

## Derby City Council Friends and Family Policy

### 1) Introduction

Most children are brought up by one or more of their parents, but it has been estimated that up to 300,000 children are cared for by a relative, friend or other person previously connected with the child.

*'Family and friends carers play a unique role in enabling children and young people to remain with people they know and trust if they cannot, for whatever reason, live with their parents'*. Family and Friends Care (Department for Education, 2010).

Family and friends carers are relatives, friends and other people with a prior relationship with somebody else's child, who are caring for him or her full time. One of the common concerns expressed by family and friends carers is that they are not given clear information about the different legal options, the types of support available to them, including financial support available, and the kind of social work involvement that will be necessary.

This guidance summarises Derby's policy and procedures regarding Family and Friends care. Its primary aim is to give information about the various legal options open to family and friends carers, how family and friends carers can be supported, and where they can access additional advice and support from organisations that specialise in supporting families.

It is not intended to be comprehensive guide to every aspect of family and friends care and how the local authority works with family and friends carers.

There may be times when it will be necessary to seek your own legal advice about the best option for your and the child's situation.

Please note that throughout this document:

- Wherever the term 'parent' is used, it includes those who may hold parental responsibility but who are not a birth parent.
- Wherever the term 'looked after' is used – this means where the Local Authority have a formal responsibility for a child
- Wherever the term 'Connected Persons' is used - this refers to the family and friends caregiver, this can be a person who holds a Special Guardianship Order for a child, a family and friends foster carer, or a person who holds a Child Arrangements Order in respect of a child.

## **2. Summary of Legal Options for Connected Persons (Family and Friends)**

### **2.1 Informal Kinship Care**

This is an arrangement made directly between the parent(s) and the informal kinship carer. Informal care happens if:

- The child is over sixteen (if not disabled) and/or
- The child is cared for by either a parent or a 'close relative'. A 'close relative' means grandparent(s), brother(s), sister(s), uncle or aunt (by full blood, half blood or by marriage or civil partnership) or a step parent(s) and/

or

- The person looking after the child cares for them for less than 28 days and the person does not intend to accommodate them for 28 days or more.

The child is not a Looked After Child under this arrangement – and there is no need to formally notify the Local Authority of this. The parents are the only people who have Parental Responsibility.

An example of such an arrangement would be where your neighbour was looking after your children for a few days whilst you went into hospital for an operation. However, if the children ended up staying with your neighbour for more than 28 days – this then becomes a Private Fostering arrangement and steps need to be taken to notify the Local Authority.

### **2.2 Private Fostering**

This is a private arrangement where a child (under 16, or under 18 if disabled), is being cared for, for 28 days or more (or the intention is that the arrangement will last for 28 days or more), by anyone who is not a close relative and who does not have parental responsibility. A close relative means grandparent(s), brother(s), sister(s), uncle or aunt (by full blood, half blood or by marriage or civil partnership) or a step parent(s).

The child is not a looked after under this arrangement. However, private foster carers must give the reception service of Derby Children's Social Care at least 6 weeks' written notice of their intention to foster a child privately. If you are already caring for a child who is privately fostered, you must notify Children's Social Care immediately.

Sometimes an arrangement that looks like informal kinship care is a private fostering arrangement. For example, a family friend or distant relative (like a cousin). The parents are the only people who have parental responsibility.

### **2.3 Connected Persons Foster Care (Family and Friends)**

There are lots of practical reasons why a child may not be cared for by its birth family. The child may be looked after voluntarily with the agreement of those holding parental responsibility. The child may be looked after and subject to a Care Order, interim care order or Emergency Protection Order – where parental responsibility is shared between the Local Authority and the parents. The Local Authority has a duty to look after certain children. The duty arises if a child is found to be a Child in Need (which will be assessed by a Social Worker) and

- There is no one with parental responsibility for them or
- The child has been abandoned or is lost or
- The carer cannot provide suitable accommodation for the child for whatever reasons or
- When a child is over 16 and the Local Authority consider his welfare is likely to be seriously prejudiced if accommodation is not provided

The Local Authority also has a responsibility to protect children, so that if it was concerned that a child was suffering or likely to suffer Significant Harm then the Local Authority can ask the court for a care order.

In all of these circumstances – the Local Authority is considered to be looking after the child and anyone caring for the child has to be an approved foster carer.

If a child is no longer able to stay with their birth family, and becomes a looked after child, Children's Social Care have a duty to give preference to a placement with a relative, friend or other person connected with the child, as long as this promotes the child's welfare.

If the child is looked after, friends or relatives have to go through an assessment and approval process before a child can be placed.

### **2.4 Child Arrangements Order**

A Child Arrangements Order is an order from the court to say who a child should live with and have contact with. Relatives/Friends can apply for a Child Arrangements Order. To be able to do this you must either be:

- A party to a (current or dissolved) marriage/civil partnership where the child was part of the family;
- A relative with whom the child has lived for one year immediately before the application;
- A person with the consent of those who hold a Child Arrangements order;
- A person with the consent of the local authority, where child is in local authority care;
- A person with the consent of those with Parental Responsibility (if there is no Child Arrangements order or care order in force);
- A local authority foster carer with whom the child has lived for one year preceding the application; or
- Anyone who the child has lived with for three of the last five years (the application must be made no later than three months from the date the child stopped living there).

If you do not fall into one of these categories you must get the permission of the court to apply for a Child Arrangements Order.

For some older children, or those for whom adoption is not appropriate, a Child Arrangements Order may be a good option.

You share Parental Responsibility with the parents of the child, but they do not have the right to interfere with the day to day management of the child's life. The Child Arrangements Order holder has the right to decide such matters. This arrangement lasts until the child is 18 years or until the child has been out of the care of the Child Arrangements Order holder for over 6 months when the Order automatically lapses.

## **2.5 Special Guardianship Order**

Special Guardianship is applicable for a child of any age.

