

KINSHIP CARE POLICY
&
PROCEDURES

CHILDREN'S SPECIALIST SERVICES



July 2008

CONTENTS

| Section | Page |
|--|------|
| A Southwark’s Kinship Care Policy | |
| 1. Introduction | 1 |
| 2. Definition | 1 |
| 3. Council’s Aims | 2 |
| 4. Equality and Diversity Statement | 2 |
| 5. Human Rights Act | 2 |
| 6. Determining the type of Kinship Care | 3 |
| (a) Carers providing Family and Friends foster care | 3 |
| (b) Family and Friends arrangements | 4 |
| (c) Special Guardianship/Residence Orders | 5 |
| (d) Adoption | 6 |
| 7. Financial support | 7 |
| (a) Family and Friends foster care (aka “Kinship Foster Care”) | 7 |
| (b) Family and Friends arrangements | 8 |
| (c) Special Guardianship / Residence Orders | 9 |
| (d) Conditions | 11 |
| 8. Support Services | 11 |
| (a) Family and Friends foster care | 11 |
| (b) Family and Friends arrangements | 12 |
| (c) Special Guardianship/Residence Orders | 12 |
| 9. Support for formerly looked after young people..... | 13 |
| | |
| B Kinship Care Procedures | |
| 10. Family and Friends arrangements (Section 17 CA) | 14 |
| 11. Family and Friends foster care(aka “Kinship Foster Care”)..... | 16 |
| 11.1 Assessment and approval | 16 |
| 11.2 Reviews of placement and carer | 18 |
| 12. Special Guardianship / Residence Order | 19 |
| 12.1 Special Guardianship Orders | 19 |
| 12.2 Residence Orders | 21 |
| | |
| C Appendices | 23 |
| Appendix 1 Special Guardianship/Residence Order Enhancement Scheme | |
| Appendix 2 Standard Means Test Model | |
| Appendix 3 Flowchart A – Child not in care | |
| Appendix 4 Flowchart B – Child in care | |

A SOUTHWARK'S KINSHIP CARE POLICY

1. Introduction

- 1.1 This document covers Southwark Council's policy in relation to children cared for full-time by a Kinship carer (family or friend) in an arrangement or placement known to, brokered or supported by the local authority, but does not include fully private arrangements, save to the extent that such children are children in need (as defined by the Children Act 1989) in the Council's area.
- 1.2 The Council recognises the important contribution family and friends make in providing Kinship care for children. It is accepted that the majority of children living with families and friends do so without any intervention by the local authority. However in some circumstances assistance is requested by Kinship carers for children who without their support would be dependant on statutory care through fostering or residential care, or who would be children in need without support.
- 1.3 The procedure adopted by the Council concerning assessments and approval is set out in more detail in the Procedure section, which follows this Policy section.
- 1.4 Children who live in fully private arrangements between the parent and relative/friend, or are privately fostered, are not the focus of this policy. This is because the legal framework and responsibilities are quite different.

2. Definition

- 2.1 'Kinship Care' can be defined in a number of ways. There are three different types of Kinship care covered in this policy. These are:
 - Family and Friends foster care - (carers who have been assessed and approved by the council under Part IV of the Fostering Services Regulations 2002 referred to as FSR) AKA "Kinship Foster Care";
 - Family and Friends arrangements - whereby the carers have not been approved by the Council's Fostering Panel and the Council has not placed the child with the carer (which can be supported under Section 17 Children Act 1989 – referred to as CA);
 - Kinship carers holding a special guardianship order/residence order (referred to as SGO/RO) (ss8 & 14 CA)
- 2.2 There is an important distinction between children in Family and Friends foster care and those who are subject to a Family and Friends arrangement or a special guardianship/residence order. Children who are 'looked after' by being subject to a care order (s31 CA), or accommodated (s20 CA) may be placed by the Council with a relative or friend, either on an emergency (immediate) basis (Reg. 38 FSR) or as approved foster carers (Reg. 28 FSR).: S 23(2) CA. Alternatively they can enable or make arrangements for a child to live with a relative or friend (S 23(6) CA), in which case the arrangement will have been made between the proposed foster carer and the child's parent(s) or person with parental responsibility. This latter scenario may result in a private fostering arrangement.
- 2.3 Children subject to a Family and Friends arrangement, or for whom Kinship carers have a SGO/RO, are not in care to the local authority and are not 'looked after',

although they may have been previously. It should be noted that some children may have been looked after by the local authority by having previously been accommodated with parental consent (s20 CA). They may cease to be looked after once they are living with Kinship carers where the local authority has not arranged the placement under S 23(2) CA and complied with the requirements of the FSR regarding assessment and approval of the carer.

- 2.4 The distinction is important because local authorities have different duties in relation to children who are looked after by them (Part III CA).

3. Council's aims

3.1 S 23 CA places a duty on a local authority looking after a child to provide accommodation and maintenance for him/her. The child should be placed with a parent, someone who has parental responsibility, a family, a relative of his, or any other suitable person unless 'it would not be reasonably practicable or consistent with his welfare' (s23(6)). This authority seeks to ensure that wherever possible, children are able to grow up with secure attachments to relatives or friends, and that such carers are capable of providing safe and effective care for them. Research has shown that when children cannot live with their birth parents they like to live with their extended family. The Council wishes to promote the minimum statutory intervention in children's lives for whom it has a duty of care by seeking alternative arrangements with family or friends through the use of the Kinship Care Policy.

3.2 In any Kinship care arrangements, the child's best interests are paramount and must take precedence over the interests of others involved. This authority seeks to encourage the use of Family Group Conferences where appropriate to allow the family to take the lead in establishing the best solution for the child, although the authority remains responsible for child protection issues.

4. Equality and Diversity Statement

4.1 The Council recognises that many of the children and those who apply to become Kinship carers will come from diverse ethnic, religious and cultural backgrounds, and/or may have particular disabilities, and that these must be taken into consideration when establishing the best arrangements for children. Southwark's Equality and Diversity statement therefore applies to this policy.

5. Human Rights Act

5.1 The Human Rights Act 1998 obliges public bodies, including local authorities, not to act in a way that is incompatible with the European Convention on Human Rights, unless forced to do so by legislation.

5.2 The articles most likely to be relevant in cases involving children are Article 6 (the right to a fair hearing), Article 8 (the right to respect for a person's private and family life) and Article 14 (prohibition of discrimination). Under Article 8(2), the local authority may only interfere with the exercise of a person's right to private and family life in certain circumstances, such as for the protection of health or morals, or for the protection of the rights and freedoms of others. Thus a parent's right to have

his child living with him is balanced against that child's right to adequate physical and emotional care. In each case a balancing exercise will be required between the parents' rights, the child's rights and the rights of others with whom the child has a family life (such as siblings or other family members or carers). The steps the local authority takes in placing a child with a kinship carer must be justifiable on the facts of the case, proportionate to the interference with a person's human rights, and procedurally fair.

6. Determining the type of Kinship care

(a) Kinship carers providing Family and Friends foster care – aka “Kinship Foster Care”

6.1 **This applies when a child is already looked after by the authority** and is placed either with a foster carer or in residential care, whether under s20 or s31/s38 CA. The authority must consider whether it is in the child's best interests to be placed with a relative or family friend. A potential carer may come forward, or the authority may ask the parents whether there is anyone who would be willing to care for the child in the event that the parent cannot resume care. As stated previously, a Family Group Conference may be convened. This may identify a potential Kinship carer, and the child's social worker will undertake a “Viability Assessment” (Core Assessment) to establish whether the potential carer is likely to be able to meet the child's identified needs, both now and in the future.

6.2 Where the authority assesses that the potential carer is likely to meet the needs of the child, it is also necessary to consider whether it is in the child's best interests for him to remain looked after by the authority. If a Kinship carer acquires parental responsibility either via a special guardianship or residence order the child will cease being looked after by the authority when the order is made. In cases where no special guardianship or residence order is made, but those with parental responsibility give consent to the arrangement, there may be no need for the child to remain in care to the authority. In those circumstances the child will cease being looked after by the Council.

