

# Angus Council's Kinship Care Policy

## Introduction

Our ambition is to be the best place in Scotland for children and young people to grow up in.

Angus Council recognises the major contribution of kinship care as both a temporary and permanent placement option for children who cannot live with their parents. Children may be brought up by members of their extended families, friends or other people who are connected with them for a variety of reasons and in a range of different arrangements. These carers are often referred to as "kinship carers".

Research shows that outcomes are positive for most children living in kinship families and considerably better than for children in unrelated foster care (Hunt et al 2012 and Selwyn et al 2013). Nonetheless, over a third of these children have severe behavioural and emotional difficulties as a result of their experiences of abuse and neglect when living with their parents.

Angus Council acknowledges the personal commitment kinship families make in order to care for children, often having to change their lifestyle and plans for the future. This policy sets out how Angus Council will support kinship carers, in collaboration with its local partners to give all children and young people the best possible family experience whatever the child's circumstances.

## Our values and principles

One of the key principles of the Children (Scotland) Act 1995 is that children should be enabled to live within their families unless this is not consistent with their welfare. Support for kinship arrangements in Angus is based on the needs of the child.

We will take into account children's wishes and feelings in all relevant processes and we will seek the views of kinship carers when designing services to support kinship arrangements.

## How children come to be cared for by people who are not their parents

There are a number reasons why children live with people other than their parents and are raised by a kinship carer, e.g., parental death, imprisonment, mental illness, substance misuse and separation of parents.

The Looked After Children (Scotland) Regulations 2009 define a kinship carer as a person who is related to the child (through blood, marriage or civil partnership) or a person known to the child with whom the child has a pre-existing relationship. This can include a person related to the child by half blood.

Kinship care may be provided where a relative or friend takes on the care of a child.

There are many children who live with friends or family without the involvement of statutory services. Many of these arrangements remain entirely private without the need for the involvement of Angus Council, although where support is needed kinship carers are encouraged to make contact with Children and Families and Justice Service where help and advice is available. These carers are often referred to as informal kinship carers and the children are not 'Looked After' by the Local Authority .

Formal kinship care may be described as when a child or young person is legally looked after by the local authority and the child is placed in the care of relatives or friends by the local authority. When a child is looked after and cared for by kinship carers, the local authority has the same responsibilities as with any other looked after child. Section 17 of the Children (Scotland) Act 1995 and the Looked After Children (Scotland) Regulations 2009 make provision for responsibilities to looked after children which include the need for the carers to be formally assessed and approved.

Kinship carers play a significant role in enabling children and young people to remain with people they know and trust. Family and friends often start to care for other people's children in a crisis or emergency situation. These children are sometimes looked after by the local authority, but most are not. The majority of relatives who provide care are grandparents, aunts and uncles and older siblings.

Angus Council recognise that in order to enable family and friends to offer appropriate care for children and young people who cannot live with their parents, access to a range of high quality support services at universal, targeted and specialist levels may be needed.

## **Our approach**

### Early intervention

The majority of kinship arrangements work well and meet the needs of the child with the support of universal services such as health, education and housing services. It is important however, that any difficulties are responded to early. Families may need advice and assistance during the early stages of considering whether to care for a relative or a friend's child, in order to weigh up the options and consider what support services they might require. This advice can be obtained from a variety of sources, including Children and Families and Justice Service, Citizens Advice, Mentor and Children 1st.

Partner agencies such as Health, Education and Housing have a key role to play in identifying and supporting children who are living with kinship carers. Services need to be aware of and sensitive to the needs of these children and their families and give priority to access services wherever possible.

There are a wide range of resources available to support children in the local area, including early year's provision, day care and out of school services, schools and colleges, health services, leisure facilities and youth support services. Kinship carers are encouraged to access all the universal services available both locally and nationally.

Early intervention may help prevent difficulties increasing to the point where specialist services are required. Early help may be provided through an increase in the levels of universal services, this includes family support provided by schools and third sector services.

When it is felt that a child's needs cannot be met through the early intervention described, contact should be made with Angus Council's Care and Protection Services for advice.

Angus Council recognises that support may be required at different stages of the child's life, for example, during the transition to secondary school.

