end of the course or training); the child ceases full time education or training and commences employment; the child qualifies for Income Support/Job Seekers Allowance/Universal Benefits in their own right.

The special guardian complete and supply the LA with an annual statement of:

- the special guardian's financial circumstances
- the financial needs and resources of the child; and

- the special guardian's address and whether the child still has a home with him.
- 6.16 If the special guardian fails to provide this annual information a reminder will be sent giving 28 days' notice of suspension of payment.
- 6.17 If the special guardian moves to live abroad with the child, there will be review of the financial assessment to consider whether the change in circumstances has impacted on their financial resources and needs and whether they continue to need the financial support. Generally, save for exceptional circumstances or where periodic allowances are being paid to former LAC, the policy is that the payment of a periodic allowance shall cease if the child moves to live outside the jurisdiction.
- 6.18 The LA may make the payment of financial support subject to any other conditions they consider appropriate, including the timescale within which, and purposes for which, any payment of financial support should be utilised. Where such a condition imposed is not complied with, the LA may suspend or terminate payment of financial support and seek to recover all of part of the financial support they have paid. (Regulation 10)
- 6.19 Financial support ceases to be payable under the following standard circumstances (Regulation 9)
- a. the child ceases to have a home with the special guardian
 - b. the child ceases full-time education or training and commences employment
 - c. the child qualifies for welfare benefits in his own right; or
 - d. attains the age of 18 (unless he continues in full-time education or training, when it may continue to the end of the course or training he is then undertaking).

7. Legal costs

- 7.1 Where, at the end of the PLO assessment process, the LA and family agree that family and friends carers should seek to gain parental responsibility to achieve legal security and permanence for the child in circumstances where without this private law application the LA would initiate care proceedings, the LA will cover the cost of legal advice for the prospective family and friends SGO carers up to a maximum of £500 and the court fee in respect of issuing the SGO application.
- 7.2 The LA will also provide financial contribution to legal advice for assessed prospective family and friends SGO carers where SGO is the preferred care plan within care proceedings. The financial contribution will be limited to a maximum of £500.

8. Child Arrangements Order (CAO) Financial Support Policy

8.1 Financial support for family and friends carers who are caring for a child subject to a CAO is not subject to statutory regulation. Nonetheless ESCC recognise that a CAO is sometimes the most proportionate arrangement to secure the safe care of a child and normalise family life for the child, enabling them to be cared for by a family and friend carer who shares parental responsibility with their parents and who can make most decisions on behalf of the child. The LA's financial support policy for CAO's therefore mirrors our financial support arrangements for SGO's as we expect the decision about the most appropriate order to be based on the needs of the child, not the level of financial support available.

8.2 The following principles are highlighted:

- A decision to provide a periodic CAO allowance can only be made in ESCC by a Head of Service.
- Where a person, other than a parent, is seeking to make a long term and substantial commitment towards a child by means of a CAO, this commitment by the individual should generally include a willingness to meet costs associated with such a commitment.
- Where payable, a periodic CAO allowance is set at the equivalent of the fostering maintenance allowance for a child of that age. The amount of the CAO allowance does not generally include any reward element and the actual level of payment in each case will be determined by a financial assessment (means test). ESCC uses the DfEs recommended standardised means test model.
- It is not the function of the LA to accept responsibility for income maintenance. Financial support should not duplicate any other payment available to the carer. In determining the amount of any financial support, the financial assessment must take into account the financial resources of the carer and the child as set out in paragraph 6.8 above.
- Payment of financial support is subject to review in accordance with paragraphs 6.15-6.19 above to determine that payment of the allowance is still appropriate.
- The payment of a period CAO allowance may affect receipt of benefits and advice should be sought of the appropriate Benefit Agency. Help in determining eligibility to benefits can be provided by a Department of Work and Pensions (DWP) adviser.
- The LA will provide financial contribution to legal costs for CAO applicants in the circumstances and terms set out at paragraph 7 above.

Appendix A: Sussex Local Authority Family and Friends Protocol

Being an identified part of the Public Law Outline

1. Context and aims of the Pan-Sussex Protocol

Identification and engagement of the wider family can play a critical role in promoting positive outcomes for the children concerned and reducing delay.