6.3 There are also instances where it is in the child's best interests to remain looked after by the authority. This situation will usually arise when an assessment has been completed by social services under an interim care order which demonstrates that the child's welfare will be at risk unless action is taken to secure ongoing local authority accommodation and care. In such cases the child may remain in care via a care order in favour of the authority, but placed with a family member or friend. In those circumstances an immediate (emergency) placement of the child with the Kinship carer (under Reg. 38 FSR) can be approved by the authority for up to six weeks; periods of longer than six weeks or non-emergencies will require approval by the authority's Fostering Panel as soon as possible, following a full assessment of the carer's ability and capacity to care for the child by a dedicated Kinship worker. Such an assessment should be commenced as soon as the need is identified and the assessment recommendation placed before Southwark's independent fostering panel. Interim approval must be sought after six weeks. This is achieved by presenting the matter before Southwark's Placements Panel. Interim approval will be reviewed by the placements panel pending a decision by Southwark's Fostering Panel.

6.4 The authority must be assured that the welfare of each child in care placed by it with a Kinship carer continues to be suitably provided for by the placement. The

approval of the carer will be reviewed at least annually by the Kinship worker, and more frequently if the authority considers it necessary. The first review will be referred to the Fostering Panel, and subsequent reviews can be where considered appropriate or necessary.

- 6.5 The child's social worker, if necessary accompanied by the Kinship worker, will visit the child in the home in which he is placed as circumstances require it, when reasonably requested by the child or the foster carer, and in any event in the first year of placement, within the first week of placement, then at intervals of not more than six weeks; and after the first year at intervals of not more than three months.
- 6.6 Where the child has been placed on an immediate basis under Reg. 38 FSR (see paragraph 6.3), the authority will visit the child at least once a week during the placement whilst it remains a Reg. 38 placement (see Reg. 35(2) FSR).
- 6.7 The child's placement, be it emergency or otherwise, will always be considered at the child's statutory looked after review and this will include whether or not the placement continues to meet the child's needs and promote his welfare. At the expiry of Section 38 – 6 weeks, a placement report needs to be submitted to the next Placement panel as to the continued suitability of the Kinship Carer to meet the needs of the child(ren). This is likely to be undertaken by the child's social worker.
- 6.8 Details of financial assistance payable are given below under Financial Support (see Section 7), and of additional support services are given below under Support Services (see Section 8).

(b) Family and Friends arrangements

- 6.9 This may arise when the birth parent for whatever reason is unable to continue caring for the child at home and:
 - (a) the child may still be living at home when the matter comes to the knowledge of the Council and it appears to the Council that the child requires accommodation for more than 24 hours because:
 - (i) there is no person who has parental responsibility for the child;
 - (ii) the child is lost or has been abandoned; or
 - (iii) the person who has been caring for the child is prevented (whether or not permanently, and for whatever reason) from providing the child with suitable accommodation or care.or
 - (b) the child may have already moved to live with a family member or friend and this arrangement has been arranged and agreed to between the parent and the carer; or
 - (c) the child is looked after by the Council but then moves with parental consent or consent of someone with parental responsibility to live with a family member or friend and this arrangement has been essentially arranged and agreed to between the parent and the carer and not by the Council (under S 23(6) CA)..

The child is not looked after by the local authority or ceases to be looked after by it as the case may be. The Kinship carer may receive assistance in cash or in kind from the authority (Section 17 CA) where the child is deemed to be a child in need.

- 6.10 The Council will need to undertake an assessment as to whether or not the child is a child in need, and if so, how those needs might best be met. Where there are child protection concerns, there may be a need for the authority to implement its child protection procedures. However, this situation differs from Kinship foster care in that here the social services assessment has not concluded that the child's welfare is at risk unless action is taken to accommodate and care for the child. The Council recognises that it has a duty to safeguard and promote the welfare of children who are "in need" and promote the upbringing of such children by their families before children need to be looked after. Therefore frequently the authority will broker, initiate or assist the family in discussing the care of a child by a relative or friend, and this will involve assistance with making decisions about whether or not legal orders are required, and financial (Section 17) and social work support.
- 6.11 The support the Council can provide for these Family and Friends arrangements can be utilised to promote rehabilitation plans, to enable the move to the family and friend carer to take place via a single payment, or to provide (usually weekly) financial support temporarily until the carer has secured Income Support or Child Tax Credit and/or other state benefits to maintain the child. Cash payments to maintain the child are not usually made beyond twenty-eight days.

Decisions regarding Section 20 Children Act 1989

- 6.12 This authority believes that a child becomes looked after when a decision has been made by the authority that (for one of the reasons set out in Section 20) the child appears to require accommodation for more than 24 hours. The powers and duties under Sections 20 and 23 CA will arise when that decision is made, and not after a child has been looked after for 24 hours or more. There is no set formula which can be applied regarding when a child becomes looked after under Section 20, and each case will be decided on its own facts.
- 6.13 Once this authority has considered the circumstances and made a decision as to whether or not a child appears to require accommodation for more than 24 hours in accordance with Section 20, that decision and the reasons for it will be communicated in writing to the parents, the carer and the child where appropriate.

(c) Special Guardianship/Residence Orders

- 6.14 These are "private law" orders under the CA, enabling family or friends to apply to court to formalise the arrangement they already have in caring for the child, or to seek to care for the child. Sometimes courts in care proceedings may make such orders in cases where the child is to live with a relative or friend on a long-term basis.
- 6.15 A special guardianship order (SGO) (s14 CA) is intended to meet the needs of some children who cannot live with their birth parents for whom adoption is not appropriate for whatever reason, but who could benefit from a secure long-term family arrangement. It aims to be more robust than a residence order by conferring parental responsibility (PR) on the special guardian to the exclusion of anyone else with PR.

- 6.16 Where requested the authority will assess and provide as considered necessary financial and other support services as prescribed by the CA and by the regulations. The authority may consider that financial support is more likely to be necessary when the child has been looked after by the authority because the child may well have particular needs requiring financial support which children who have not been looked after do not have. If a child has not been looked after by the authority, provided he/she is deemed to be a child in need, he/she may nevertheless be entitled to Section 17 CA support (see paragraph 6.9 above).
- 6.17 A residence order (RO) (s8 CA) may be helpful in cases where family or friends are caring long-term for children. Unlike a SGO, it does not enable the person in whose favour the order is made to exercise their PR to the exclusion of anyone else with PR. Thus a carer with a RO rather than a SGO will have a greater obligation to consult parents and others with PR about decisions affecting the child's welfare. Although the parent and Kinship carer will share PR, no one can act in breach of a court order. A RO determines with whom the child is to live, and will prevent the parent from removing the child from the carer.
- 6.18 Where relatives are caring for children without the involvement of social services, whether by agreement or otherwise, they are not private foster carers as they might be if they were not relatives, as the statutory regime covering private arrangements for fostering children does not apply to relatives.
- 6.19 The Council may assess that the Kinship carer applying for a RO can only care for the child where financial support is paid by the authority to assist with that. As with SGOs, this will usually only be the case where the child has been looked after by the authority for the reasons stated in para. 6.16 above.

(d) Adoption

- 6.20 This policy document does not include detail regarding the Council's adoption policy and procedures. However, it is the case that there are occasions when Kinship carers wish to consider whether to pursue adoption. These cases are likely to be few, given the finality of adoption and the extinguishing of birth parents' PR, which occurs. Where carers or potential carers wish to consider adoption, they will be referred to the Adoption Service where they can be advised as to the process.
- 6.21 It should be noted here that the authority provides support services and financial support for adopters where appropriate.

7. Financial support

(a) Family and Friends foster care – aka “Kinship Foster Care”

- 7.1 Those Family and Friends who are approved by the authority as foster carers to care for a specific child(ren) (see paragraph 6.3 above) are entitled to receive a fostering allowance. It is the needs of the child which should be the determinant of financial entitlements.
- 7.2 The Family and Friends foster care allowance is not means-tested and the Family and Friends foster carer receives the equivalent to Southwark’s “standard fostering allowance”. The rates adopted by Southwark Council are those of the nationally recommended rates published by the National Fostering Network, which are assessed as being appropriate remuneration to provide for the care and accommodation of children relevant to where they live and within the relevant age groups. These rates are reviewed annually and increased as from 1 April each year.
- 7.3 In special circumstances, additional payments can be made to assist children with special health needs by implementing the London Borough of Southwark’s Fostering Services Payment Enhancement Scheme. The enhancement scheme is therefore applicable to all Southwark foster carers using the same criteria. If it is felt that the needs of the child would warrant additional payment, then this should be referred to the Kinship team in Fostering Services for assessment. Additional allowances require the approval of the Head of Services for Children In Care and will be subject to detailed reports from relevant professionals relating to the child’s significant additional needs. Additional payments are reviewed at least annually and whenever there is a significant change in the child’s special needs.
- 7.4 Family and Friends foster carers receive the same basic foster care allowance as Southwark foster carers and it should be noted that this authority also pays the same extra allowances to Family and Friends foster carers, in particular, celebration, birthday and holiday allowances.
- 7.5 Southwark has decided that there are some differences between family and friends foster carers and non-related carers. The Council considers that there are differences in their circumstances so that the payment issues are not comparable. It pays enhanced rates for care by non-related and non-friend foster carers and believes that they are not in a comparable position to family and friend carers. There is therefore no discrimination in the difference in the rates which are paid.