Relatives/Friends can apply for a Special Guardianship Order. To be able to do this you must either be:

- A guardian of the child;
- Anyone currently holding a Child Arrangements order;
- A relative with whom the child has lived for one year immediately before the application;

- A person with the consent of those who hold a Child Arrangements order;
- A person with the consent of the local authority, where child is in local authority care;
- A person with the consent of those with Parental Responsibility (if there is no Child Arrangements order or care order in force);
- A local authority foster carer with whom the child has lived for one year preceding the application; or
- Anyone who the child has lived with for three of the last five years (the application must be made no later than three months from the date the child stopped living there).

If you do not fall into one of these categories you must get the permission of the court to apply for a Special Guardianship Order.

Special Guardianship does not completely break the legal link with the child's parent(s). However, it does mean that the Special Guardian can take most significant decisions about the child and their upbringing, without having to consult with the child's parent(s).

## **2.6 Adoption Order**

Relatives/Friends can apply for an Adoption Order. To be able to do this either:

- Anyone can apply to adopt a child they have been caring for, when the child has lived with them for a total of 3 years out of the last 5 years.
- Anyone who is a local authority approved foster carer can apply for an adoption order after caring for a child for a year.
- The Local Authority has placed the child with you following obtaining a Placement Order or the parent has formally consented.

If you do not fall into one of these categories you must get the permission of the court to apply for an Adoption Order.

Unless the child has been placed with you by an adoption agency, you must notify the local authority for the area where you live of your intention to apply for an Adoption Order. Where the child is not placed by an adoption agency an adoption application cannot be made until at least 3 months after the notification is received.

Adoption legally cuts the link with birth parents. So that you are legally the parent of the child and the birth parent has no right to interfere in the exercise of your parental responsibility.

### **3. Further Information on Each Option**

#### **3.1 Informal Kinship Care**

This is an arrangement made directly between the birth parent(s) and the informal kinship carer. An informal kinship carer can be a friend or relative or someone else with a prior relationship with the child. The Local Authority does not have a duty to assess these arrangements unless it appears to the Local Authority that it is necessary to promote and safeguard a child in need in their area. The child is not a looked after child under this arrangement.

- Who has Parental Responsibility?

Parental Responsibility remains with the birth parent(s). The informal kinship carer is allowed to do what is reasonable to safeguard and promote the child's welfare.

- What is the assessment and approval process?

There is no 'approval' process unless the child is privately fostered. This is an arrangement made by the child's parent(s). It is the child's parent(s) who make the decision about where the child will live. Informal kinship carers may request an assessment by the Local Authority. If the Local Authority undertakes an assessment, it will be a single assessment which has to be completed within 45 working days.

Any assessment would look at issues such as the impact of the arrangement, accommodation, financial arrangements, child care arrangements, education, contact arrangements and any particular difficulties of the child, parent or carer.

An assessment will ensure, so far as possible, that the child actively participates in the assessment and their wishes and feelings should be taken into account.

This process will lead to a decision as to whether the child in your care meets the criteria as a 'child in need'. This assessment will assist the parent(s)/those who hold parental responsibility to make a decision about who is most suitable for the child to live with and will assess the support needs of the child.

The assessment will be used to consider if the child meets the criteria to receive any support/services as a "child in need". If the child is a 'child in need' then the LA will ensure that it considers the capacity and willingness of other family members to care for the child in the short and long term.

- How long can the child/young person live in this arrangement?

For as long as the parent(s) are in agreement.

- Will there be any supervision of the placement?

Not by Children's Social Care. It is the responsibility of the parent(s) to ensure that the child is being looked after properly.

- Will the placement be reviewed?

No.

- What services/resources will be available to support the placement?

Depending on the outcome of any assessment, Children's Social Care has the discretion to provide support services under Section 17 of the Children Act 1989.

A social worker or other worker from Children's Social Care may visit the child and their informal kinship carers – although the carers will not have access to a separate social worker. Support services for the family may be offered to the informal kinship carers and/or child.

Local authorities have the power under Section 17 to give financial support to accommodation costs where this is assessed to be the most appropriate way to safeguard and promote the child's welfare whilst more permanent arrangements are put in place.

Any support offered is reviewed and will cease on the young person's 18th birthday, unless the young person has already acquired entitlement to support as a care leaver from having previously been looked after, or criteria is met for support from adult services.

Derby Family Information Service offers up to date quality information, advice and guidance on anything you might want to ask about when you are raising a family. The Family Information Service provides information and advice to any family with a child under 19. This includes information and advice on specialist services, support groups, mediation services and local contact centres.

Information, advice and guidance on a range of family matters can be accessed by the Family Information Directory on the internet which provides a range of information, advice and guidance on a range of family matters.

Local Children's Centres can be contacted to find out what support they could provide. There are a number of activities targeting parents and carers which families may want to access throughout the week and these include, information, advice and guidance on a range of family issues, advice about child development, activities to support school readiness, parenting education and support, advice about access to work.

If additional support is required then an Early Help Assessment may be helpful to identify the support needs and help to access additional services. More information is available on the internet.

- Will there be any financial support available?

Financial responsibility to maintain the child remains with the parent(s).

Informal kinship carers can claim Child Benefit and if applicable Child Tax Credit and Disability Living Allowance if these are not being paid to the parent. You can find out more information by visiting the website, [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk).

You may be entitled for Guardians Allowance. This is payable by the government if you are looking after someone's child and both of the child's parents have died (in some circumstances you can get this payment if one parent has died).

Whilst each college has its own application process, the young person's entitlement to a 16 to 19 Bursary is usually based on the income of the informal kinship carers.

The Local Authority has discretion to give financial assistance, but there is no entitlement to financial support under section 17 of the Children Act, 1989. In most cases the Local Authority would expect you to have been to have had benefits advice before you approach the Local Authority for financial assistance.

You need to be aware that any section 17 payments will be taken into account by the Benefits Agency as part of the means testing process.

If financial support is considered it will be calculated using a financial assessment form and the Local Authority requires evidence as to your income and outgoings.

The Local Authority also has the discretion to consider one off payments to you.

Each case would have to be looked at carefully to assess whether such assistance under Section 17 is necessary.

A child informally cared for has no entitlement to leaving care support.

