

## **AGENDA ITEM NO 5**

**REPORT NO 257/23**

### **ANGUS COUNCIL**

#### **CHILDREN AND LEARNING COMMITTEE - 19 SEPTEMBER 2023**

#### **SCOTTISH RECOMMENDED ALLOWANCE FOR KINSHIP AND FOSTER CARERS**

#### **REPORT BY KATHRYN LINDSAY DIRECTOR OF CHILDREN, FAMILIES AND JUSTICE**

### **ABSTRACT**

This report informs members of the new Scottish Recommended Allowance for eligible kinship and foster carers, which was agreed by the COSLA Leaders Group on 25 August 2023. The National Review of Care Allowances reported in September 2018 making 12 recommendations aimed at improving the consistency and transparency of support for kinship and foster families. Within this, Recommendation 3 called for the Scottish Government and COSLA to consider a Scottish Recommended Allowance for children in kinship and foster care.

### **1. RECOMMENDATION**

It is recommended that the Children and Learning Committee:

- (i) Note that additional funding from Scottish Government is being made available which is expected to be sufficient to cover the additional costs and on this basis endorse the COSLA agreement to implement the new Scottish Recommended Allowance for eligible kinship and foster carers in Angus.
- (ii) Require the Director of Children, Families and Justice to implement the Scottish Recommended Allowance and ensure that local rates are reviewed as required to ensure all eligible carers receive at least the Scottish Recommended Allowance, subject to the receipt of confirmation of sufficient funding from Scottish Government.
- (iii) Authorise the Director of Children, Families and Justice to implement back payment as necessary to ensure all eligible carers received the Scottish Recommended Allowance rate from 1 April 2023, subject to the receipt of confirmation of sufficient funding from Scottish Government.
- (iv) Authorise the Director of Children, Families and Justice to undertake a review of the current Angus Council structure of allowances payable to kinship and foster carers to improve alignment with the national allowance structure with the outcome of this review being reported back to elected members for approval.

### **2. ALIGNMENT TO THE COUNCIL PLAN**

This report contributes to outcomes across a range of strategic plans:

#### **The Angus Community Plan 2022-30:**

- Provide the best start in life for children
- Improve physical and mental health and wellbeing
- Create more opportunities for people to live well and achieve their personal goals

#### **The Council Plan 2023-2028:**

- Deliver the Angus "Our Bright Futures Plan"
- When children cannot safely live at home, keep our children local in Angus, providing for their education and family needs.

## The **Tayside Plan** for Children, Young People and Families 2021-23

- Our children having the best start in life in a nurturing environment
- Our children growing up healthy, confident and resilient with improving physical and mental health and strengthened emotional wellbeing

### Angus Promise Plan (Corporate Parenting Strategy):

- Keeping children and young people 'within their local communities where that meets their needs'.

## 3. BACKGROUND

- 3.1 Following the National Review of Care Allowances in September 2018, work has taken place between COSLA officers and Scottish Government to determine a Scottish Recommended Allowance (SRA) for kinship and foster carers, and 'Keeping the Promise' for Scotland's care experienced young people.
- 3.2 Further to this work, COSLA considered and approved a report in August 2023 supporting the introduction of a Scottish Recommended Allowance for kinship and foster carers across all local authority areas.
- 3.3 Allowances are currently provided by all local authorities to eligible carers. However, this is decided at a local level and so varies across Scotland. The introduction of the SRA provides a recommended allowance that all local authorities must pay as a minimum, although they can also choose to pay more. This minimum level will be kept under review at a national level.
- 3.4 Where local authorities are already paying above the national minimum allowance, it is expected that this will continue so that eligible kinship or foster carers currently in receipt of the allowance will not be worse off because of this commitment.