Southwark has decided that it should pay enhanced rates to those who are considering being professional foster carers for it. One reason for this is because it remunerates such foster carers for providing a much-needed service, and it is recognised that it is difficult to recruit and retain suitable carers. These people have to be prepared to take on a range of children and cannot pick and choose. They cannot limit themselves to children with whom they have a family or friendship link and relationship. This is an additional commitment to that of the family and friend carer and it is therefore necessary to offer a rate of payment which will persuade carers to take on this type of responsibility. The enhanced rates are market driven to recruit and retain professional carers within a restricted environment. There are also in many cases likely to be required additional training and specific support demands made upon carers offering foster care to unknown children.

There is a scarcity of foster carers and there is competition with other London boroughs and independent fostering agencies. This authority has to make sure that it attempts to recruit sufficient numbers and remains competitive in the market place.

- 7.6 Calculation of the allowances is undertaken by the Children Looked After Business Unit of the Council's Children's Services Department, and requires approval by the Head of Services for Children In Care.
- 7.7 Allowances may be suspended or terminated in certain circumstances, including if the child ceases to have his home with the carer, for whatever reason, or if the carer fails to co-operate with reviews, assessments or other arrangements for the child.
- 7.8 Friend and Family carers may also receive special discretionary payments for the following:
- Initial clothing grant
 - Initial furniture grant for items such as beds, cots, chests of drawers
 - Possible assistance with travelling significant distances to school until permanent arrangements are made, and to and from medical appointments if more than weekly.

These discretionary payments require the approval of the Head of Services for Children In Care.

- 7.9 The allowance payable in respect of immediate placements or those of less than six weeks duration are calculated on the same basis as for SGO/RO allowances (see paragraph 7.14). It is recognised that these rates are likely to be less than those potentially payable to Family and Friends foster carers, however the higher rates become applicable once the carer has been approved by the Fostering Panel (if it is the proposed care plan that the child should remain in care under a Care Order). If an SGO/RO is proposed, the SGO/RO rates will continue. Calculation of these emergency allowances are undertaken by the Children Looked After Business Unit and requires approval by the relevant Service Manager for up to 42 days or until the case can be presented to the next monthly Placement Panel for approval.
- 7.10 The Council may exceptionally agree to assist with paying the legal costs of a family and friend foster carer to enable that person to apply for a SGO/RO where it considers it appropriate to do so. Agreement to such assistance must be made by the Head of services for Children In Care, and is likely to be given only where the person cannot obtain public funding. The rate of payment will not exceed the current rates for public funding.

(b) Family and Friends arrangements

- 7.11 The Council has a discretion to make financial payments on a temporary basis under Section 17 CA to a relative or friend carer where the child is assessed by the authority to be a child "in need" and the payments are required to support the child (see paragraphs 6.9 to 6.11). The child's social work Team Manager can authorise these payments for a period of up to 28 days in the first instance. This will often be whilst a Core Assessment is undertaken, and is intended to cover the purchase of emergency items to enable the carer to look after the child and/or provide basic

income to assist in the maintenance of the child whilst the carer has applied for and is awaiting receipt of state welfare benefits. The rates of such payments will not exceed the current rates for Income Support.

- 7.12 Where it is considered necessary to continue such financial payments beyond 28 days in order to support the temporary safeguarding of the child, approval for such extension is required by the relevant Service Manager, who should ensure that the payments are reviewed at least every 28 days, although it is not envisaged that such payments will normally be required beyond 8 weeks in total.

(c) Special Guardianship/Residence Orders

- 7.13 The Council has discretion to make financial payments to a special guardian or prospective special guardian, or to a family and friends carer with a RO or who is applying for a RO. The Council can make such payments if it considers that it is appropriate to do so to assist the family and friends carer, for instance if the Council considers it necessary to make the payments to ensure that the carer is able to care for the child. A typical example where this would be considered would be if a child was being looked after by the authority via an interim care order, a full care order, or via Section 20.
- 7.14 Southwark has decided to apply the 'Standard Means Test Model' for calculating financial allowances recommended by the DCSF for SGOs and also for ROs. In assessing a carer's need for financial support under a SGO a local authority is required to take account of that person's needs and resources, and also those of the child (Reg. 13 Special Guardianship Regulations 2005). The circumstances in which the Council considers it is necessary to pay financial support to enable a carer to look after a child are likely to apply whether a SGO or a RO is being applied for.
- 7.15 The allowance rates Southwark pays family and friend carers with SGOs and ROs are less than the National Fostering Network rates paid to family and friend approved foster carers. The allowance in the latter is not means-tested, and any additional payments are made to assist with the child's special health or behavioural needs where appropriate. The difference in rates reflects the different obligations and responsibilities a carer has with regard to the local authority.
- 7.16 Family and friend foster carers are approved to look after children who remain in care to the local authority or are subject to accommodation agreements. The children continue to be "looked after" by the authority, and the carers have an obligation to co-operate with the authority regarding the terms of the foster care agreement entered into. This will include co-operating with Children Looked After Reviews, and may also include, for instance, obtaining approval from the authority for the child to take part in school trips, or to stay overnight away from the carer's home.
- 7.17 Family and friend carers with SGOs or ROs care for children who are not "looked after" by the authority, and therefore the same obligations to the authority do not apply. These carers will have PR of the child which will not be shared with the local authority, and consequently will have greater independence

- 7.18 Where the Council is requested in private law proceedings to prepare reports under either s7 or s37 CA, the preparation of reports does not lead to the child being considered to be looked after so that this fact itself will not lead to the payment of financial support.
- 7.19 Financial support must normally be agreed in principle prior to the making of a SGO/RO and require approval from the authority's Placement Panel.
- 7.20 The allowance for both SGOs and ROs is calculated by the Finance Section of the Social Services Department using the 'Standard Means Test Model' recommended by the DCSF for SGOs (see Appendix 1 and 2). Carers are required to supply the Council with full details of their means and outgoings in order to complete the Means Test Model, and failure to do so will result in non-payment of an allowance, save where carers are in receipt of Income Support, when they will not be subject to the Means Test Model, but will automatically receive the agreed 'maximum rate' (see below).
- 7.21 The 'maximum rate' used by this authority to be employed in the Means Test Model (DCSF Scheme) is calculated with regard to the rate paid to family and friends approved foster carers which is paid at the National Fostering Network rates (see 7.15 and 7.18 above). This authority's 'maximum rate' is 76% of the fostering rate paid to family and friends carers. This is considered to be a reasonable and fair amount for the following reasons:
- The weekly allowance is based upon the recommended National Fostering Network rate (inner and outer London rates apply).
 - The rate is independently set and subject to annual review and inflationary increase.
 - The Southwark 'maximum rate' is set at 76% of the National Fostering Network rate as the 'wear and tear' factor of the NFN allowance is not applicable because SGO/RO carers are not subject to the same statutory requirements concerning accommodation/room space and the same fostering national standards as approved foster carers (see below).
 - The scheme does enable enhancements for confirmed special health needs and registerable disability (reviewed annually).
 - The 'maximum rate' is reviewed annually and increased as necessary from 1 April each year.

NFN does not publish a breakdown of the percentage elements to show how its rates have been calculated, therefore the Council has considered its own breakdown of the elements of the rates it pays to non-family and family foster carers. 24% of Southwark's rate paid for 0 to 12 years olds, and 27% of that paid for 13+ years comprises 'wear and tear'. Southwark has decided to apply the 24% deduction in all SGO/RO cases regardless of age, as this produces the higher percentage payable of 76%.

- 7.22 The 'wear and tear' element referred to above reflects the following factors, which apply equally to both family and friends foster carers as well as to non-family and friends foster carers, but which do not apply to those with SGOs or ROs:
- (i) Approved foster carers are required to provide separate bedrooms for the children they foster.