At the outset of the Local Authority's involvement with a family the Local Authority needs to consider all alternatives with regards to care planning to ensure the best outcome for a child within their timescales.

Nothing in the Protocol developed between the authorities should suggest that where families are asked to engage in social work assessment, the permanent removal of the child from their parents care is inevitable.

This document has been drafted in conjunction with discussions with representatives from each of the three Local Authorities.

This Protocol is intended to supplement the guidance given in the Public Law Outline, Fostering Services (England) Regs 2011 and Special Guardianship Regulations 2005. It is aimed to be a useful guide and reference point for practitioners in the hope that the timetable of the child for achieving optimum care with carers to whom they can form permanent attachments is promoted, and where possible care proceedings are avoided. In the event that care proceedings are necessary Sussex Family Courts will be in a stronger position to complete care proceedings cases justly within 26 weeks.

It is also intended to improve the quality of social work assessments and plans submitted to court in such cases, so that social workers can demonstrate expertise in their own professional field, and promote a greater understanding of the nature of the assessments required in order to make good decisions about permanent alternative care of children.

The protocol sets out the common approach and expectations that the Sussex Local Authorities have with regard to:

- (a) Identifying family and friends at the earliest point possible so that consideration as to available family support and potential alternative carers can be considered as part of the care planning for the child at an early stage.
- (b) Where care proceedings are contemplated and the pre proceedings protocol is commenced identifying family and friends as part of the pre proceedings protocol with the role of the "letter before proceedings" and "pre-proceedings meetings" with the parents and their legal representatives playing a key role
- (c) The role of Family Group Conferences /family meetings
- (d) Developing a genogram
- (e) Social Worker viability assessments
- (f) Social Worker evidence at issue of proceedings: identifying family and friends issues at issue of proceedings if unable to do at pre-proceedings stage
- (g) Timescales for providing full assessments of Family & Friends within care proceedings
- (h) Assessments as potential foster carers: process, good practice and legal requirements

- (i) Assessments in relation to Special Guardianship Orders: process, good practice and legal requirements
- (j) Where a Panel or ADM decision is required
- (k) Developing support plans including impact on parents' contact of increasing contact with relatives as part of the assessment-need for consideration and endorsement by court of amended care plans acknowledging that a 26 week timetable will not allow a lengthy "testing out" period within proceedings.
- (l) Timing of Placement

2. Relationship to Revised Public Law Outline (PLO)

The approach envisaged by this Protocol assists the capacity of the three Sussex Local Authorities to meet requirements of the revised PLO in the following respects:

Much earlier consideration of the role of extended family and friends with the capacity to support the parents in maintaining care of their child, and/or offer an alternative home to the child if the parents may not be able to make the necessary changes within the child's timescales in order to ensure timely intervention and alternative approaches have been considered and assessed in order to avoid unnecessary delay for the child.

Earlier involvement of parents, their representatives and legal advice in the process, with the 'letter before proceedings' and associated meeting being integral to the identification of family and friends if this has not been able to take place earlier or further consideration as to the role they may play needs to take place.

3. Key Principles for Local Authority Practice outside of court proceedings:

3.1 Timetable for the Child

At the outset of and throughout the Local Authority's involvement with a family, the Local Authority will consider all alternatives with regards to care planning. This is not to prejudice a parents' position but concurrent planning is essential in order to ensure the best outcome for a child within their timescales.

3.2 Expectations pre- proceedings

Where care proceedings are considered necessary, the effectiveness of pre- proceedings work is critical to the timetable for court proceedings, and the timetable of the child. As part of social work conducted prior to the issue of any subsequent proceedings, local authorities will request parents to provide details of family members who can offer support, assistance and possibly alternative homes for the children, at an early stage. The Protocol sets out a series of expectations which are designed to enhance and promote the timely identification and assessment of family and friends.

3.3 Care Planning where Child Protection Issues identified

It is a key principle within family law that children should, wherever possible and when it is safe to do so, be cared for within their own family. The Local Authorities recognise that a family support network can often play a key role in supporting the family through times of crisis and ensuring that a child is able to remain in the care of their family. It is therefore important that the capacity of friends and family to provide support and/or alternative care either on a short term or long term basis is explored at an early stage of the local authority's involvement.