Where a child is assessed as 'being in need' support may be provided under Section 22 of the Children (Scotland) Act 1995. This may include practical, emotional and financial support.

Angus Council often becomes involved if there are welfare or protection issues and where the family needs support, if the arrangement falls within the definition of Private Fostering, or if the child is or becomes looked after by the Local Authority.

### **Support Groups**

Angus Council can provide support groups for kinship carers. There are also regular support groups provided by third sector providers including Angus Carers and Kith and Kin.

### **Angus Council Kinship Care Scheme**

Angus Council has had a Kinship Care scheme for looked after children since 2008. The kinship care scheme has been reviewed in light of changes in legislation.

A Kinship Panel, established in 2018 will make recommendations in respect of approval of kinship carers for children who are looked after as well as recommendations in respect of kinship care assistance to kinship carers including financial assistance and support with legal costs.

Social workers will present their assessment to the Panel, which makes recommendations to the Agency Decision Maker in relation to whether the carers and/or a request for kinship care assistance should be approved based on the assessment.

The Children and Young People (Scotland) Act 2014 enhanced support available for kinship placements. Part 13 of this Act introduces a duty on local authorities to make arrangements to ensure that assistance is made available to specific categories of people residing within their area : kinship carers who are seeking , have obtained or are holders of a kinship care order and to children and young people whom are the subject of such an order..

A Kinship Care Order is an order made under Section 11 (1) of the Children (Scotland) Act 1995. It may accordingly be an order made by the court which grants a person the parental right to have a child living with a person or control where a child resides, a residence order which has the effect that a child is to live with or predominantly with a person or an order appointing a person as a guardian of a child.

Kinship carers currently qualify for some benefits that are not available to foster carers (for example, child benefit) and in Angus this is deducted from the rate paid to kinship carers. The rates paid to kinship carers have been published on Angus Council's website, at [angus.gov.uk](http://angus.gov.uk)

Kinship allowances will cease when the child reaches 16 years of age unless they remain in full time education when it will cease on their 18<sup>th</sup> birthday.

Angus Council will pay kinship carers of looked after children under Section 50 of the Children Act 1975, once they have been approved by the Kinship Panel as kinship carers . During the period where they are caring for the child but are subject to a kinship assessment (maximum of 12 weeks) they will be paid under Section 22 of the Children's (Scotland) Act 1995. Payments made under Section 50 impact on other state benefits, whereas payments made under Section 22 do not (as long as this is not for accommodation and maintenance).

It should be noted that a kinship payment would necessarily contribute to accommodation and maintenance. The benefit situation is complex. Kinship carers are advised to seek advice from Citizen Advice Bureau, who are funded by central government to provide this service. Advice can also be provided by Angus Council's Welfare Rights Team.

Those eligible to receive kinship care assistance have been extended to include any person living in Angus who:

(a) is applying for, or considering applying for, a kinship care order in relation to an eligible child below the age of 16 years,

(b) is a child below the age of 16 years who is the subject of a kinship care order, and deemed to be an eligible child by the authority,

(c) is a person with a kinship care order in relation to an eligible child below the age of 16 years ,

(d) is an eligible child who has reached the age of 16, who was subject to a kinship care order immediately prior to their 16<sup>th</sup> birthday

€ A person who is a guardian of an eligible child who is below the age of 16 by virtue of an appointment under section 7 of the 1995 Act

(f) An eligible child who has a guardian appointed under section 7 of the 1995 Act

Those eligible do not include any person who is a parent of a child.

Eligibility to receive kinship care allowances has now also been extended to include carers of non-looked after children who are entitled to the weekly child's allowance equivalent to those paid to foster carer in specified circumstances.

Kinship care assistance is available to children who are not looked after as above.

In terms of looked after children this includes children who are not on a statutory order through a Children's Hearing but where the local authority was involved in placing the child. In Angus, the recommendation would be that "involved in placing the child" should be defined as situations where, had there not been a kinship carer available, the local authority would have been seeking to place the child in foster care or residential care. 'Involved in placing a child' does not prevent children staying with relatives or friends with parental consent for extended periods of time, and such children should not be accommodated.