(ii) Approved foster carers are required to maintain their property to comply with a high standard of health and safety, and to have appropriate property insurance. These standards are inspected and are subject to annual review.

(iii) Approved foster carers are required to provide a home environment which is kept furnished and decorated to a reasonable standard to maintain registration. Again this is subject to inspection and annual review.

(iv) Approved foster carers are required to attend numerous meetings and appointments with the Council and other agencies specific to the Children Looked After status of the child/ren they are caring for. This frequently adds additional expenditure for the foster carer.

(v) Approved foster carers are required to provide regular hospitality for visits from social workers or other agencies, meetings, contact visits and so forth in their own home.

7.23 Special discretionary payments may also be made as with Family and Friends foster care (see paragraph 7.8). These also require approval by the Head of Services for Children In Care.

7.24 The Council may exceptionally agree to assist with paying the legal costs of an approved Family and Friends foster carer to enable that person to apply for a SGO/RO where it considers it appropriate to do so. See paragraph 7.10 above for the terms regarding this.

7.25 Where a Southwark foster carer or a Family and Friends foster carer subsequently applies for a SGO/RO, the amount of allowance they receive will not change for the first two years following the making of the SGO/RO provided the decision that it will not change is made before the SGO/RO is made and the authority considers it necessary in order to facilitate the arrangements for the carer obtaining a SGO/RO. This is also on the basis that a full Care Order has been made already, and the carer subsequently at any time decides to seek a SGO/RO and applies for such an order. Any enhancement payment would also be continued (reviewed annually) although special allowances would cease. This authority retains a discretion not to reduce the amount of the allowance paid after the two year period where the authority considers its continuation to be necessary having regard to the exceptional needs of the child or any other exceptional circumstances. Such a decision requires approval by the relevant Head of Service. For further details, reference should be made to the separate policy concerning the Southwark Conversion Scheme.

(d) Conditions

- 7.26 In the case of financial payments to Family and Friends foster carers and to special guardians or those with residence orders, no payments will commence until the carer has agreed in writing to inform the authority immediately if:
- (i) There is a change of his address;
 - (ii) The child ceases living with them;
 - (iii) The child attains the age of 18 or ceases full-time education or training and commences employment, whichever is the sooner;
 - (iv) The child qualifies for income support or jobseeker's allowance in his/her own right.
- 7.27 In addition, in the case of special guardians or those with residence orders only, they must also agree to complete and supply the authority with an annual statement as to:
- (v) Their financial circumstances;
 - (vi) The financial needs and resources of the child;
 - (vii) Their address and whether the child still has a home with them.
- 7.28 Failure to comply with the above conditions may lead to the authority suspending or terminating payment of financial support and seeking to recover all or part of the financial support they have paid.

8. Support services

(a) Family and Friends foster care – aka “Kinship Foster Care”

- 8.1 The Council recognises that some children placed in Kinship care may have suffered or be suffering from the effects of physical or emotional abuse. They may be at risk of further emotional trauma as a result of past experiences unless specific carer support and training packages are provided.
- 8.2 A child in Family and Friends foster care remains looked after by the authority and will therefore be subject to statutory reviews (usually at least every six months) at which the child's care plan based on meeting the needs of the child will be reviewed. Such a plan will also identify what assistance the carer will require to meet the child's needs, although the carer's Kinship worker should also liaise with the child's social worker to identify the assistance required by the carer. The care plan is overseen by the child's Independent Reviewing Officer and will include specific elements relating to education, contact and health.
- 8.3 Services which may be offered to a carer include:
- Training programmes to assist with managing challenging behaviour.
 - Access to welfare benefits advice (care leavers).
 - Membership of specific support groups for Kinship carers.
 - Access to Southwark's Children's Education and Health Project Specialists.

- Access to Carelink – Southwark’s Child Mental Health project to help carers manage a child’s emotional wellbeing.
- ‘Out of hours’ advice in case of emergencies.
- Allowance to purchase a computer to assist with child’s educational needs, and internet rental where appropriate.
- Ongoing support and annual review by Kinship worker.
- Regular allowances in line with the National Fostering Network.

The above is not an exhaustive list and assistance required will depend upon the circumstances of the case.

(b) Family and Friends arrangements

- 8.4 These arrangements are as defined above in paragraph 6.9. Support services for these arrangements are assessed and offered as required under Section 17 CA. Requirements will be assessed by the social work team undertaking the Core Assessment. Services to be provided following assessments will be decided upon by the relevant Team Manager, who may refer the matter to the Service Manager in cases of unusual provision or significant expenditure.
- 8.5 Services may include social work support from the Family Resource Team, Locality Family Support Services, a referral to a parenting programme, temporary support to assist a child to attend school, day care provision (under 5s) and welfare benefits advice. This is not an exhaustive list and will depend upon the needs of the child.

(c) Special Guardianship/Residence Orders

- 8.6 Where a child is looked after by the local authority or was looked after by it immediately before the making of a SGO/RO, that child, or the carer or prospective carer, or the parent of such a child can request that the authority carries out an assessment of their needs for support services.
- 8.7 Where a child is not looked after or was not looked after by the authority immediately before the making of a SGO/RO, that child, or the carer or prospective carer, the parent of such a child, a child of the carer, or any person whom the authority considers to have a significant and ongoing relationship with the child can request in writing an assessment of their needs for support services. The authority will then consider whether or not to undertake an assessment, and if it is minded not to, will give its reasons for that decision in writing. The person requesting the assessment will have 28 days from the date on which the written notice of refusal was sent in which to make representations in writing regarding that refusal. The relevant Service Manager will then make a final decision having considered those representations.
- 8.8 Where an assessment of a person’s needs for support services is carried out, regard must be had to such of the following considerations as are relevant to the assessment:
- (a) the developmental needs of the child;
 - (b) the parenting capacity of the special guardian;
 - (c) the family and environmental factors that have shaped the life of the child;
 - (d) what the life of the child might be like with the special guardian;

- (e) any previous assessments undertaken in relation to the child or the special guardian;
- (f) the needs of the special guardian and of that person's family;
- (g) where it appears that there is a pre-existing relationship between the special guardian and the parent of the child, the likely impact of the SGO on the relationships between the special guardian, the child and the parent.

The SGO applicant may be requested to attend for interview regarding assessment of his/her needs, or those of the child.

- 8.9 Support services which may be provided depending upon assessed needs include counselling, advice and information; assistance in relation to contact; therapeutic input for the child; training for the carer. The list is not exhaustive and will depend upon the assessed needs.
- 8.10 Where a request for assessment is received under paragraph 8.6 above and the authority decides that a support service is required on more than one occasion, and the services are not limited to the provision of advice or information, then it must prepare a plan concerning the services to be provided and keep that plan under review. Such plans must be reviewed annually, but also if the authority considers appropriate, such as when there is a change of the person's circumstances likely to affect the provision of services.

9. Support for formerly looked after young people

- 9.1 Where a child or young person remains looked after by the local authority and is in a "kinship foster placement" as defined by this policy, then provided they qualify under the Children (Leaving Care) Act 2000 as "eligible children", "relevant children" or "former relevant children" they will be entitled to assessment, assistance and support under the provisions of that Act. The responsibility for this rests with the local authority's Adolescent and After Care Service.
- 9.2 Where a child or young person has been looked after and is placed with a family or friend carer via an SGO or RO, provided the young person is under 21 and was, at any time after reaching the age of 16 but while still a child, looked after by the local authority immediately before the SGO/RO was made, then the young person will qualify for advice and assistance under s24 CA.

B KINSHIP CARE PROCEDURES

Appendices 3 and 4 contain two flow charts which show the basic processes involved. Flowchart A (Appendix 3) covers the situation when a child is not looked after by the authority and Flowchart B (Appendix 4) covers the situation when the child is looked after by the authority.

It is important to distinguish between the two scenarios from the outset, as different consequences flow from each. When social work practitioners are in doubt as to which situation applies, advice should be sought at an early stage.

A child may be 'in need' as defined by Section 17 CA, but there are no child protection concerns, or the child may not even be 'in need'. Where there are child protection concerns, these may be allayed by the child's family assuming care of the child so that it is not necessary for the child to ever become 'looked after' under Section 20 CA. Where parental consent to the family assuming care is not forthcoming and there are sufficient child protection concerns, the authority may need to initiate proceedings to protect the child before the child can live with the Kinship carer.

Who makes the decision between Sections 17 and 20 Children Act 1989?