At the stage that the Local Authority commences child protection procedures and particularly at the care planning stage the Local Authority will consider the extended

family and support networks available and the role they may play in safeguarding the child/supporting the family. The Local Authority will, at this stage, consider whether a Family Group Conference should be convened. It is essential that this happens pre-proceedings wherever possible as it is unlikely that timescales will allow an FGC to take place within 26 weeks once proceedings are issued. The FGC may then trigger an immediate viability assessment of family members either as supports to the parents or possible alternative carers.

If there is an issue with regards to paternity the Local Authority will consider facilitating DNA testing at an early stage and thereafter the involvement of the paternal family. This may have an impact on the timing of any Family Group Conference.

3.4 Family Meetings/Conferences

If alternative carers are identified the Local Authority will consider the need to undertake a viability assessment, making reference to the Eligibility Criteria: Factors to be considered in assessing family and friends carers ([Appendix 1](#)) If the Local Authority decides not to undertake a viability assessment, the reasons for this will be explained to the proposed alternative carer and the parents, with reference to the Eligibility Criteria.

In the event that a full formal Family Group Conference cannot take place or has not taken place, this should not prevent the social worker exploring with the parents the options for them to receive support, advice and guidance from family members, and to explore whether family members might offer the children a home either in the short or long term.

3.5 Genograms

In all cases a comprehensive family tree should be drawn up at the earliest opportunity. It should be formulated both on the basis of information already known to the local authority and as part of the process of proactively considering with the parents the need for early identification of sources of support and potential alternative carers.

Where it is known that some elements of the family are no longer in contact with each other, or that there is a schism in the relationships of the wider family, this should be identified and the implications considered by the social worker.

3.6 Viability assessments

Wherever it is practicable to do so on the timescales available local authorities will seek to conduct viability assessments of any family and friends putting themselves forward as potential alternative carers prior to the issue of proceedings. The viability assessment will apply the Eligibility Criteria; Factors to be considered in assessing family and friends carers ([Appendix 1](#)).

3.7 Letter before proceedings and pre -proceedings meetings

The three local authorities will operate to the standards agreed in the Pan Sussex pre-proceedings protocol where care proceedings are being contemplated. There is consensus between the three Local Authorities that in “slow burn” cases (as opposed to “crisis” cases) that the aim will be to have pre-proceedings meetings at a much **earlier** stage of the process, to allow the parents to have access to legal advice when there is a greater chance of changes being made and sustained following any intervention or assessment discussed at the meeting, so enhancing the prospects of avoiding the need for later proceedings.

A ‘letter before proceedings’ is the trigger for non-means, non-merits tested publicly funded legal advice and assistance. The letter before proceedings will state what concerns need to be addressed by the parent, what support will be provided by the local

authority to help, and identify any enhanced assessments that the authority are proposing. Although consideration will have already been given to the role of family and friends the letter will specifically identify the need for family members to be identified as soon as possible, as possible sources of support or as alternative carers if the parents cannot make the changes identified as necessary.

The letter before proceedings will invite the parents and their legal representatives to a meeting before proceedings with the local authority, social worker and their legal representative. The meeting before proceedings will be chaired by the local authority. Local authority lawyers will attend and conduct the meeting in compliance with the relevant Law Society protocol.

The meeting will identify the concerns of the local authority and what work needs to be undertaken and within what timescales in order to address the concerns. Consideration will have already been given to family and friends, and if the parents have been unwilling or unable to provide details or a decision was made not to hold a family meeting/conference this will be reconsidered at the meeting before proceedings. At that meeting the parents will be asked to identify family and friends for the purposes of evaluating their capacity to offer support to the parents, and/or as potential alternative carers for the child, in the event this becomes necessary because the parents are unable to address the concerns identified by the authority.

If it is already clear before the letter before proceedings is sent that the parents are refusing to share wider family details then this should be specifically raised as a point to be addressed both within the letter before proceedings, and also at any pre- proceedings meeting.

In the event that parents remain unwilling to identify wider family and friends, or share their contact details, they will be requested to give clear cogent reasons for not doing so. It is recognised that there can be some rare circumstances in which the communication with some individuals about a family's circumstances may pose an unacceptable risk to the wellbeing of the child and family.