The Local Authority Social Workers cannot give you legal advice, so if you are unsure about any aspect of this or wish to discuss it with someone else, then you



should consider getting your own legal advice by contacting: [www.direct.gov.uk](http://www.direct.gov.uk) or you can telephone 0800 055 6688. Lines are open 8.00am- 6.00pm.

### **3.2 Private Fostering**

This is a private arrangement whereby a child (under 16 years old, or under 18 if disabled), is being cared for, for 28 days or more (or the intention is that the arrangement will last for 28 days or more), by anyone who is not a close relative and who does not have parental responsibility.

A close relative means grandparent(s), brother(s), sister(s), uncle or aunt (by full blood, half blood or by marriage or civil partnership) or a step parent(s).

The child is not a looked after child under the arrangement. However, private foster carers and anyone involved in making the arrangements and anyone with parental responsibility for the child must give Children's Social Care at least 6 weeks' written notice of their intention to foster a child privately. You and the parent must again contact Children's Social Care 48 hours before the child is actually going to start living with the carer.

If you are already caring for a child and you have only just found out that you need to notify Children's Social Care of the arrangement, you must do this immediately.

When notifying the Local Authority of private fostering arrangements you need to contact : Derby City First Contact Team on 01332 641172. There is a list of information that you should provide to the Local Authority when notifying them of the arrangement at Annex A of this document. If you do not have all of this information do not let this delay you notifying the Local Authority.

Sometimes, an informal kinship carer can also be a private foster carer. For example, a family friend or distant relative (like a cousin).

After the child's 16th birthday the arrangement becomes one of informal care.

- Who has Parental Responsibility?

Parental Responsibility remains with the parent(s).

- What is the assessment and approval process?

Children's Social Care has a legal duty to check whether or not the arrangement is suitable. The carer does not become an approved LA foster carer.

A social worker will visit the private foster carer and the parent(s) to discuss the arrangement. The social worker will complete an assessment and carry out reference checks with the police, probation service, local council, GP and education authority on the proposed carer. The Local Authority also has a duty to ensure the suitability of the members of their household.

The assessment will involve the social worker visiting the private foster carer at home and discussing a range of issues including their background and upbringing, parenting experience, relationships, support networks, the suitability of the accommodation, their health, financial situation and their relationship with the family of the child being privately fostered in particular contact arrangements.

An assessment will ensure, so far as possible, that the child is an active participant in the assessment and their wishes and feelings should be taken into account.

An assessment might include a family meeting in an attempt to resolve identified difficulties. The social worker will write a report based on the information shared with them, and then Children's Social Care will make a decision about their suitability to be a private foster carer.

If the placement is agreed, then a written agreement should be drawn up between the private foster carer and the parent(s) to make it clear who is responsible for what. The Local Authority will also provide information about the requirements of future visits and about when you must contact them.

If information is obtained which suggest the child or young person may be a "Child in Need" the Manager may authorise a Child in Need core assessment and Child in Need Plan.

- How long can the child/young person live in this arrangement?

For as long as the parent(s) and as long as Children's Social Care continue to agree that the carer is suitable to be a private foster carer.

- Will there be any supervision of the placement?

Yes. Children's Social Care has a duty to visit children who are privately fostered at a minimum of every 6 weeks in the first year, and then every 12 weeks after that. The need to visit more frequently may be determined by the Social Worker or their Manager or additional visits may be requested by the child or private foster carer.

- Will the placement be reviewed?

Yes. A review of the plan for the child has to take place at least 6 monthly.

- What services/resources will be available to support the placement?

As part of the assessment report the private foster carer's needs should be identified and a plan of how these will be met drawn up. Where appropriate, private foster carers will be facilitated to access existing training available to other foster carers and other kinship carers. Private foster carers should also be helped to access community resources.

The private fostering social worker will provide information to private foster carers about the advice and support that is available from Children's Social Care and from other agencies. Where appropriate, and with the private foster carer's agreement, a referral will be made to other agencies. Where there is an identified need for support, which is not available from other agencies, consideration will be given as to whether this support should be provided by Children's Social Care under Section 17 of the Children Act 1989. If the child you care for is disabled then after the age of 16 they meet the criteria as a 'qualifying child' for the provisions of the Leaving Care Act. To access Leaving Care Services please contact the Leaving Care service on 01332 64307 and explain the circumstances.

Derby Family Information Service offers up to date quality information, advice and guidance on anything you might want to ask about when you are raising a family. The Family Information Service provides information and advice to any family with a child under 19. This includes information and advice on specialist services, support groups, mediation services and local contact centres.

Information, advice and guidance on a range of family matters can be accessed by the Family Information Directory on the internet which provides a range of information, advice and guidance on a range of family matters.

Local Children's Centres can be contacted to find out what support they could provide.

There are a number of activities targeting parents and carers which families may want to access throughout the week and these include, information, advice and guidance on a range of family issues, advice about child development, activities to support school readiness, parenting education and support, advice about access to work.

If additional support is required then an Early Help Assessment may be helpful to identify the support needs and help to access additional services. More information is available on the internet.

- Will there be any financial support available?

Any financial arrangement is made between the private foster carer and the parent(s) and will not involve Children's Social Care. These arrangements should be included in the written agreement so that everyone is clear about what has

been agreed. Private foster carers may be able to claim child benefit and if applicable child tax credit and disability living allowance, if these are not being paid to the parent(s).

If private foster carers are already claiming any benefits, including child benefit, they will need to inform the Department for Work and Pensions (DWP) that they are privately fostering a child. They should also let the DWP know about any money they are receiving for private fostering by visiting the website [www.dwp.gov.uk](http://www.dwp.gov.uk).

Whilst each college has its own application process, the young person's entitlement to a 16 to 19 Bursary is usually based on the income of the carers.

For more information about private fostering please ask for a copy of "Somebody else's Child" information for parents and carers.

The Local Authority has discretion to give financial assistance, but there is no entitlement to financial support under Section 17. In most cases the Local Authority would expect you to have been to have had benefits advice before you approach the Local Authority for financial assistance.