The importance and significance of this decision is set out above in paragraphs 6.12 and 6.13. Often an early and clear decision is required. A potential family and friends carer may mistakenly assume that the authority will provide ongoing financial support to assist in caring for a child he/she is prepared to care for, whereas the authority does not consider the child is looked after under Section 20 and that any financial support is payable only under its powers under Section 17. Therefore, it is vital that the authority decides early on which it is, that this decision is recorded in writing, and that the carer or prospective carer (and the parents and child where appropriate) is notified of this decision in writing.

The decision will initially be made by the relevant Team Manager, who must then refer the decision immediately to the Head of the Assessment, Safeguarding and Family Support Service for approval or otherwise. Once this has been decided, the matter is referred back to Team Manager for any decisions regarding financial support (see Section 7 above re Financial Support and the Procedures below).

The following sets out more procedural detail to be followed for the three different types of Kinship care covered in this policy.

10. Family and Friends arrangements (Section 17 CA)

- 10.1 Local authority (LA) becomes aware of/receives referral that child living with parents but cannot continue to do so for whatever reason OR child already living with relative/friend.
- 10.2 LA undertakes Initial Assessment, followed by Core Assessment where necessary.
- 10.3 If no child protection/child in need concerns, then there will be no need for further intervention (although it could be a private fostering arrangement which may require registration and monitoring by the LA).

- 10.4 If there are no child protection concerns, but child in need, Section 17 support available where required.
- 10.5 If there are clear child protection concerns, LA's child protection procedures to be implemented.
- 10.6 Family Group Conference to be considered and held where appropriate.
- 10.7 A Child protection conference may be convened and a Child Protection Plan may result.
- 10.8 If a relative/friend already caring for or offering to care for child and is considered appropriate to meet child's welfare needs and parents support this, child can stay or can move with parental consent. This can be temporarily whilst further assessments are undertaken, or may be longer-term. The decision regarding status under s17 CA is made by the Team Manager, and endorsed by the Business Manager for the Assessment, Safeguarding and Family Support Service (see above). It must be made clear in writing to all involved from the outset that the LA is not placing the child under S 23 CA and that the requirements of the Fostering Services Regulations 2002 regarding assessment and approval of the carer are not relevant. The greater the role of the LA the more likely it will be considered that child is 'looked after' under S 20 CA and placement being made under S 23. Conversely, where negotiations and arrangements are made directly between the parent and the carer, the less the LA's role is. The LA must record this in writing on the child's file, including who is financially responsible for the child. The child is not 'looked after' by LA. The LA may assist with facilitating arrangements, but is not placing the child, as the child is not in care. Section 17 support may be made available.
- 10.9 Where parents do not agree to child living with relatives, provided child protection concerns are not such to warrant LA initiating proceedings and situation not so urgent, relatives can be advised to take their own action and apply for order such as SGO/RO.
- 10.10 Where there are sufficient child protection concerns, it is likely LA will need to initiate proceedings. If child does not become looked after, Section 17 support may still be appropriate.
- 10.11 When Section 17 support services are assessed by social worker (SW) as required, the relevant team manager (TM) can consent to this. Cases of unusual provision, significant expenditure or ongoing expenditure should be referred by the TM to the relevant Service Manager for approval.
- 10.12 If Section 17 financial support is required this can be authorised by the TM for up to 28 days; beyond 28 days it must be referred to the Service Manager for approval.
- 10.13 Whenever Section 17 support of any kind is provided, it is the responsibility of the SW and those supervising the SW to ensure that provision of support is regularly diarised for review. This should be at least every 14 days.

11. Family and Friends foster care – aka “Kinship Foster care”

11.1 Assessment and approval

- 11.1.1 Child is already ‘looked after’ and placed with LA foster carer/in residential care or placed as emergency with family or friend carer under Reg. 38 FSR 2002. Can be under s20 (accommodated with parental agreement), s31 (care order)/s38 (interim care order) or placed by the LA with a relative or other person under s23 CA.
- 11.1.2 Duty to consider whether in child’s best interests to be placed with (or remain with) relative or family friend. SW should follow Core Assessment model.
- 11.1.3 Consider Family Group Conference and convene where appropriate.
- 11.1.4 Where family and friends carer may be willing and feasible, SW to consider whether need for child to remain in care to LA. TM to approve decision. Where uncertain, may be able to seek advice from the Kinship worker (see para 2.1.8 onwards).
- 11.1.5 Where not necessary for child to remain in care, child under s20 and parents agree, child can move to Kinship carer with no legal order (although carer may be advised to seek SGO/RO). Child ceases to be looked after. Leaving care responsibilities may apply/Section 17 assistance. If SGO/RO applied for, support may be provided via those. Needs to be confirmed in writing.
- 11.1.6 Where not necessary for child to remain in care, child under s20 but parents do not agree, carer should apply for SGO/RO.
- 11.1.7 Where not necessary for child to remain in care and child under s31/38, if care proceedings pending, court approval should be sought before moving child to Kinship carer. Court may make or carer may seek SGO/RO. If post-CO, technically court approval not required, but note: if proposed placement radically different from care plan, parents may object and seek discharge of CO.
- 11.1.8 Where considered necessary for child to remain looked after whilst Kinship placement happens, child will need to be under s31/s38 (otherwise if s20, child would usually be discharged from care).
- 11.1.9 Immediate (emergency) placement of a looked-after child with Kinship carer (known as Regulation 38 placements) can be effected for up to 6 weeks provided:
- Proposed carer has been interviewed and information obtained about other persons living in household (anyone over 16 years must also be seen);
 - LA checks have been obtained;
 - Accommodation has been inspected and deemed satisfactory to meet child’s immediate needs;
 - Agreement for CRB consent form completed on all adults and CAIT CPT referral form sent for immediate police check.
 - Written agreement signed by carer setting out placement arrangements to include any specific details re. contact between child and parents.
 - Health check consent form signed giving permission to write to carer’s GP.

- SW must visit/authorise another to visit child at least once a week throughout placement (until formally approved) and see child alone unless child, being of sufficient age and understanding, refuses; written report of each visit must be prepared.

11.1.10 For immediate (emergency) placements of a looked-after child TM or Service Manager can approve immediate financial support at SGO/RO rates (this will be calculated by the CLA Business Unit) using the DCSF means test model for up to 42 days or until the case can be presented to the next Placement Panel.

11.1.11 Placements longer than 6 weeks require a report to the Placement Panel to meet the Section 38 requirements and a placement report needs to be submitted to the next Placement panel as to the continued suitability of the Kinship Carer to meet the needs of the child(ren). In addition a completed CRB(s), health report and references will need to be obtained and checks completed on the local authority in which the carer resides. This report will be undertaken by the child's social worker. (See Guidance Note for fuller details)

The Placement Panel having regard to these matters can consider whether the prospective family carer is suitable to act as a temporary kinship carer for a named child until the permanence plan has been decided.

It is recognised that the Permanence Plan is not always known by the end of 6 weeks. The child's case may be in court and a Viability Assessment requested as to the Kinship carer's capacity to meet the child's permanent needs. This assessment will be undertaken by the child's social worker.

It is Southwark's Policy that all children under 5 years have the right to a permanent legal family for life, therefore Kinship as a permanent solution for most children under 5 years of age will not normally obtain approval from Southwark's Fostering Panel. Family members who wish to be considered as permanent carers will be encouraged to pursue either Special Guardianship Orders or Residence Orders or Adoption Orders to provide a more appropriate and secure legal framework for a child.

11.1.12 Where a child is over 5 years of age, referral for a full Kinship assessment can be made to the Kinship Worker, if the plan requires that the child should remain in care on a long term basis (S31). If Kinship worker positively assesses proposed Kinship carer and social work team agree, Form F2 presented to Fostering Panel together with information on the child by the social worker for approval of Kinship carer for named child. If Panel does not approve carer, appeal process follows.

11.1.13 If Kinship worker negatively assesses proposed Kinship carer or social work team does not support placement, carer may make own legal application if appeal to LA unsuccessful.

11.1.14 CLA Business Unit calculates the fostering allowance for family and friends foster carers (aka kinship carers) in accordance with policy (see paras.7.1 to 7.10 of Policy Section). It is then approved by the Head of Services for Children In Care, who will also approve any discretionary payments such as an initial grant to

facilitate the placement. The allowance will only be paid after the Fostering Panel has approved the carer.