In the event that parents do not provide cogent reasons for refusing to identify family and friends for potential evaluation they will be advised by the social worker that their approach to this issue will form part of the local authority's evidence in the event the matter goes to court. They will also be advised that if care proceedings are issued the court will expect them to identify potential alternative carers by Day 12 of the proceedings, if they wish the court to consider an alternative to foster carers or adopters where this is the plan of the authority.

4. Expectations of local authorities upon the issue of proceedings

*"A case presented in proper shape on day 1 will proceed much more quickly and smoothly than a case which reaches the court in an unsatisfactory state"*¹

This element of the Protocol is in addition to any national expectations promoted by the National Family Justice Board or the revised Public Law Outline.

4.1 Court Documentation

Whenever it is safe to do so care proceedings should not be issued until the local authority has prepared to a satisfactory standard all the Annex Documents required under the revised PLO to be filed alongside the application form. These will include any viability assessments already conducted, and the minutes of an FGC.

¹ Sir James Munby, President of the Family Division: View From the President's Chambers(2)
Family and friends policy and guidance

The initial social work statement in all ‘slow burn’ cases will follow a standardised model across the three local authorities.

The Local Authority will include in the initial statement brief details of the efforts made to involve family and friends in the child protection process, the outcome of any assessments and any proposals for further assessment if they are proposed. It will also specify if any directions are being sought in this regard and include any interim care plan proposals for family and friends.

5. Requirements of the parents under the PLO

In preparing for the first interim hearing local authority lawyers will proactively consider how to promote effective compliance with the timetable of the case following issue.

Where family and friends have not already been identified, parents are required to file proposals by the time of the first Advocates Meeting by Day 10, and prior to the Case Management Hearing (by Day 12). The Local Authority will endeavour to complete viability assessments by the end of week 4 of the proceedings, if not undertaken pre-proceedings. There may be occasions where this is not possible due to a need for multiple assessments or the geographical location of the potential carers. If the outcome of the viability assessment is positive the Local Authority will confirm by week 5 its proposals for further assessment, or in the event of a later filing date being confirmed within 7 days of the viability assessment having been completed.

If alternative carers are identified within proceedings and assessments of them are to be undertaken then the Local Authority will, if this has not already been outlined, consider amending the care plan in order to set out contact proposals between the child and potential alternative carer for the purpose of the assessment and/or establishing or maintaining a relationship between the child and the person being assessed. This will be considered on a case by case basis, particularly in those circumstances where more than one assessment of family members/friends is being undertaken. In such a case efforts will be made to identify who the forerunner is based on the needs of the child which will be obtained via the social work assessment and/or viability assessment.

In order to ensure that contact meets the needs of the child this could mean a reduction in the parents’ contact. This is not intended to prejudge any assessments that are ongoing in respect of the parents but would be to establish or maintain relationships between the child and proposed carer in order to ensure that their relationship can be considered as part of the assessment and avoid any unnecessary delay in the child being placed with that carer if that was the eventual care plan approved by the court.

6. Full Assessments of family and friends as alternative carers: process, good practice, legal requirements and timescales

In most cases it is likely to take up to 12 weeks to complete safe and robust full assessments ([Appendix 2](#)), with the aim to complete assessments by week 16 of the proceedings (subject to when the Local Authority was provided with details of individuals to be assessed). In exceptional cases where the issues are more straightforward it may be possible to reduce these timescales. Also, if at any stage during the assessment process it becomes apparent that the outcome will be negative, the matter must be returned to court for re-timetableing.

Fostering & Adoption Agency Regulations currently require assessments of unrelated foster carers or adopters to be completed in 6 months. This recognises the complexities of the task of parenting someone else’s child either on a temporary or permanent basis. Fostering Regulations affords temporary foster carer approval to Family & Friends carers for a period of 16 weeks to enable an assessment to be completed, in recognition of the

complexities involved in assessing Family & Friends carers for children unable to be safely cared for by their parents. These complexities can include the following:

- Whilst many Family & Friends carers have an existing relationship with the child they are being assessed to care for, this relationship may not always be straightforward or uncomplicated, and where there is not an existing relationship this has to be given time to develop.
- Taking on the care of a child who has been neglected and abused requires priority to be afforded to that child above all other relationships.

