

## **EDUCATION AND CHILDREN'S SERVICES**

### **Kinship Care Policy and Practice Guidance**

#### **Policy Aim:**

**This policy is a companion to the Permanence and Stability Policy, the Special Guardianship Policy and the Regulation 38 Policy (see References). This policy replaces all previous policies on Kinship Care.**

In circumstances where children are unable to live with their birth parents either temporarily or permanently and provided that this is consistent with the child's welfare, the Council will actively seek an alternative carer who is a member of their family or somebody who has a significant relationship with them before arranging for them to become looked-after by non-relative carers, placed in residential care or adopted.

In addition, the Council will provide ongoing support to those who have undertaken the permanent care of children who are unable to live with their birth parents when the children are subject to Residence Orders or Special Guardianship Orders. This support will include financial support if the carers are eligible according to the DfES means test.

The carers of looked-after children will receive support in accordance with the Fostering Services Regulations.

#### **References:**

Slough Borough Council Permanence and Stability Policy 1st December 2006:

- For most children, the best prospect for a permanent family that meets their emotional, physical and legal needs will be for them to remain or return to their own birth parents without the need for a legal order.
- When a child cannot remain with or return to their birth parents within a time-scale that meets the child's needs, the preferred option, where this is consistent with the child's welfare, is to seek a home for them within their extended family with or without a legal order.

- Where a legal order is required to secure a kinship placement, permanence may be achieved through a Residence Order, Special Guardianship Order or adoption. (Approval of family or friends as foster carers for children subject to care orders will be exceptional and, usually, short term.)
- If permanency cannot be achieved by a return home or a kinship placement, then adoption must be considered for all children aged 9 and under. It may also be considered for children over 9 where appropriate and if the child wishes to be adopted.

#### Slough Borough Council Regulation 38 Placements Policy 28<sup>th</sup> November 2006

- When required to look after a child temporarily, Slough Borough Council will always seek to place the child with a relative or someone known to them, provided this is consistent with their welfare.
- If, subsequently, a permanent alternative family has to be found for the child and the Regulation 38 carers wish to offer the child a permanent home, a full assessment of the carers will be undertaken. In certain cases this will be an assessment as a local authority foster carer but Slough Borough Council holds the view that the child should not remain permanently within the care system. In order for the child to experience security and stability, carers are encouraged to seek a Residence Order or a Special Guardianship Order for them.

#### Slough Borough Council Special Guardianship Policy

- Slough Borough Council will provide support to Special Guardians, the children they are caring for and the children's birth parents, in accordance with Section 115(1) of the Adoption and Children Act 2002 and the Special Guardianship Regulations.

### **Family Group Conferences**

Wherever possible, the child's Social Worker will call a Family Group Conference when seeking permanent alternative carers for the child in order to ascertain if there are any family members or significant adults in the child's life who are able to care permanently for them.

### **Assessment of kinship carers for permanence**

The purpose of assessing kinship carers is to identify their strengths and the areas where they will need support. Where the carers have an established relationship with the child, it is likely that they will be more familiar with the short-term and long-term needs of the child and their own ability to provide this than any of the professionals working with the family. The assessor will, therefore, need to undertake their assessment in a sensitive manner and ask families what they need rather than focusing on their deficits and what they can not do. The wishes and feelings of the child will always be sought, if old enough, in respect of a kinship care arrangement.

A support plan will be prepared at the same time as the assessment in order to identify any training, resources or practical measures that the prospective carers need in order to be able to care permanently for the child. Slough Borough Council recognises the importance to the child of living with a family member or somebody who has a significant relationship with them and will not take the decision to exclude this option until it has been fully explored.

However, if the areas where the prospective carers require support considerably outweigh their strengths or the CRB checks, medical examinations or references reveal major concerns regarding their ability to care for the child, this will lead to a termination of the assessment.

When prospective carers have indicated that they wish to be considered as permanent carers for the child under a Residence Order or a Special Guardianship Order, the child's social worker will carry out a viability study of their ability to do so. If this is positive, the Family Assessment and Support Team will carry out a full twelve-week assessment of the carer.