11.1.15 The fostering allowance can be suspended or terminated where:

- Child attains 18 or ceases full-time education, whichever is the sooner (note: Adolescent and After Care Service may already have assumed responsibility for child prior to this);
- Child is no longer in placement for whatever reason;
- Concerns around standard of care/child protection concerns such that removal of child from carer is necessary;
- Carer is failing to co-operate with statutory reviews, health or other assessments or arrangements (such as contact) for the child.

11.2 Reviews of placement and carer

Following approval by the Fostering Panel:

11.2.1 SW / authorised worker must visit the placement to ensure the welfare of the child continues to be met in the first year after one week, then every 6 weeks. After the first year, visits must be every 3 months. Child must be seen alone unless of sufficient age and understanding and refuses; written report of visit must be prepared.

11.2.2 Kinship worker must undertake annual review of carer. First review must be approved by Fostering Panel, and subsequent reviews can be referred if considered necessary.

11.2.3 Where it appears that the placement is no longer the most suitable for the child, steps should be taken to bring the placement to a planned end. Where the placement is detrimental to the welfare of the child, the LA shall remove the child forthwith.

11.3 Leaving care

11.3.1 Provided the child qualifies under the provisions of the Children (Leaving Care) Act 2000, the child will be entitled to assessment, assistance and support under that Act (see para. 9.1 above).

11.3.2 It is the responsibility of the Adolescent and After Care Service to assess and deliver this service, and they will already be responsible for the child from 13 years onwards.

12. Special Guardianship/Residence Orders

12.1 Special Guardianship Orders

12.1.1 When to prepare SGO report using template format:

- On receipt of 3 months' notice from relative or friends of intention to apply to court for SGO;
- Court may direct a report to be filed by certain date e.g. in care proceedings.

12.1.2 In preparing report, assessment for support services needs to be undertaken (see paras. 8.6 to 8.10 Policy Section), although if child is not/has not been looked after by LA, LA can decide whether or not assessment is justified. In the event LA decides no assessment is necessary, reasons must be given in writing. The person requesting it can appeal to LA within 28 days from the date on which the written notice of refusal was sent by making representations in writing. The final decision is made by the relevant Service Manager.

12.1.3 Where child is/has been looked after by LA and support services are assessed as being required on more than one occasion and are not limited to the provision of advice or information, a plan must be drawn up for the provision of those services.

12.1.4 The plan and provision of services must be reviewed at least once a year, but also if there is a change in the person's circumstances which would affect the provision, and as considered appropriate.

12.1.5 Where child is looked after by LA, financial support may be considered necessary to facilitate the placement with special guardian (see paragraph 7.13 of Policy Section). Information will need to be obtained by the SW from the prospective special guardian to enable the DCSF Standard Means Test Model (see Appendix 2) to be completed and calculated by the CLA Business Unit. Once this has been done, approval of the proposed financial support can be obtained from the Placement Panel. If a child is placed with prospective special guardian during care proceedings an interim SGO allowance can be paid following assessment even before the SGO order is made.

12.1.6 The approval of financial support is generally required prior to the making of the order. An agreement must be entered into with the person prior to the payment of any financial support in accordance with the regulations. One of the conditions is that an annual statement of financial circumstances will be supplied to the LA by the carer.

12.1.7 Review process

The financial support and support services provided must be reviewed annually on receipt of the annual statement referred to above. This applies to cases where provision of support remains this LA's responsibility in law; where they are the responsibility of another LA in law, that LA becomes responsible for undertaking the reviews.

The review of financial support and support services for SGOs (and ROs – see below) will be conducted by specialist in-house social workers (the SGO workers), who are located within the Family Support Service, one in the Family Court Assessment Service (FCAS) and the other in the Family Resource Team (FRT) North. These two workers review and case manage SGO/RO cases where no or minimal social work tasks are required. In cases where a more substantial or robust package is in place, it is the responsibility of the referring team to negotiate a transfer of the case into an appropriate team e.g. Family Support Team/Family Resource Team/Children with Disabilities Team and in such cases the allocated social worker is responsible for conducting the annual review. Advice on the review process can be obtained from the FCAS Team Manager or the FRT North Practice Manager.

To make a referral for case management or review of financial support and/or support services to the SGO workers:

- The referring team must firstly discuss with the FCAS Team Manager the nature and extent of the support package to determine which team should conduct the matter.
- The referring team must forward to the FCAS Team Manager the final SGO/court report where possible one month prior to the final hearing.
- The FCAS Team Manager will agree the case transfer to the SGO workers where appropriate within 5 working days.

Where it is agreed the SGO workers will case manage and/or review a case, the SGO worker allocated the matter will:

- Write an introductory letter to the carer within one month of the case being allocated which will explain details such as the name and role of the worker and explain the case management/review process.
- Where the SGO worker is case managing the matter, two months after the above letter the worker will write again to the carer to arrange a visit to ensure that there are no issues which need addressing at that time.
- One month prior to the annual review (11 months after the order is made), will write to the carer with a review date and a list of documents required to carry out the financial support and support services review. The SGO worker will check Care Assess and Care Store for entries for the previous year.
- Write up the review in report form, signed off by their manager and also by the Business Manager for the Assessment, Safeguarding and Family Support Service and sent to the carer within two weeks of the visit. This will also be written up on supervision records in Care Assess.
- Continue with annual reviews until the child attains the age of 16, or the order ceases, or the support ceases (see below), and will advise the carer in writing at the anticipated penultimate review that support will cease one month prior to the final review.
- During the review or at any other time, if child protection/child in need concerns arise which require intensive social work support, the SGO worker under guidance from their manager will be responsible for referring the matter to the appropriate team i.e. Referral and Assessment/Family Support Team/Family Resource Team. Once the concerns have been addressed and the case closed to that team, a referral back to the SGO worker via the FCAS Team Manager can be made.

Where a new referral is made to Referral and Assessment regarding a child who is subject to a SGO/RO (and who is allocated to the SGO workers), the R&A Team must notify and liaise with the SGO worker and that worker's manager.

Where a child subject to a SGO/RO (and who is allocated to the SGO workers) is accommodated by the LA, or is known to have changed addresses, the SGO worker must be notified of this change.

12.1.8 Financial support may be suspended, terminated or recovered in part where conditions are not complied with, although this must be in accordance with the regulations. The Finance Manager must be notified by the SW responsible for the case to enable payments to cease, or recommence, when necessary. Where the condition not complied with is a failure to provide the annual statement, the LA cannot take any steps to suspend, terminate or recover the payments until they have sent a written reminder to the person of the need to provide an annual statement; and 28 days have expired since the date on which that reminder was sent.

12.1.9 In exceptional circumstances it may be possible to pay an enhancement to support the Special Guardian in meeting any special needs. It should be noted that enhancements are only paid in exceptional circumstances and with clear specialist information relating to a child's special health condition. The initial decision regarding whether or not an enhancement should be paid and how much that should be should be taken by the Head of Services for Children In Care. Decisions regarding reviews of enhancements are taken by the Business Manager for the Assessment, Safeguarding and Family Support Service. The guidance for the enhancement scheme is laid out in Appendix 1 and 2.

12.1.10 Provided a child or young person is under 21 and was, at any time after reaching the age of 16 but while still a child, looked after by the local authority immediately before the SGO was made, then the young person will qualify for advice and assistance under s24 CA.

12.1.11 It is the responsibility of the Adolescent and After Care Service to assess and assist the young person referred to in the above paragraph. The SW who undertakes the annual review of support under the SGO must refer the case to the Adolescent and After Care Service once the young person reaches 17 years.

12.2 **Residence Orders**

12.2.1 The same procedure applies to ROs as with SGOs in this authority, save that there is not a requirement to prepare a report in a set format for court. Generally the court will either direct that the LA files a statement in care or discharge of care proceedings, or prepares a s7/s37 report in private law proceedings.

12.2.2 Local Authorities have discretion about payments of financial support and provision of support services where there are ROs, but this authority has adopted the same method of calculation for financial support and assessment for support services as for SGOs where the child is looked after by the LA. The circumstances in which the LA considers it is necessary to pay financial support to enable a carer to look after a child are likely to apply whether a SGO or a RO is being applied for. For instance,

where a child needs special care which requires a greater expenditure of resources than would otherwise be the case because of his particular disability, this is likely to be the case whether a SGO or a RO is made. See paragraphs 12.1.5 onwards regarding how and when financial support will be calculated and paid.