The term "at risk of becoming looked after" is difficult to define and much will depend on the factual circumstances in individual cases. However broadly defined the recommendation would be that this should refer to children who are at risk of being accommodated away from their current carer and that the reasons for them being at risk of becoming looked after are clearly evidenced. Any agreement to a child being accommodated (including placing with family or friends) must have the approval of the Service Leader, and for kinship placements, will also require interim approval for kinship payments to begin. See Operational Instruction Children's Services Section 1.7 Children at risk of being received into accommodation.

A carer of a child who is eligible to be a kinship carer who approaches Angus Council seeking support and have not previously been assessed as a carer for the child, would require to be assessed. Those who are eligible for assessment are kinship carers who reside within the local authority area.

In these circumstances, payments will not be made during the assessment period, but if approved will be backdated to the date of application. Kinship carers who approach Angus Council seeking kinship care assistance and who are not considered eligible for assessment will be able to use the Kinship Panel to seek a review if they believe they should be eligible.

Angus Council will also undertake assessments of kinship carers and pay kinship allowances to kinship carers approved by Angus Council and who live out with the authority for as long as the child remains looked after by Angus Council as the implementing authority or are accommodated by Angus Council under Section 25 of Children (Sc) Act 2011.

In exceptional circumstances, where a child is placed with a kinship carer who resides out with Scotland and is no longer looked after and accommodated, kinship assistance may be considered if the following criteria are met.

*'where not to do so would impose serious financial hardship on the kinship carer and the child. In this practice, this is likely to apply to families on low income, or where the only income comes from state benefit'.*

Where the child's plan indicates that the child is in need of alternative permanent care, kinship carers will be supported to apply for a Section 11 order when it is clear that a child cannot return home.

Angus Council will provide financial support to kinship carers who are not entitled to legal aid to support them in pursuing a qualifying Residence Order when this is considered appropriate.

### **Request for services**

Angus Council has a duty to safeguard and promote the welfare of children who are 'in need' and to consider how such children can live with their families and friends before considering any action that may result in them becoming 'looked after'.

Where Angus Council are supporting or become aware of a child in need and it is clear that they cannot continue to live with their parents, either on a short term or long term basis, then we will assist the family in reaching alternative options.

In most cases this assistance will involve support in making decisions about whether or not legal orders are required and whether on-going financial support and social work support is available and how it can be accessed.

In some circumstances Angus Council will play a major role in facilitating and supporting a kinship arrangement. This may happen when there is concern that the child may be at risk of significant harm and if an arrangement is not made to care for the child by a close family member or friend and not return to the care of their parents, then the child would become looked after by the local authority. The basis of support being offered by Angus Council will always be clarified in writing to the parent and the proposed kinship carer by the child's social worker.

## Financial responsibility and benefit entitlement

Parents can elect to make arrangements for their children to live with close relatives for as long as they choose or with friends for a limited period (under 28 days for non-close relatives) without the involvement of the local authority.

The responsibility for funding these private arrangements rests with the parent(s) and or others with parental responsibility. Parents will always be expected to make appropriate financial arrangements with the carer to enable them to care for the child.

Arrangements can be made for the carer to claim Child Benefit for children payable by contacting the Child Benefit Centre. Only the person caring for a child is entitled to claim Child Benefit. Other universally available benefits may also be claimed.

## Financial support

In some situations, if a child's needs cannot be met by a family member or friend without additional financial support Section 22 (Social Work (Scotland) Act 1995 support can be provided where the child is assessed as being in need.

Before considering taking on a commitment to a child, carers can access information from the Local Authority about the level of support, including any financial assistance, that they may be offered. This will include how finances have been or will be calculated and how long this support will last. In all cases, the carers will be expected to access universal benefits in the first instance as Angus Council cannot duplicate state benefits. Advice, information and assistance on how to claim welfare benefits can be sought from Citizen Advice Bureau or Angus Council's Welfare Rights Team. Carers for example, who would have to give up their job to care for a child will then be able to make an informed choice about whether the placement is feasible for them to enter into.

Some of the issues kinship carers should consider when they are thinking about becoming a kinship carer include.