Close kinship ties can also make it difficult for carers to accept concerns about the parents in order to enable them to prioritise the child over their relationship with family/friends.

Carers have to manage painful feelings raised for children during contact with their birth parents, which can in turn negatively affect their relationship with the parents. Managing this process for the child can and often does cause conflict within families and represents a challenging ongoing dynamic for Family & Friends carers to manage.

Sufficient time is needed in the assessment process to allow carers to explore these issues and assess capacity to address them. If insufficient time is allowed for this process, it may lead to a negative assessment which might then prevent the child remaining in his/her birth family. The child's welfare must always be paramount when considering these timescales, as enshrined in The Children Act 1989.

Family & Friends carers have to make significant lifestyle adjustments in committing to care for a child or children in their network; changing life plans and adjusting relationships with immediate and wider family members and developing an understanding of the complex issues involved both for the child and themselves. The assessment process must allow sufficient time for due consideration of these issues if there is to be a confidence in any permanent arrangements made for a child.

While it will not always be the case that children will be placed with family members who need to be approved as foster carers, the same principles outlined above are likely to apply where the recommendation is to place the children under Residence or Special Guardianship Orders. The aim will be to secure legal permanence for the child in the most timely and appropriate manner.

In all cases good practice determines that DBS (formerly CRB), medical and financial checks need to be undertaken before a child is placed with permanent alternative carers and these can take several weeks/months to complete, particularly if carers live out of area.

6.1. Assessments in relation to Special Guardianship Orders: process, good practice and legal requirements.

In addition to the issues to be considered as set out above, where a Special Guardianship Order is sought the report for the Court must deal with the following²:

- a) the suitability of the applicant to be a special guardian
- b) each of the substantial list of factors set out in the Schedule to SGR 2005

² s 14A(8), (9) CA 1989, reg 21 and Schedule SGR 2005; and FPR 2010, r 12.18(1)

- c) the implications of making a special guardianship order for the child, family and special guardian
- d) the relative merits of the various orders the Court could make
- e) any other matter the LA considers relevant

6.2. Where a Panel or ADM decision is required

If the assessment is positive, it will not be necessary to seek a Panel/ADM decision unless the plan is to place the child under the Fostering Regulations, with the carers as approved foster carers. It is unlikely that the 26 week timetable will allow for this during proceedings.

In any event it will be necessary to have any Panel/ADM date which is required booked before final evidence is filed between week 16 and 20 of the proceedings. Therefore, there will need to be close liaison between professionals undertaking the family and friends assessment and the child's social worker to ensure that the Local Authority is ready to file final evidence between week 16 and 20, whatever the outcome of the Family and Friends assessment.

6.3. Developing support plans

Support plans will be developed alongside the assessment so they can be considered with the assessment once completed. In cases where it is necessary for any financial contribution or other support package to be approved by a panel or senior manager then the date of such panel or meeting will be booked and confirmed once the assessment has been allocated and will take place prior to the support plan being finalised.

It is expected that proposed carers will provide the assessor with their financial information, GP details, documents and information to enable DBS and other checks to be undertaken and details of their 3 referees at the outset of an assessment to avoid delay. The proposed carers will be provided with a package of information at the outset of the viability assessment which will include the Eligibility Criteria and assessment forms. It is expected that the proposed carers will provide the local authority with this information expeditiously. They will also be advised that any information they provide will not necessarily remain confidential, due to the need for transparency in decision-making.

It is expected that as part of the assessment process the assessor will explore with the proposed carers their proposals for contact and support on a longer term basis.

7. Timing of Placement

This will need to be considered on a case by case basis with the child's timetable the paramount consideration.

A flowchart setting out the proposed timescales for the whole process is attached at [Appendix 3](#).