12.2.3 Where the child is not looked after, the only support services or financial assistance likely will be any assessed as necessary under Section 17 CA for a child in need.

12.2.4 In exceptional circumstances it may be possible to pay an enhancement to support the Residence Order carer in meeting any special needs. It should be noted that enhancements are only paid in exceptional circumstances and with clear specialist information relating to a child's special health condition. The initial decision regarding whether or not an enhancement should be paid and how much that should be is taken by the Head of Services for Children In Care. Decisions regarding reviews of enhancements are taken by the Business Manager for the Assessment, Safeguarding and Family Support Service. The guidance for the enhancement scheme is laid out in Appendix 1 and 2.

Appendices

Appendix 1

Special Guardianship / Residence Order Enhancement Scheme

Child's Name: KEY A= child needs little help/supervision
D.O.B. B= child needs some help/supervision
Date of assessment: C= child needs a lot of help/supervision

Part 1: Identifying Special Needs

Section A: Self Care/ Physical Disability (subject to age appropriateness)

| | | | | |
|----|--------------------------------------|---|---|---|
| 1. | Needs help dressing | A | B | C |
| 2. | Needs help feeding/eating | A | B | C |
| 3. | Needs help going to lavatory | A | B | C |
| 4. | Enuresis (wets bed / clothing) | A | B | C |
| 5. | Encopretic (soils bed / clothing) | A | B | C |
| 6. | Adult attendance necessary | A | B | C |

Implication for costs:

Total % Basic Rate:

Section B: Social Behaviour/ Development (Evidence required)

| | | | | |
|-----|--|---|---|---|
| 1. | Child is destructive | A | B | C |
| 2. | Child is hyperactive (Attach psychiatric diagnosis) | A | B | C |
| 3. | Child 'acts out' | A | B | C |
| 4. | Child puts self at risk | A | B | C |
| 5. | Child has problems making attachments | A | B | C |
| 6. | Child steals | A | B | C |
| 7. | Child is aggressive/violent | A | B | C |
| 8. | Child puts others at risk | A | B | C |
| 9. | Child's sexual behaviour is inappropriate | A | B | C |
| 10. | Child is withdrawn | A | B | C |
| 11. | Child has communication problems | A | B | C |
| 12. | Child has specific and identifiable needs | A | B | C |
| 13. | Child has educational problems | A | B | C |

Implications for costs:

Total % Basic Rate:

Section C: Medical Condition (medical evidence required)

| | | | | |
|----|---|---|---|---|
| 1. | Child has known condition requiring specific care | A | B | C |
| 2. | Child needs regular medication or injection | A | B | C |
| 3. | Life expectancy: | A | B | C |
| | a) Normal expectancy | | | |
| | b) Expected to reach adulthood | | | |
| | c) Not expected to reach adulthood | | | |
| 4. | Hospitalisation: | A | B | C |
| | a) None | | | |
| | b) 3 x per year | | | |
| | c) 6 x per year or more | | | |
| 5. | Child has to use personal appliance requiring attention | A | B | C |
| 6. | Child is immobile | A | B | C |

Implications for costs:

Total % Basic Rate

N.B.

- (a) For limited periods, up to 6 months at a time, if a child is suffering from a life threatening illness and is acutely ill, with ensuing higher costs for the carers, the needs component can be enhanced to 100%.
- (b) The “Basic Rate” referred to above is not the same as the Southwark maximum rate applied in the Standard Means Test calculation (see Appendix 2).

Part 2: Enhancement Calculation

| | | | |
|-----------|-----------|--|--------------------------------|
| Section A | max extra | 5 x Cs = 25% 4 x Cs = 20% 3 x Cs = 15% 2 x Cs = 10% 1 x C = 5% | |
| | | 5 x Bs = 10% 3 x Bs = 5% | Total Sec A....% |
| Section B | max extra | 10 x Cs = 25% 8 x Cs = 20% 6 x Cs = 15% 4 x Cs = 10% 2 x Cs = 5% | |
| | | 10 x Bs = 10% 5 x Bs = 5% | Total Sec B....% |
| Section C | max extra | 5 x Cs = 25% 4 x Cs = 20% 3 x Cs = 15% 2 x Cs = 10% 1 x C = 5% | |
| | | | Total Sec C...% |
| | | | Total enhancement% |
| | | | x basic rate = £ _____ |

N.B. the total % for enhancement should then be applied to the basic rate – see Appendix 2. This will then be added to the SGO/RO allowance as calculated using Southwark’s Means Testing mechanism

Appendix 2

Guidelines for Means Test Special Guardianship / Residence Orders

1. Means Test

- 1.1. The Department for Children, Schools and Families (DCSF) has developed a model test for adoption and special guardianship financial support that Southwark has now decided to use. The DCSF believes that it is fair and that adoptive and special guardianship families will benefit from a consistent approach by local authorities. The means test model and full guidance notes can be found at www.everychildmatters.gov.uk/resources-andpractice/ig00027

- 1.2. Financial support cannot duplicate (or be a substitute for) any payments that the family would be entitled to under the tax and benefit system. Southwark expects and requires those seeking Special Guardianship or RO financial support to access all universal benefits to which their household is entitled and record them on their Financial Support Application Form.
- 1.3. When Special Guardians are first applying, they should go through the Southwark Adoption/Special Guardianship Financial Support Application Form with their social worker and the finance officer in order to ensure that they take up all universal benefits available. The social worker can also arrange for a welfare benefit check to be completed by Southwark Welfare Rights Unit.
- 1.4. The locally produced pamphlet “Your entitlements for Special Guardianship Orders – Welfare rights information for Southwark families that have children on Special Guardianship Orders” is updated on a regular basis at the beginning of each financial year in conjunction with Southwark Welfare Rights Unit.
- 1.5. The Southwark Adoption/ Special Guardianship Financial Support Application Form replicates the information required for the Income and Expenditure part of the DCSF means test. Once the completed form has been returned, the finance officer will apply the adopters’ income and expenditure to the means test spreadsheet.
- 1.6. If a family is in receipt of Income Support they will be paid the applicable maximum payment without assessing their income/expenditure in the test. There will be no deductions for Child Benefit for families on Income Support.
- 1.7. The DCSF means test model is based on disposable income and is basically a snapshot of the family’s income and expenditure, including all benefits, allowances, pensions, income from capital, maintenance payments and existing adoption and special guardianship allowances. Child benefit should be included for each child living in the household, excluding the child/children who are subject of the assessment. Housing benefit is also excluded.
- 1.8. When siblings are placed in a family at the same time, their respective allowance will not be counted as income when applying the test.
- 1.9. There are special rules on how to calculate income from **boarders/lodgers**, which are the same as those used when calculating income from borders and lodgers for Income Support.
- 1.10. If the family receives income from boarders/lodgers, this is entered on a **weekly** basis. The finance officer will apply a £20 disregard and then 50% of any excess over £20 for each person deducted. The finance officer will then calculate the monthly income from boarders/lodgers and will enter this on the means test spread sheet.

1.11 An example of the approach:

| | |
|------------------------------|--------------|
| <i>Boarder/lodger 1</i> | |
| Weekly payment | £ 30 |
| Deduct £20 (disregard) | <u>-£ 20</u> |
| | £ 10 |
| Deduct 50% of remainder | <u>-£ 5</u> |
| Income from boarder/lodger | £ 5 |