### **Kinship Care Panel**

The Kinship Care Panel is a Panel within Slough Borough Council, chaired independently, which has been established to formally endorse a kinship permanency plan for a child and to make recommendations regarding the support package to be offered to the child and the carers who are seeking Residence Orders or Special Guardianship Orders. All assessments of carers who are seeking Residence Orders or Special Guardianship Orders will be presented to the Kinship Care Panel.

Those families who are seeking approval as local authority foster carers or adopters will not be brought to the Kinship Care Panel as there is provision for them to be approved and matched with the child at other panels.

### **Ongoing support and advice to kinship carers**

Once a Residence Order or a Special Guardianship Order has been made, and the child's care plan or the Special Guardianship Support Plan has identified ongoing financial support is to be provided to the carer, subject to annual review, the case will transfer to the Family Assessment and Support Team.

In respect of the making of a Residence Order, where there is no ongoing financial support, this case will be closed unless there is clear evidence of the need for ongoing support and advice from an allocated social worker.

The FASTeam will allocate each case to one social worker. This social worker will offer support and advice to the carer, the child and the parent as required by the support plan or as identified by annual review. The FASTeam also provides a support group for kinship carers which includes occasional activities for the children in kinship care arrangements.

*Family and friends foster carers will receive support in accordance with the Fostering Services Regulations. A fostering allowance will only be paid to family and friends foster carers after they have been assessed by the Fostering Team in accordance with the Fostering Services Regulations and they have been approved as local authority foster carers.*

***(This current policy has recently been challenged in court by a solicitor for a Regulation 38 carer. Advice from BAAF is being sought together with further information on recent court rulings.)***

## **Legal aid and financial support**

Carers are recommended to seek legal advice before lodging an application for Residence Orders or Special Guardianship Orders. For those carers who are not eligible for legal aid, Slough Borough Council will offer financial assistance up to a maximum of £2,000 in order to process their application unless the Council opposes the application.

All RO and SGO applicants who are seeking financial support will be means tested according to the format provided by the DfES. If they are eligible they will be paid a weekly allowance according to rates set annually by Slough Borough Council. Carers will also be assisted to access all the benefits to which they are entitled and their allowance will be adjusted to take account of these.

If a carer seeking a Residence Order is unwilling to be means tested, they will not receive an allowance. A carer seeking a Special Guardianship Order would normally be expected to provide details of their means in order to have these tested in accordance with the format recommended by the DfES. SGO applicants must agree to provide the Council with an annual statement of their financial circumstances and the financial needs and resources of the child in order to receive an allowance.

In respect of Residence Orders, this allowance will be paid to the carer until the child is sixteen years old unless they are in full-time education. If this is the case, the allowance will be paid until they are eighteen or when the course ends during the year they are eighteen. This allowance will be reviewed annually.

In respect of Special Guardianship Orders, this allowance will be paid and reviewed in accordance with the Special Guardianship Regulations.

## **Private arrangements between family members**

Family members often make private arrangements among themselves that the child will not remain with the birth parents but live with a relative or friend. Sometimes Slough Borough Council is involved in making these arrangements. Subsequently the relative or friend may apply for a Residence Order or Special Guardianship Order.

In respect of a Residence Order application, the child's Social Worker will be expected to undertake an initial assessment to ascertain if this arrangement is in the child's best interests. They will also undertake a CRB check of all the adults in the house and obtain references from a GP in respect of the carers' health. If the child's Social Worker and their Team Manager are satisfied that this arrangement is in the child's best interests and the

carer will require no ongoing social work, practical or financial support, they will close the case. If the initial assessment confirms that this arrangement is in the child's best interests but identifies a need for ongoing support, including financial support, from Slough Borough Council, the Residence Order applicant will be referred to the Family Assessment and Support Team for a full kinship care assessment. The procedures as detailed above will then be followed.

In respect of an application for a Special Guardianship Order, the Council's Special Guardianship Policy is to be followed.

### **Private Fostering**

A child's step-parent, grandparent, uncle, aunt, brother or sister, or anyone with parental responsibility, can **not** privately foster a child. Please see the Council's Private Fostering Policy for more details.