The signatories to the Protocol are the three local authorities across Sussex:

East Sussex County Council

West Sussex County Council

Brighton and Hove City Council

Pan Sussex Protocol APPENDIX 1: Sussex Protocol Eligibility Criteria

Factors to be considered when assessing family and friends carers

The qualities and abilities that make a good family and friends carer are:

The social workers who undertake your assessment, will look at whether you have:

- Long term commitment to the child throughout their childhood and ability to put their welfare first, even when it conflicts with loyalty/ concern for the birth parents.
- Understanding and acceptance of the real reasons that the child's parents are unable to care for the child.
- Ability to protect the child from further harm.
- Ability to deal with the strain of changing family roles.
- Sufficient support network.
- Sufficient time and space to devote to everyone in the family.
- Capacity to offer warm, stimulating care.
- Capacity to understand, adapt to and meet the child's changing needs.
- Ability to promote the child's educational and health needs.
- Commitment to helping the child develop an understanding of their history and promote a positive identity, including their ethnic and cultural heritage.
- Capacity to be realistic about the possible problems and special needs which the child may present.
- Capacity to work with professionals and to seek out and accept help.

What makes a family & friends carer unsuitable?

Although we believe it is better for a child to live with someone to whom they already have a connection, there are several reasons why we might not recommend a child lives with them. These can include:

- **Health** - where your medical and/or psychiatric history and current state of health give serious cause for concern about your future health prospects
- **Age** - where the medical opinion is that you may not survive all the years of the child's dependence or retain sufficient energy and vigour to meet the child's needs until independence.
- **Drug/alcohol problems** - if you have a drug or alcohol dependence that is likely to affect your ability to offer safe care.
- **Criminal record of prospective carer and adults in the household** - Certain types of offences will automatically bar the offender from caring for a child. Other offences will need to be discussed in detail to establish if they may impact on the care of the child.

- **Housing** - where the current accommodation is temporary, overcrowded and/or poorly maintained and there are no realistic prospects for re-housing within near future or arrears of payment so significant that you could be at risk of losing your home.
- **Work/lifestyle** - where your work responsibilities and/or leisure pursuits severely limit the time available for childcare.
- **Family composition** - where the needs of other children and or dependent adults in your household/network or regular visitors are likely to conflict with the needs of the child you are offering to care for.
- **Parenting concerns** - where there have been serious difficulties in how you parented your own children, particularly a history of abuse and neglect.
- **Understanding children's needs** - Inability to demonstrate an understanding of children's development and needs.
- **Meeting needs of a specific child** - Unwillingness or inability to understand or meet the identified educational, medical or emotional needs of the child, including for those who may require a high level of specialist care.
- **Protecting the child** - Unwillingness or inability to protect the child from abusive parents and enforce restrictions on contact with birth parents.
- **Working together** - Lack of co-operation with Children's Social Care and other professional services.
- **Finance** - where your current income and/or level of debt means you cannot protect your family from losing fuel and food.

Pan Sussex Protocol APPENDIX 2: Sussex Protocol Timescales

Fostering & Adoption Agency Regulations currently require assessments of unrelated foster carers or adopters to be completed in 6 months. This recognises the complexities of the task of permanently (or temporarily) parenting someone else's child. Fostering Regulations afford temporary foster carer approval for Family & Friends carers with 16 weeks to assess.

To assess family and friends carers we are requesting 12 weeks. In many respects a family and friends assessment is more complex as individuals have to demonstrate an acceptance of professionals' concerns regarding their family/friends and in many cases evidence a change in their thinking in order to prioritise the child.

DBS (formerly CRB) checks are required - A correctly completed and uncomplicated application can take on average 3- 4 weeks but can take longer for example where enhanced checks are needed and undertaken against barring lists and where the police are required to check their records. DBS checks can only be chased after 60 days and then the DBS service has 10 days to respond.

Medical checks must be undertaken for all of the people being assessed, meaning medical appointments need to be arranged for each individual.

Assessors meet with the family to understand the needs of the child and the ability of the carers to meet those needs on a short and long-term basis.

Assessors have to get 3 references for the individuals being assessed and have to visit the referees which amounts to at least another 3 sessions.

Assessors have to meet with the whole family to consider and draw up a support plan and to also consider contact.

Assessors have to give full consideration to the needs of the child, their situation and network in consideration of what final orders are most appropriate.

In the event that an SGO is considered the most appropriate order the LA has to (usually) fund one off legal advice for the individuals so that they can fully consider the implications of an SGO. This has to also be factored into the assessment time.

Pan Sussex Protocol APPENDIX 3: Assessment Flowchart

The picture is not accessible content, for an accessible version please contact the policy author.