You need to be aware that any Section 17 payments will be taken into account by the Benefits Agency as part of the means testing process.

If financial support is considered it will be calculated using a financial assessment form and the Local Authority requires evidence as to your income and outgoings. The Local Authority also has the discretion to consider one off payments to you. Each case would have to be looked at carefully to assess whether such assistance under section 17 is necessary.

The Local Authority Social Workers cannot provide legal advice, so if you are unsure about any aspect of this or wish to discuss it with someone else, then you should consider getting your own legal advice.

### **3.3 Connected Persons Foster Care (Family & Friends)**

If a child is no longer able to live with their birth family, and becomes a looked after child, Children's Social Care have a duty to give preference to a placement with a relative, friend or other person with a prior relationship with the child, as long as this promotes the child's welfare. For a looked after child to be able to stay with relatives, they have to have gone through an assessment and approval process.

The child may be looked after voluntarily with the agreement of the parent(s) or may be looked after and subject to a care order, interim care order or emergency protection order.

- Who has Parental Responsibility?

If the child is looked after voluntarily, under Section 20 of the Children Act 1989, parental responsibility remains with the parent(s). If the child is subject to a Care Order or Emergency Protection Order, Children's Social Care share parental responsibility with those who held it before the child was looked after.

- What is the assessment and approval process?

If a child is looked after by the Local Authority, placements may only be made with a relative or friend if they have been assessed and approved as foster carers. There are various regulations that the Local Authority has to comply with. They are too lengthy to go into in this document and the Social Worker who is allocated to your case will explain these processes to you so that you are clear about what is expected of you, how you will be assessed and what support will be offered during the assessment process.

In emergency situations a temporary placement with a connected person may be agreed by a senior manager for a period of up to 16 weeks following an initial viability assessment. This can be extended in exceptional circumstances for a further 8 weeks.

To be a fully approved Connected Persons Foster Carer an assessment of the friends/relatives capacity to care for the child will be completed by the Fostering Team. This is a rigorous process that takes many weeks and involves a number of visits to them in their home, and the completion of a Form C. This goes into detail about things like their background and childhood, previous and current relationships/marriage, support networks, experience as a parent(s), their relationship with the child's family and other relevant issues.

Carers will need to provide details of their income and names of people who are prepared to act as referees for them. An assessment will ensure, so far as possible, that the child actively participates in the assessment and their wishes and feelings should be taken into account.

Once the assessment is complete, the fostering worker will make a recommendation to the Fostering Panel. Prospective foster carers will be invited to attend the Fostering Panel if they would like to. The Fostering Panel makes a recommendation

to the Agency Decision Maker who has the final decision about whether or not someone is approved as a foster carer.

For details as to these processes please look at [www.derby.gov.uk/fostering](http://www.derby.gov.uk/fostering)

- How long can the child/young person live in this arrangement?

For as long as the Local Authority considers the placement meets the child's needs and is in line with the care plan.

- Will there be any supervision of the placement?

Yes. Children's Social Care have a duty to visit looked after children. If you are a carer who has been approved on a temporary basis then arrangements will be made that the child is visited every week until the first review, thereafter every four weeks.

If you are a fully approved carer the child's social worker will visit the child within the first week of the child being placed, then at least every 6 weeks for the first year and then at least every 3 months if the child is settled with you.

You will also have a fostering social worker who will visit you at least every 6 weeks. The fostering social worker will explain the process of annual reviews of foster carers' approval, and how foster carers are offered opportunities for training and development.

- Will the placement be reviewed?

Yes. Children's Social Care have a duty to formally review a looked after child's care plan within 28 days of the child becoming looked after, then within the next 3 months and then every 6 months until the child is no longer looked after. In addition the approval of the Foster Carers will be reviewed annually.

- What services/resources will be available to support the placement?

Registered foster carers will be supported by a fostering social worker who will visit on a regular basis. Carers will be required to attend training courses and will be offered the opportunity to attend support groups.

The child will receive support including support for their health and education needs. The child's social worker will discuss with you what services/resources you or the child may need to ensure the child's needs are met in the placement.

At the age of 16, a young person who is subject to fostering becomes eligible for the provisions of the Leaving Care Act. If you are caring for a young person in these circumstances this matter would be formally considered during the regular reviews. In addition to the specific support for the child and the foster carer there are general services available.

Derby Family Information Service offers up to date quality information, advice and guidance on anything you might want to ask about when you are raising a family. The Family Information Service provides information and advice to any family with a child under 19. This includes information and advice on specialist services, support groups, mediation services and local contact centres.

Information, advice and guidance on a range of family matters can be accessed by the Family Information Directory on the internet which provides a range of information, advice and guidance on a range of family matters.

Local Children's Centres can be contacted to find out what support they could provide. There are a number of activities targeting parents and carers which families may want to access throughout the week and these include, information, advice and guidance on a range of family issues, advice about child development, activities to support school readiness, parenting education and support, advice about access to work.

- Will there be any financial support available?

Yes. A weekly payment is made of an allowance to care for the child or young person. See the fostering policy for information and this will be discussed with you during an assessment.

Child Benefit and Child Tax Credits are not payable to foster carers for the child they are fostering.

Whilst each college has its own application process, a care leaver would be entitled to receive a 16 to 19 Bursary under the category of 'vulnerable student'.

The Local Authority Social Workers cannot give you legal advice, so if you are unsure about any aspect of this or wish to discuss it with someone else, then you should consider getting your own legal advice.

### **3.4 Child Arrangements Order**

A Child Arrangements Order is an order from the court to say who a child should live with.

Relatives/Friends can apply for a Child Arrangements Order whether or not the child has been looked after. The law enables relatives to apply for a Child Arrangements Order after having the child living with them for one year. For some older children, or those for whom adoption is not appropriate, a Child Arrangements Order may be the best option.

- Who has Parental Responsibility?

This is shared between the parent(s) and those to whom the Child Arrangements Order was given. However, the person with the Child Arrangements Order can make decisions to safeguard and protect the child and meet their day-to-day needs, without needing the permission of the child's parent(s).