Multiply by 52 and divide by 12 makes a monthly income of £21.67

- 1.12. Any young person in the family under 18 being in receipt of Incapacity Benefit is still classed as a dependent child and parents are financially responsible. The Incapacity Benefit should however be included as income in the means test.
- 1.13. If other Young People over 18 are still living at home, working on a limited income or studying, nominal board of £25/week should be included in the means test. Other Young Adults should pay board commensurate to their earnings.
- 1.14. The means test spreadsheet automatically calculates the household monthly income and also applies a 20% disregard of this income.
- 1.15. For families with income from furnished or unfurnished properties it is recommended they look at www.everychildmatters.gov.uk/resources-andpractice/ig00027 or contact the finance officer for a copy of the DCSF full explanatory notes to be sent to them.
- 1.16. Family expenditure such as mortgage payments, rent and Council tax after deductions of any benefits received is offset against the disposable income, as well as reasonable child care costs. The Local Authority will need to decide if repayments on home improvement loans are deductible.
- 1.17. General household expenditure will be calculated using the Income Support allowance rates, increased by 25%. These rates change at regular intervals and the current rates can be found at www.jobcentreplus.gov.uk/JCP/customers/WorkingAgeBenefits/IncomeSupport/homemuch
- 1.18. The spreadsheet will calculate the household's monthly disposable income.
- 1.19. The finance officer will enter the appropriate maximum payment for the household, depending on the number and age of the child/children being adopted or becoming special guardian children, and the child's **special needs**.
- 1.20. Southwark's maximum allowance (known as the 'maximum rate') is based on 76% of the current rates being paid by this authority to approved Family and Friends Foster Carers, which in turn are the same as those recommended by the National Fostering Network (see 7.21 in the Policy to which this is appended). The 2008/2009 rates are given below

| Child's Age Range | Southwark's SGO/RO 'maximum rate' | | | | |
|-------------------|-----------------------------------|--------------|---------------------|--------------|--|
| | National Fostering | | Maximum Rate at 76% | | |
| | Inner London | Outer London | Inner London | Outer London | |
| 0-4 | 142.81 | 121.68 | 108.54 | 92.48 | |
| 5-10 | 162.80 | 138.61 | 123.73 | 105.34 | |
| 11-15 | 202.74 | 172.55 | 154.08 | 131.14 | |
| 16+ | 242.21 | 209.86 | 184.08 | 159.49 | |

- 1.21. The spreadsheet will then calculate the amount of payment to adopters or special guardians on the following basis:
- Where the family's disposable income is less than £0, the spreadsheet will show the local authority's maximum payment. This is because the calculation shows that the family do not have the means to accommodate any further expenditure.
 - Where the family's disposable income is higher than £0, the spreadsheet will calculate a figure that is a percentage of the maximum payment. This is tapered at a 50% rate. (50 pence is deducted from the maximum payment for every pound of disposable income >£0).
- 1.22. The final payment shown will be the calculation of the means test minus child benefit entered by the local authority.

2. **Special Needs**

- 2.1. Where the child needs special care that requires greater expenditure of resources by reason of illness, disability, emotional or behavioural difficulties or the continuing consequences of past abuse and neglect, the basic allowance mentioned in 1.20. can be enhanced up to 100%.
- 2.2. **The Southwark Special Guardianship Order Finance Support Enhancement Scheme** assesses the child's needs on a gradient scale on the three criteria of
- Self Care / Physical Disability (subject to age appropriateness)
 - Social Behaviour / Development
 - Medical Condition
- 2.3. For each criterion there are a number of questions that can be answered on a sliding scale i.e. child needs little help/supervision, child needs some help/supervision, child needs a lot of help/supervision.
- 2.4. Each of these sections assessing the child's level of need can give an enhancement to the basic allowance of 25%.

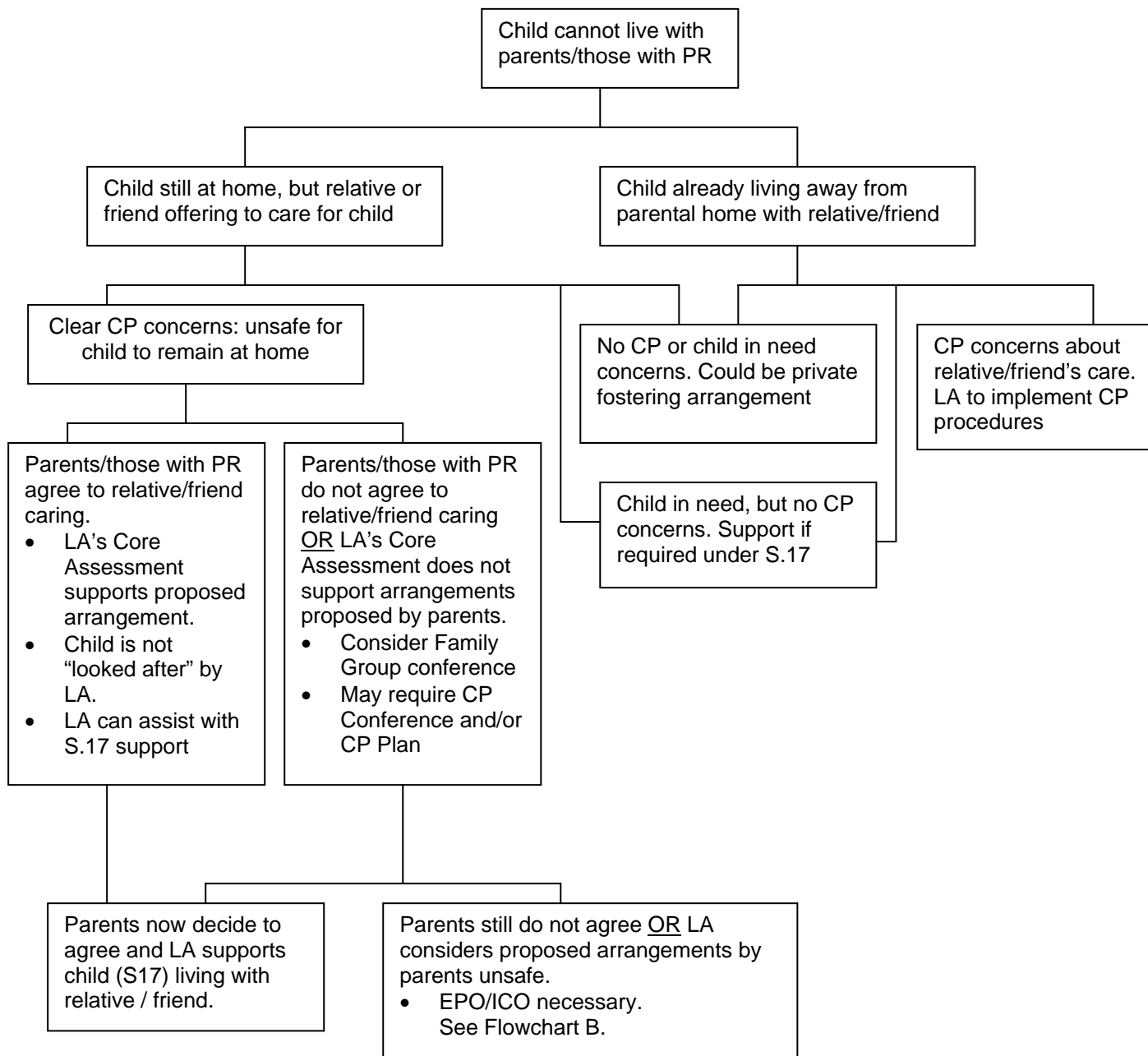
- 2.5. In addition, the enhancement level can be extended to 100% for limited periods, up to 6 months at a time if a child is suffering from a life threatening illness and is acutely ill, with ensuing higher costs for the family.
- 2.6. The allocated social worker will undertake this assessment together with the carer and other relevant professionals at placement.
- 2.7. The Special Guardian will be asked to complete the needs enhancement assessment form at the beginning of each of the age-range levels of the payment scheme, i.e. at 5, 11 and 16.
- 2.8. The finance officer will send the form together with the yearly financial review once the child has passed into a new age range and any additional enhancements will be backdated to the child's birthday.
- 2.9. If an additional enhancement is requested, the Special Guardian will need to supply the necessary corroborative evidence such as a doctor's report, or a psychological or educational assessment.
- 2.10. If there are significant changes to the child's needs in the intervening years, the Special Guardian can apply for a review.
- 2.11. The decision as to the level of financial enhancement for the special needs component is delegated to the Business Manager for CLA Services.
- 2.12. No payments will commence until the prospective carers have agreed in writing to inform the authority immediately if:
 - He changes his address;
 - The child ceases living with him;
 - They no longer are in receipt of Child Benefit.
 - The prospective carers must also agree to complete the Financial Support Application Form and supply corroborative evidence of income on a yearly basis for the purpose of review of the financial support payable.

3. Review of Financial Support

- 3.1. The rate of financial support provided is to be reviewed annually on the anniversary of its commencement. This will involve a Financial Support Application Form being distributed to the Special Guardians by the Finance Officer for completion and return together with corroborative evidence of income. The form must be completed within a specified time scale or the support will be suspended.
- 3.2. The information provided will be applied to the DCSF means test. Any changes to payments will be backdated to the anniversary of commencement.
- 3.3. The decision on reviews is delegated to the Business Manager for the Assessment, Safeguarding and Family Support Service.

Appendix 3

Flowchart A: Child not in care



Appendix 4

Flowchart B: Child in care