- Does the child have an established relationship with you?
- Is there sufficient/appropriate space in the house for this particular child and their belongings?
- Do you have sufficient practical support?
- Do you have any financial constraints/debts?
- How many outside commitments do you have e.g. work, other caring commitments?
- The needs of your own children or other dependents?

- What support would you need from your own family network or from the Local Authority?

Any payments made by Angus Council will be monitored and reviewed regularly to ensure that they are still required and should continue. Time limited payments may assist carers at any stage of the child's life. Examples of time limited financial support might be a contribution towards nursery care fees where the carer is working and the child is not of school age or where the carer needs to manage a change or interruption to their work commitments or to respond to the child's needs. If a kinship allowance is being paid, only in exceptional circumstances will additional financial support be offered and this would be for a maximum of 6 weeks to allow the family to make the necessary arrangement to accommodate the child's circumstances. Ongoing additional financial support needs to be authorised by a Service Leader and reviewed monthly thereafter.

A kinship carer must have a suitable bedroom to accommodate a child. It is expected that a child who is looked after and accommodated will have their own bedroom unless sharing with a sibling of the same sex or both siblings are under the age of 10 years.

If a child is out with the kinship placement/ for more than 24 hours and is receiving respite provided by Angus Council, the daily proportion of the kinship allowance will cease during the respite period.

Basic equipment may be required, e.g. bed, bedding, clothing where the kinship carer does not have essential equipment in the family home and cannot access these from other sources or it is required immediately for the child to be able to live with carer.

Where longer term support is required to maintain the child in the kinship placement, and the child is no longer looked after but is subject to a Residence Order, Angus Council will continue to pay a kinship allowance to kinship carers residing in their local authority. Those kinship carers who live out with Angus should apply to their own local authority for an assessment of kinship care assistance under the 2014 Act. For those residing out with Scotland, Angus Council may, under certain circumstances, continue to pay an allowance to kinship carers.

In these circumstances kinship carers will receive a kinship allowance equivalent to the age-related fostering allowance minus any entitlement to child related benefits (excluding DLA).

The following criteria will be applied to all such payments:

- The purpose of the payments must be to safeguard and promote the welfare of the child and to assist the carer in meeting the basic needs of the child.



- There are no other legitimate sources of finance. Benefits advice should be sought immediately if carers are struggling with the costs of caring for the children. Where children are not looked after by the Local Authority, carers can access child benefit and child tax credits and other universally available benefits.
- Payments will be paid to the carer, not the parent.
- The payment would not place any person in a fraudulent position

### **Legal aid and legal fees**

Angus Council will consider the payment of legal costs so that kinship carers can make an informed decision about taking on the care of a child. Decisions about these payments will be made by the Kinship Panel. It is an expectation that Legal Aid eligibility will be explored before any payments are made by Angus Council.

### **Arrangements for children living with kinship carers who are 'looked after'**

#### Definitions of a 'looked after' child.

A looked after child is 'in care' or 'accommodated' by the local authority. To be 'in care', the Children's Hearing or Court will generally have made an order on the child giving the local authority the power to remove the child from the care of their parents. These orders are:

- Orders in terms of Parts 5, 9 and 10 of the Children's Hearings (Scotland) Act 2011 including where the child has been moved by means of a child protection order (CPO), child assessment order, interim compulsory supervision order, order from Justice of the Peace, police removal to place of safety and Section 38 of the Children (Scotland) Act 1995 (short term refuges for children at risk of harm).
- Section 83 of the Children's Hearings (Scotland) Act 2011 i.e. where the child is subject to a compulsory supervision order requirement with a measure of residence.
- Section 80 of the Adoption and Children (Scotland) Act 2007 i.e. where the child is the subject of a permanence order and is placed with kinship carers.
- Orders made in England, Wales or Northern Ireland where the child is resident in Scotland and the order is enforceable in Scotland in terms of Section 190 of the Children's Hearings (Scotland) Act 2011 and the Children's Hearings (Scotland) Act 2011 (Transfer of Children to Scotland – effect of orders made in England Wales or Northern Ireland) Regulations 2013

or where a child is 'accommodated' under Section 25 of the Children (Scotland) Act 1995 by the local authority with the agreement of the parents / others with parental responsibility and there has not been one of the orders stated made. This may include the situation where the Local Authority has played a major role in making arrangements for the child to live with a relative because they are concerned about the child's safety.