You will need to discuss big decisions that need to be made with other parental responsibility holders – an example would be a decision about which school a child is to attend. There are rules about not being able to change the name of the child or removing them from the country for longer than one month– unless the others who hold parental responsibility agree.

- What is the assessment and approval process?

Applications for a Child Arrangements Order are made through the court. There will be an assessment of the applicant's suitability and how well they could meet the child's needs. Any assessment would look at issues such as the impact of the arrangement, accommodation, financial arrangements, child care arrangements, education, contact arrangements and any particular difficulties of the child, parent or carer. The wishes and feelings of the child and their parent(s) will be taken into account. An assessment might include a family meeting in an attempt to resolve identified difficulties.

If Children's Social Care have had previous involvement with the child or the child is looked after, they will be asked to carry out the assessment. If not, a CAFCASS (the Children and Family Court Advisory and Support Service) officer will undertake the assessment.

- How long can the child/young person live in this arrangement?

A Child Arrangements Order lasts until the child is 18.



- Will there be any supervision of the placement?

No.

- Will the placement be reviewed?

No. However, if a Child Arrangements Order allowance or support package is agreed by Children's Social Care, this will be reviewed on an annual basis. Any allowances are based on a means test which is reviewed annually so payments may change if your circumstances change. The Friends & Family team will also reassess that the placement is continuing to meet the child's needs.

- What services/resources will be available to support the placement?

There is no automatic entitlement to support but the Local Authority has the discretion to provide services/support for vulnerable children by its Multi Agency Teams or for the child/family under Section 17 of the Children Act 1989, if the child meets the criteria as a 'child in need'. This will be discussed during the assessment. In addition to any specific support identified there are various sources of support locally.

Derby Family Information Service offers up to date quality information, advice and guidance on anything you might want to ask about when you are raising a family. The Family Information Service provides information and advice to any family with a child under 19. This includes information and advice on specialist services, support groups, mediation services and local contact centres.

Information, advice and guidance on a range of family matters can be accessed by the Family Information Directory on the internet which provides a range of information, advice and guidance on a range of family matters.

Local Children's Centres can be contacted to find out what support they could provide. There are a number of activities targeting parents and carers which families may want to access throughout the week and these include, information, advice and guidance on a range of family issues, advice about child development, activities to support school readiness, parenting education and support, advice about access to work.

If additional support is required then an Early Help Assessment may be helpful to identify the support needs and help to access additional services. More information is available on the internet.

- Will there be any financial support available?

Child Benefit will be payable and if applicable, child tax credit and disability living allowance, if they are not being paid to the child's parent(s).

The Local Authority will consider financial support in certain limited circumstances.

The details of the criteria that are applied by the Local Authority are set out in the policy for financial support to holders of SGOs, CAOs and AOs and will be discussed with you during the assessment process, this scheme is means tested and the Local Authority requires evidence as to your income and outgoings. Any payments are subject to annual review.

If you do not qualify for financial support under the Child Arrangements Allowance scheme the Local Authority is able to consider support under s17 as has been outlined above.

The Local Authority also has the discretion to consider one off payments to you.

Each case would have to be looked at carefully to assess whether such assistance under section 17 is necessary.

Whilst each college has its own application process, the young person's entitlement to a 16 to 19 Bursary is usually based on the income of the carers. It may be that the young person qualifies to receive a bursary as a 'care leaver' –

(See relevant child/former relevant child below).

The Local Authority Social Workers cannot give you legal advice, so if you are unsure about any aspect of this or wish to discuss it with someone else, then you should consider getting your own legal advice.

### **3.5 Special Guardianship Order**

The Adoption and Children Act 2002 amended the Children Act 1989 introducing Special Guardianship Orders. Special Guardianship offers an option for children needing permanent care outside their birth family. It offers security without completely severing ties with the birth family. Special Guardianship is applicable for a child of any age, unaccompanied minors where there are significant links with the birth family, or where the birth family cannot be found. It offers greater stability and legal security to a placement than a Child Arrangements Order.

Special Guardianship does not completely break the legal link with the child's parent(s). However, it does mean that the Special Guardian can take significant decisions about the child and their upbringing.

- Who has Parental Responsibility?

Parental responsibility is shared between those who held parental responsibility before the Special Guardianship Order was made and those to whom the

Special Guardianship Order is given. However, Special Guardians can exercise parental responsibility to the exclusion of all others who share it. This means they can make most major decisions about the child's upbringing without the need to obtain agreement from those with parental responsibility.

They will need to get the consent of those they share parental responsibility with for some medical situations, and you cannot change the child's surname or remove the child from the United Kingdom for more than three months without consent of the others with parental responsibility.

- What is the assessment and approval process?

If someone is intending to apply to a court for a Special Guardianship Order they must give the Local Authority 3 month's written notice.

Once an application is made to the court for a Special Guardianship Order, the

Local Authority will be asked to make an assessment and prepare a detailed report. This will be carried out by the Child's Social Worker; a Social Worker will be allocated if the child does not have one.

The report will include details about the child and their family, details about the carer and their family, their background and childhood experiences, their experience as a parent(s), and relationship with the child's family.

An assessment will ensure, so far as possible, that the child actively participates in the assessment and their wishes and feelings should be taken into account.

Checks will also be made with the Police, Probation, Vetting and Barring Service (DBS), employers, GP, health and education. They will need to give details of their financial situation, and the names of people who are willing to be referees.

An assessment might include a family meeting in an attempt to resolve identified difficulties.

Once the social worker has completed their assessment, they will make a recommendation to the court about the appropriateness of the Special Guardianship Order. The final decision about whether or not a Special

Guardianship Order is granted lies with the court. This is a complicated process, the Local Authority Social Workers cannot give you legal advice, so if you are unsure

about any aspect of this or wish to discuss it with someone else, then you should consider getting your own legal advice.

- How long can the child/young person live in this arrangement?

Until the child is 18, unless the order is varied or discharged by the court before the child is 18.

- Will there be any supervision of the placement?

No.

- Will the placement be reviewed?