## 4. CURRENT POSITION

- 4.1 The Scottish Recommended Allowance (SRA) is intended to cover the cost of supporting a child such as clothing, food, after school activities etc. Although the policy of providing such allowances to foster and kinship carers is not new, and are provided by all local authorities, having a minimum national allowance is a new policy.
- 4.2 The Promise, and its Plan 21 - 24 make it clear that providing financial support to kinship and foster carers is a key element to ensuring that caregivers are best equipped to support and nurture the children and young people they are looking after.
- 4.3 The Scottish Government has developed SRA rates based on independent analysis carried out by Fraser of Allander Institute in 2018 on the cost of supporting a child, uprated on a similar basis as has been used for other payments to households, but also taking account of affordability and deliverability.
- 4.4 The Scottish Government has identified £16m funding to fund the introduction of the SRA from 2023/24. It has been modelled using current local authority expenditure on children in kinship and foster care, including 'informal' kinship care expenditure, and the most up to date data from the Children's Social Work Statistics 2021/22.
- 4.5 Like many local authorities, Angus Council currently use four age ranges (as shown in the table below) to differentiate the payment of allowances. The SRA uses three, effectively combining the 5-10 and 11-15 age ranges into one standard age bracket. When compared to the SRA, our rates are lower across the 0-10 range but higher for the 11-18 range. Our current local rates are outlined below:

	Current Angus Rates		Scottish Recommended Allowance
Age 0-4	£166.37	Age 0-4	£168.31
Age 5-10	£189.50	Age 5-10	£195.81
Age 11-15	£235.91	Age 11-15	£195.81
Age 16+	£287.00	Age 16+	£268.41

- 4.6 To improve transparency of our local allowance framework, we propose reviewing our current allowance structure, with a view to aligning the local age ranges with the nationally applied ranges within the SRA. Any future proposals will continue to ensure no detriment where local allowances are already above the SRA.
- 4.7 The £16m funding is for the full 2023-24 financial year, as payments are expected to be backdated to 1 April 2023, and paid to eligible kinship and foster carers in a way determined by the local authority which best supports families.
- 4.8 The Scottish Government have committed to baselining the 2023-24 levels of support for the SRA allowances. A decision on the national mechanism for annual review and/or uprating of the SRA has yet to be taken by Scottish Ministers. It is understood that any proposal will be subject to national agreement through COSLA arrangements.

## **5. PROPOSALS**

- 5.1 It is proposed that members of the Children and Learning Committee endorse the COSLA agreement to implement the new Scottish Recommended Allowance for eligible kinship and foster carers across Angus.
- 5.2 It is further proposed that Committee require the Director of Children, Families and Justice to take the necessary steps to implement the SRA; to back date any payments made from 1 April 2023 that have been below the SRA; and to ensure that local rates continue to be reviewed as required to ensure all carers continue to receive at least the Scottish Recommended Allowance. Government. This would be subject to receipt of confirmation of sufficient Scottish Government funding to support implementation across Angus.
- 5.3 To ensure that our annual review of payable allowances is transparent and that local rates remain appropriately aligned with the SRA, Committee is also asked to authorise a review of the current Angus Council structure of allowances payable to eligible kinship and foster carers. The review would be undertaken as part of preparation for 2024/25 budget setting process and would heed the commitment supported through COSLA to ensure no child's allowance is reduced as a result of the SRA implementation.

## **6. FINANCIAL IMPLICATIONS**

Members are being asked to approve the recommendations in this report on the basis that there will be no net additional costs to the Council. The additional cost of backdating eligible kinship and fostering allowances for those age groups where our local rate is currently lower than the SRA levels will be £24,506 for the full year 2023/24. As noted, Scottish Government has set aside £16m nationally for the implementation of the SRA. While we await confirmation of our local allocation, it is anticipated that this will be sufficient to meet these in-year costs and on this basis, the proposal is cost neutral for the Council and the Children, Families and Justice 2023/24 revenue budget.

## **7. EQUALITY IMPACT ASSESSMENT**

An Equality Impact Assessment has been carried out and is attached.

## **8. CONSULTATION**

The relevant members of the Council's Leadership Team have been consulted in the preparation of this report.

**NOTE:** No background papers, as detailed by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to a material extent in preparing the above report.