In these circumstances, a child may be cared for by family and friends only if the carers have been approved as Local Authority Kinship Carers under the Looked After Children (Scotland) Regulations 2009.

#### Reasons why a child may be looked after

In Angus the integrated assessment is used to identify a child's needs. The child may need to be looked after for a short period or longer term if some or all of the circumstances below apply. Each case must be assessed on its own facts. This list is not exhaustive and other factors may be relevant.

Where no known and suitable kinship options are available and

- A child is at risk of or experiencing significant harm and it is not safe for them to stay living at home
- Both of the child's parents may be deceased

Where kinship options are available:

- Birth parents may not agree, or may be inconsistent as to their agreement for their child being cared for by family and friends.
- There may be a concern that an arrangement for a child to live with family or friends may be seriously disrupted by a birth parent, whose behaviour may have been assessed as being potentially dangerous, or as posing a significant risk to the child or family.
- A birth parent may be untraceable, or incapable of giving agreement to the child being cared for by family or friends.
- A birth parent agrees to the child being accommodated with family or friends.

#### Looking within the kinship network

Where a child is looked after and it is the most appropriate placement, Angus Council will ensure that they will give preference to a member of the family or friend as the placement of choice for the child. The person will need to be assessed as a kinship carer under the Looked After Children (Scotland) Regulations 2009.

Angus Council will take a pro-active approach to identifying, considering and supporting family and friends in the child's network who may be able to care for the child.

### **Assessment of kinship carers**

When a child is looked after and placed with a kinship carer, the carer must be assessed as set out in the Looked After Children (Scotland) Regulations 2009 and be approved as a kinship carer by Angus Council. The child can be placed with a kinship carer on an emergency basis and the carer granted temporary approval as a kinship carer for a period of up to 12 weeks. If the kinship carer is in a relationship which forms part of the household both adults will be assessed as kinship carers.

The aim of the assessment is to help the local authority decide whether to approve the prospective carer as a kinship carer and to consider what support needs the carer may have when caring for the child. The kinship carer will be registered as an Angus Council kinship carer following approval. Account will be taken of the needs, wishes and feelings of the child whom it is proposed to place with them and the capacity of the carer to meet those particular needs.

The assessment will balance the strengths of the carer arising from their position within the family network against any aspects which may make them less suitable. The carer's past experiences of parenting will be assessed as part of a fuller picture of their capacity to care for the child.

### **Support for kinship carers**

Kinship carers will be involved with all the processes that are in place to ensure that the child receives appropriate care and support, for example, contributing to reviews of the Child's Plan and working with professionals, including the child's social worker and promoting the child's education and health needs.

Once approved a kinship carer, will receive support from the local authority. In addition the child will have a plan which sets out the specific arrangements surrounding the child and the carers, including the expectations of the kinship carers and the support they can expect to receive to enable them to fulfil their responsibilities for the child.

A written agreement between Angus Council and kinship carers will be drawn up in line with the Looked After Children (Scotland) Regulations 2009. The agreement will set out how the kinship carer will work with the local authority and about the support that will be provided

### **Supervising Social Worker**

When looked after by a kinship carer, the child's care plan continues to be managed by the allocated social worker for the child to ensure their needs are

being met. The kinship carer on being approved can be referred to the Permanence Team to provide them with support and guidance if required. In these circumstances the supervising social worker for the child and kinship carer will meet with the kinship carer on a regular basis to review the need for ongoing support.

### **Financial support – kinship allowance**

Kinship carers for looked after children will receive a weekly kinship allowance to cover the costs of caring for the child. This is in line with payments made to foster carers and is based on the age of the child.

When receiving this allowance, the kinship carers will be able to claim child benefit or child disability living allowance but will not be able to claim other benefits, such as Child Tax or Universal Credits because the kinship allowance includes this element of payment. Kinship carers will receive these allowances for as long as they care for the child as a kinship carer following approval.

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