Not necessarily. However, there will be an annual review of the special guardianship allowance if one has been agreed. If a Special Guardianship Support Package involves other services these will be formally reviewed on an annual basis.

- What services/resources will be available to support the placement?

The Local Authority has a dedicated post adoption support team which provides on-going advice and support for those families who have adopted children as well as those who have gained Special Guardianship Orders, if they require it. This will be discussed during the assessment process and support needs will be identified in the Special Guardianship Support Plan. An assessment of support needs must legally be made during the preparation of the report for court, for all children who are looked after prior to the making of a Special Guardianship Order. A Special Guardianship Support Plan will be drawn up.

If you feel as if you need further support and assistance then if the child was looked after prior to the Special Guardianship order being made, then the Local Authority must undertake an assessment (unless there is a good reason for an assessment not being done). This assessment will be completed by the child's social worker.

Please note that following the order being made you then move out of the area, then in some circumstances the new area will be responsible to further assess you.

If after the making of the order you feel as if you need further support and assistance, if the child was not looked after prior to the Special Guardianship order then it is discretionary whether or not the Local Authority carries out an assessment.

The Local Authority would always explain properly if it decides not to undertake an assessment.

You can contact the Post Adoption Support Team on 01332 640880

In addition to specific support provided there are various sources of other support:

Derby Family Information Service offers up to date quality information, advice and guidance on anything you might want to ask about when you are raising a family. The Family Information Service provides information and advice to any family with a child under 19. This includes information and advice on specialist services, support groups, mediation services and local contact centres.

Information, advice and guidance on a range of family matters can be accessed from the Family Information Directory on the internet which provides a range of information, advice and guidance on a range of family matters.

Local Children's Centres can be contacted to find out what support they could provide. There are a number of activities targeting parents and carers which families may want to access throughout the week and these include, information, advice and guidance on a range of family issues, advice about child development, activities to support school readiness, parenting education and support, advice about access to work.

If additional support is required then an Early Help Assessment may be helpful to identify the support needs and help to access additional services.

- Will there be any financial support available?

This will be discussed with you during the assessment. A means tested special guardianship allowance is payable in certain circumstances for children who were looked after prior to the Special Guardianship Order being made or who were the subject of care proceedings. The criteria that is applied is set out in the policy for financial support to holders of SGOs, CAOs and AOs. Any financial support agreed will be subject to annual review.

You may be able to claim child benefit and if applicable, child tax credit and disability living allowance, if these are not being paid to those who share Parental Responsibility with you.

If you receive benefits, receiving a special guardianship allowance may affect your benefits, and it would be advisable to seek advice about this. Advice would be available on [www.direct.gov.uk](http://www.direct.gov.uk) or telephone 0800 055 6688.

If you do not qualify for financial support under the Special Guardianship Allowance payment scheme the Local Authority is able to consider support under Section 17 as has been outlined above.

The Local Authority also has the discretion to consider one off payments to you.

Each case would have to be looked at carefully to assess whether such assistance under section 17 is necessary.

Whilst each college has its own application process, the young person's entitlement to a 16 to 19 Bursary is usually based on the income of the carers. It may be that the young person qualifies to receive a bursary as a 'care leaver' –

(See relevant child/former relevant child below).

The Local Authority Social Workers cannot give you legal advice, so if you are unsure about any aspect of this or wish to discuss it with someone else, then you should consider getting your own legal advice.

### **3.6 Adoption Order**

If a child has been placed with you by an Adoption Agency (this would mean that you had been approved as a prospective adopter by an Adoption Agency and you had been matched with a child by the Agency) – this is called an 'agency adoption' – and a different procedure applies.

If you are not in this situation (and most friends and family carers are not), you must notify the Local Authority for the area where you live of your intention to apply for an Adoption Order. An Adoption application cannot be made until at least 3 months after the notification is received.

Relatives, friends and private foster carers can apply to adopt a child they have been caring for, when the child has lived with them for a total of 3 out of 5 years. However if this is not the case, it is possible to apply for an Adoption Order if the court gives permission for this.

A friend or relative who is a Local Authority approved foster carer can apply for an Adoption Order after caring for a child for a year.

- Who has Parental Responsibility?

You become the legal parent of the child when the Adoption Order is made. Parental responsibility is not shared with anyone else.

- What is the assessment and approval process?

If someone is intending to apply to a court for an Adoption Order (and it is not an agency adoption) they must give the Local Authority 3 months written notice before they make their application.

When friends, relatives or private foster carers apply to a court to adopt a child they have been caring for, the court asks the Local Authority to prepare a report for the court about the applicants suitability to adopt the child, and whether adoption is in the best interests of the child. An assessment will ensure, so far as possible, that the child actively participates in the assessment and their wishes and feelings should be taken into account. This will involve visits from an adoption social worker, and discussion about various aspects of their relationships, family life, support network and relationship with the child's family.

An assessment might include a family meeting in an attempt to resolve identified difficulties. They will need to give details of their financial situation, and the names of people who are willing to be referees. Checks will also need to be undertaken with various agencies. Once the report is provided to the court the final decision as to the adoption is made by the court.

If the child you are caring for is a looked after child (this means the carer will have to be an approved foster carer) and you want to adopt the child the process can be different dependent upon whether you progress via the agency or non agency route. If you are thinking about this, then you should discuss this with your fostering social worker will be able to advice about what steps are needed.

- How long can the child/young person live in this arrangement?

It is a permanent lifelong relationship.

- Will there be any supervision of the placement?

In a non- agency adoption there is no duty to supervise the placement following an order being made. However, the court hearing the adoption application would expect the carer to allow the local authority to have sufficient opportunities to observe the child at home, in order for the Local Authority to be able to complete the required report for the court hearing.

- Will the placement be reviewed?

No.

- What services/resources will be available to support the placement?

Other than counselling, advice, information and assistance in relation to contact, there is no automatic entitlement to post adoption support when a child who has not been a 'looked after child', or a child who has not been placed by an adoption agency is adopted. A request can be made that the Local Authority assesses for support services, but it is at the discretion of the Local Authority whether an assessment or services are provided.