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## Equality Impact/Fairer Scotland Duty Assessment Form

**Name of Proposal:**

### **Scottish Recommended Allowance for Kinship and Foster Carers**

Is this only a **screening** Equality Impact Assessment No

If you have answered No to the above, please indicate the following:

Is this a full Equality Impact Assessment Yes

Is this a Fairer Scotland Duty Assessment No

(i) Lead Directorate/Service:

#### **Children, Families and Justice**

(ii) Are there any **relevant** statutory requirements affecting this proposal? If so, please describe.

#### **Looked After Children (Scotland) Regulations 2009**

(iii) What is the aim of the proposal?

To seek endorse the COSLA agreement to implement the new Scottish Recommended Allowance for kinship and foster carers in Angus. Subject to receipt of the funding from SG, the proposal is to implement the Scottish Recommended Allowance by bringing any rates that are currently below the SRA in line with that rate and backdating any payment to 1 April 2023.

Committee is also being asked to approval that a review is undertaken of the current Angus Council structure of allowances for kinship and foster carers to improve alignment with the national allowance structure to improve the transparency of our model and simplify any future uplifts – there are no immediate equalities issues arising from that aspect of the proposal.

(iv) Is it a new proposal? Yes

### **Which people does your proposal involve or have consequences for?**

Employees	No
Job Applicants	No
Service users	Yes
Members of the public	No

### **List the evidence/data/research that has been used in this assessment.**

**Internal data** – published data on our current allowance rates and internal data on the exact nature of placements since 1 April 2023 to calculate the likely implementation costs.

**External data** - Information made available through COSLA in relation to the work underpinning the national proposal for the SRA which is based on financial analysis conducted by Fraser of Allander Institute.

**External consultation** - Consultation was undertaken by COSLA we are acting on the SRA for kinship and foster carers, which was agreed by COSLA Leaders Group on 25 August 2023.

**Evidence Gaps** - None

**Are there potential differential impacts on protected characteristic groups?**

**Age – Impact - Positive** on looked after children in foster care and kinship care, across all age groups, providing additional resources to meet their needs and ensure they are not disadvantaged. Consideration is given to the different needs of children at different age and stages of their development. The proposal will see the allowances paid in relation to younger children increase to meet the SRA. Allowances for older children already meet that threshold.

**Disability – Impact – Neutral** - all children will be included with no discrimination relating to disability.

**Gender reassignment – Impact - Neutral** - all children will be included with no discrimination relating to gender reassignment.

**Marriage and Civil Partnership – Impact - Neutral** – all children will be included with no discrimination relating to relationship status.

**Pregnancy/Maternity – Impact – Neutral** - all children will be included with no discrimination relating to disability.

**Race - (includes Gypsy Travellers) Impact - Neutral** – all children will be included with no discrimination relating to race.

**Religion or Belief – Impact - Neutral** – all children will be included with no discrimination relating to religion or belief.

**Sex – Impact - Neutral** – all children will be included with no discrimination relating to their sex.

**Sexual orientation – Impact - Neutral** – all children will be included with no discrimination relating to their sexual orientation.

**Consultation with any of the groups potentially affected.**

If you have consulted with any group potentially affected, please give details of how this was done and what the results were.

N/A

If you have not consulted with any group potentially affected, how have you ensured that you can make an informed decision about mitigating action of any negative impact?

A significant programme of national consultation informed recommendations to COSLA Leaders which these proposed changes are based on.

**What mitigating steps will be taken to remove or reduce potentially negative impacts?**

No mitigation is required, an increase in allowances will have a positive impact on the care of looked after children and young people.

**If a potentially negative impact has been identified, please state below the justification.**

N/A

**In what way does this proposal contribute to any or all of the public sector equality duty to: eliminate unlawful discrimination; advance equality of opportunity; and foster good relations between people of different protected characteristics?**

The proposal helps to eliminate disadvantage for a vulnerable group of children and young people for whom Angus Council have corporate parenting responsibilities.

**Is there any action which could be taken to advance equalities in relation to this proposal?**

N/A

Prepared by: Karen Ross, Senior Practitioner Children Families and Justice 06/09/23

Reviewed by: Doreen Phillips, Equalities Officer, Angus Council 07/09/2023

Approved by: Kathryn Lindsay, Director Children, Families and Justice 7/9/2023