Derby Family Information Service offers up to date quality information, advice and guidance on anything you might want to ask about when you are raising a family. The Family Information Service provides information and advice to any family with a child under 19. This includes information and advice on specialist services, support groups, mediation services and local contact centres.

Information, advice and guidance on a range of family matters can be accessed by the Family Information Directory on the internet which provides a range of information, advice and guidance on a range of family matters. Local Children's Centres can be contacted to find out what support they could provide. There are a number of activities targeting parents and carers which families may want to access throughout the week. These include: information, advice and guidance on a range of family issues, advice about child development, activities to support school readiness, parenting education and support, advice about access to work.

If additional support is required then an Early Help Assessment may be helpful to identify the support needs and help to access additional services. More information is available on the internet.

- Will there be any financial support available?

There is no automatic entitlement to financial support in circumstances where you are applying to adopt a child who has not been placed with you by an Adoption Agency. However, adopters can request to be assessed for financial support/adoption allowances. This will be discussed with you during the assessment.

If a child has been placed with you by an Adoption Agency, there is a policy that outlines eligibility for an allowance. This would be discussed with you during the assessment. You will be able to claim child benefit and if applicable, child tax credit and disability living allowance.

Whilst each college has its own application process, the young person's entitlement to a 16 to 19 Bursary is usually based on the income of the carers.



If you receive benefits, receiving any allowance from the local authority may affect your benefits, and it would be advisable to seek advice about this. Advice would be available on [www.direct.gov.uk](http://www.direct.gov.uk) or telephone 0800 055 6688.

## **Appendix 1 Glossary and Definitions**

Care Plan means the plan for the future care of a looked after child prepared in accordance with Part Two of the Care Planning,

Placement and Case Review (England) Regulations 2010.

Child In Need Defined in section 17 of the Children Act 1989 which provides that a child shall be taken to be in need if:

(a) he/she is unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or developments without the provision for him of services by a local authority under this part or;

(b) his/her health or development is likely to be significantly impaired, or further impaired without the provision for him of such services or;

(c) he/she is disabled.

Child Means a person under the age of 18.

Connected Person Means a relative, friend, or other person connected with a looked after child. This could include someone who knows the child in a professional capacity such as a child minder, teacher or youth worker.

Family & Friends Means a relative, friend or other person with a prior connection to someone else's child who is caring for that child full-time.

Carer - A connected person might also be a family and friends carer. The child who is cared for by family and friends carer may or may not be looked after by the local authority.

Foster Carer Means a person who was approved as a local authority Foster Parent either by a local authority or an independent fostering provider in accordance with Regulation 27 of the Fostering Services (England) Regulations 2011 or Regulation 24 of the

Care Planning, Placement and Case Review (England) Regulations 2010.

Informal means any arrangements where child is living with the family and friends carer who does not have parental responsibility for the child. References to informal Arrangement Arrangements in this policy do not include arrangements where the

child is looked after by the Local Authority, where the child is privately fostered, placed for adoption or subject to a Child Arrangements or Special Guardianship Order. All of these arrangements are subject to statutory legislation which does not apply to informal arrangements.

Looked After Child means a person under 18 who is subject to a care order or interim care order under section 31 or 38 of the Children Act 1989, or Section 20 1989 Children Act.

Parent In relation to a child, includes any person who has parental responsibility for the child.

Parental Rights has the meaning given by section 3 of the Children Act 1989.

Responsibility being all the rights, duties, powers responsibilities and authority which by law a parent of a child has in relation to the child and his property.

Placement Plan means a document drawn up by the child social worker in consultation with the connected person to clarify how the day-to day parenting tasks will be shared between the connected person and the local authority. The plan may also include the financial arrangements.

Private Fostering means an arrangement where the child who is under 16 (or 18 if disabled) and who has not been provided with accommodation by the Local Authority, is cared for and accommodated by someone who does not have parental responsibility for him and is not a relative, and the arrangement continues for a period of 28 days or more always intended to do so.

Relative means Grandparent, Brother, Sister, Uncle or Aunt (whether full blood or half-blood or by marriage or civil partnership) or step- parent, As defined in section 105 of the Children Act 1989.

## Appendix 2 Draft Policy for the Payment of Special Guardianship Order and Child Arrangement Order Allowances

	Scheme For Special Guardians	Scheme for Child Arrangement Order Holders
Eligibility Criteria for Assessment	<p>In considering whether to make SGO allowances the Local Authority will take into account the following criteria</p> <ul style="list-style-type: none"> <li>• That immediately prior to the Special Guardianship Order being made, the child was looked after by the Local Authority for a period of at least 3 months and the Special Guardianship order application is part of his/her care plan and has been confirmed with the Independent Reviewing Officer through the review process.</li> <li>• The child is subject to a Special Guardianship Order as part of a disposal of Care Proceedings or as a direct alternative to care proceedings, whether or not the child was looked after by the Local Authority for a period of at least 3 months.</li> <li>• Where following an assessment of the circumstances of the child and carer, the Head of Service agrees that the case is exceptional e.g.</li> </ul>	<p>In considering whether to make RO allowances the Local Authority will take into account the following criteria</p> <ul style="list-style-type: none"> <li>• That immediately prior to the Child Arrangement Order being made, the child was looked after by the Local Authority for a period of at least 3 months and the RO application is part of his/her care plan and has been confirmed with the Independent Reviewing Officer through the review process.</li> <li>• The child is subject to a Child Arrangement Order as part of a disposal of Care Proceedings or as a direct alternative to care proceedings, whether or not the child was looked after by the Local Authority for a period of at least 3 months.</li> <li>• Where following an assessment of the circumstances of the child and carer, the Head of Service agrees that the case is exceptional e.g. involves a carer suffering extreme financial hardship or one who has</li> </ul>

	<p>involves a carer suffering extreme financial hardship or one who has had to leave paid employment as the only way of caring for the child. Applicants must be resident in UK</p>	<p>had to leave paid employment as the only way of caring for the child. Applicants must be resident in UK</p>
Means Test	<p>DfES means test is applied unless carer is in receipt of Income Support. This establishes whether carer is entitled to receive an allowance.</p> <p>Proof of income and expenditure is required</p> <p>Takes into account the financial resources of the carer(s) including any financial benefits arising from the placement of the child, his/ her reasonable outgoings and the needs of the child.</p> <p>Parents of the child who are in paid employment will be expected to contribute to the care of the child and if they refuse, the carer would be expected to pursue payments through the CSA.</p> <p>The allowance paid will not exceed the age related basic fostering allowance that would have been paid at the date of the placement of the child.</p> <p>Child Tax Credit and Child Benefit received from the DWP will be deducted from the</p>	<p>DfES means test is applied unless carer is in receipt of Income Support. This establishes whether carer is entitled to receive an allowance.</p> <p>Proof of income and essential expenditure is required</p> <p>Takes into account the financial resources of the carer(s) including any financial benefits arising from the placement of the child, his/ her reasonable outgoings and the needs of the child.</p> <p>Parents of the child who are in paid employment will be expected to contribute to the care of the child and if they refuse, the carer would be expected to pursue payments through the CSA.</p> <p>The allowance paid will not exceed the age related basic fostering allowance that would have been paid at the date of the placement of the child.</p> <p>Child Tax Credit and Child Benefit received from the DWP will be deducted from the basic allowance. Any maintenance payments for the</p>

	<p>basic allowance. Any maintenance payments for the child will be deducted from the basic fostering rate. For carers in receipt of IS, CB will not be deducted.</p>	<p>child will be deducted from the basic fostering rate. For carers in receipt of IS, CB will not be deducted.</p>
<p>Additional Payments e.g. Set up costs, larger cars, extensions</p>	<p>Consideration may be given to one off payments for equipment, furnishings, set up costs etc. under S17 of the CA on the basis that approval will be required prior to any item being purchased.</p> <p>Anything beyond that falling within the remit of the wording above, would need to be considered as a one-off discretionary payment, decided on a case by case basis and in any event only if it was considered as essential to enable the child to remain living with the carers and prevent that child from needing to be accommodated by the local authority.</p>	<p>Consideration may be given to one off payments for equipment, furnishings, set up costs etc. under S17 of the CA on the basis that approval will be required prior to any item being purchased.</p> <p>Anything beyond that falling within the remit of the wording above, would need to be considered as a one-off discretionary payment, decided on a case by case basis and in any event only if it was considered as essential to enable the child to remain living with the carers and prevent that child from needing to be accommodated by the local authority.</p>
<p>Support for legal costs</p>	<p>The LA will consider making a contribution towards the legal costs of the carer when applying for a SGO if the child is a LAC or is subject to pending care proceedings, or the</p>	<p>Only considered when child is at risk of significant harm in care of his parent(s), carer cannot be publically funded (via the Legal Services Commission), parents are contesting the making</p>

	<p>application for the order is a direct alternative to such an application and in each case, that the LA supports the application. DCC will expect the claimant to make an initial application to the Legal services Commission for public funding and it is only if this is refused that DCC will consider providing financial support. Any funding would initially be limited to a maximum of 2 hours advice with such advice being charged at current approved LSC rates. Any request for a contribution towards the costs of legal representation within court proceedings, except in exceptional circumstances, will only be considered if the proceedings are contested by any respondents to the application.</p> <p>Not means tested.</p>	<p>of an order, case is not in care proceedings and the LA supports the making of a RO to the applicant.</p> <p>Means tested.</p>
Payment Rates	<p>LA basic foster care rate</p> <p>Minus CB, CTC and any maintenance payments received for the child (except for IS claimants where CB is not deducted)</p>	<p>LA basic foster care rate</p> <p>Minus CB, CTC and any maintenance payments received for the child (except for IS claimants where CB is not deducted)</p>
Duration of Allowances	<p>Payments of allowances will continue until the child ceases to have a home with the Special Guardian, the child starts full time</p>	<p>Payments of allowances will continue until the child ceases to have a home with the Special Guardian, the child starts full time employment,</p>

	<p>employment, the child qualifies for JSA or IS in his own right, the child attains the age of 18.If a child remains in full time education post 18 the LA will consider continuing allowances but any on- going allowance payments would continue to be means tested.</p> <p>The carers will be expected to cooperate with the annual review by completing and supplying to the LA an annual statement of his/her current financial circumstances, proof of all income and expenditure, the financial needs and resources of the child and details of his address and confirmation that the child still lives at that address. Failure by the carer to provide the requisite information may lead to the financial support being suspended or terminated</p> <p>Claimants of IS only need to provide proof that they are in receipt of IS and proof of the amount they receive in the form of CTC</p>	<p>the child qualifies for JSA or IS in his own right, the child attains the age of 18.If a child remains in full time education post 18 the LA will consider continuing allowances but any on- going allowance payments would continue to be means tested.</p> <p>The carers will be expected to cooperate with the annual review by completing and supplying to the LA an annual statement of his/her current financial circumstances, proof of all income and expenditure, the financial needs and resources of the child and details of his address and confirmation that the child still lives at that address. Failure by the Carer to provide the requisite information may lead to the financial support being suspended or terminated.</p> <p>Claimants of IS only need to provide proof that they are in receipt of IS and proof of the amount they receive in the form of CTC</p>
Backdated Claims for Allowances	Usually, requests for back dating of allowances will only be made to the date of the application for assessment for financial support. Requests to back date allowances prior to applications will only be considered	Usually, requests for back dating of allowances will only be made to the date of the application for assessment for financial support. Requests to back date allowances prior to applications will only be considered in exceptional circumstances



	<p>in exceptional circumstances e.g.</p> <p>if the carer can demonstrate that he has suffered significant financial hardship</p> <p>Any back dated payments will be for a maximum of 3 months</p> <p>Carers will always be expected to provide proof of their historical income and out goings.</p>	<p>e.g.</p> <p>if the carer can demonstrate that he has suffered significant financial hardship</p> <p>Any back dated payments will be for a maximum period of 3 months</p> <p>Carers will always be expected to provide proof of their historical income and out goings.</p>
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