

6.1.1 Family and Friends Care Policy



RELATED GUIDANCE

Children Act 1989: Family and Friends Care: Statutory guidance for local authorities about family and friends providing care for children who cannot live with their parents.

REGULATIONS AND STANDARDS

See also Fostering Services (England) Regulations 2011 Regulation 14, 17, 26, 27, 28, 30, and Fostering National Minimum Standards 3, 9, 10, 13, 14, 15, 19, 20, 21, 22, 26, 28, 30..

This policy was last reviewed in 2018

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1. Introduction

The philosophy of Blackburn with Darwen Borough Council in regard to Children's Social Care is that in the great majority of cases, families and friends should be allowed and enabled to make suitable arrangements for the care of children known to them, without any intervention by the Council. Children may be brought up by members of

their extended families, friends or other people who are connected with them for a variety of reasons and in a variety of different arrangements.

This policy sets out the Council's approach towards promoting and supporting the needs of such children and covers the assessments which will be carried out to determine the services required and how such services will then be provided.

The manager with overall responsibility for this policy is the Director of Safeguarding.

This policy will be regularly reviewed, and made freely and widely available.

2. Values and Principles

Consideration of children's welfare and best interests will always be at the centre of the work we do. We will therefore work to maintain children within their own families, and facilitate services to support any such arrangements, wherever this is consistent with the child's safety and well-being. This principle applies to all **Children in Need**, including those who are **Looked After** by the local authority. Where a child cannot live within his or her immediate family and the local authority is considering the need to look after the child, we will make strenuous efforts to identify potential carers within the child's network of family or friends who are able and willing to care for the child.

The Council recognises the vital contribution family members and friends make in providing care for children. The great majority of children living with families and friends do so without the intervention of the Council. There are occasions where assistance may be requested to support a family and friends arrangement for children. These children, without the support provided by those family and friends, would be dependent on statutory fostering or residential care, or would be children in need without support. This policy clarifies how that support is arranged, where there is an assessed need.

This policy sets out how the Council will balance its duty under the Children Act 1989 to ensure that children are safeguarded and the requirement under the Human Rights Act 1998 that 'authorities do not intrude unnecessarily in family life'.

This policy is based on the following principles:

- That in any family and friend arrangement, the child's best interests are paramount and must take precedence over the interests of others involved;
- That children unable to live with their parents should be enabled to live within their families or with friends where this is consistent with their welfare. In the great majority of cases, this will not need any intervention by the Council;
- That the Council will undertake the minimum statutory intervention in the lives of those children for whom it has a duty of care by working in partnership with family or friends through the use of this Policy;
- That support within family and friends arrangements will be based on the assessed needs of the child rather than their legal status. Family and friends (whether or not they are approved foster carers) may

be provided with support to ensure that children do not become voluntarily **Accommodated** longer than necessary;

- That actions under this policy aim to promote permanence and stability for children by enabling those who cannot live with their parents to remain with members of their extended family or friends.

Diversity Statement

The council recognises that many of the children and those who apply to become family and friends carers will come from diverse ethnic, religious and cultural backgrounds, and/or may have particular disabilities. These factors must be taken into consideration when establishing the best arrangements for the child.

3. Views of Young People

Research around the views of children and young people tells us that children and young people think "families should be given a chance to suggest other ways of looking after children before they go into care" (Care Matters, Young People's Responses, DfES 2007). However what was clear from the 2009 report, the Planning, Placement and Review: A report of a children's consultation by the DSCF by the Children's Rights Director for England was that children and young people felt that we should "try families and friends, but assess first". "Just because they are family doesn't mean to say they are good at looking after us". However children interviewed through other research express a general support of family and friends care as a viable option, and children considered themselves close to their family and friends carers. Consultation with our own children and young people around service delivery will continue to shape and influence policy development and ultimately, how those services are delivered.

In drawing up this policy, we have consulted children and young people, family and friends carers and parents. A summary of findings from these consultations, showing how their views have informed this policy, is at Annex B - Summary of Consultation Findings.

4. Legal Framework

All local authorities have a general duty to safeguard and promote the welfare of Children in Need living within their area and to promote the upbringing of such children by their families. The way in which they fulfil this duty is by providing a range and level of services appropriate to those children's assessed needs (Section 17, Children Act 1989). This can include financial, practical or other support.

It is important to note that local authorities do not have a general duty to assess all arrangements where children are living with their wider family or friends network rather than their parents but it does have a duty where it appears that services may be necessary to safeguard or promote the welfare of a Child in Need.

Blackburn with Darwen use the **Continuum of Need and Response (CoNR) Framework** to set out a common approach to identifying needs of children, young people and their families, and which illustrates the different levels of need and our response to those needs.

Children in Need may live with members of their family or friends in a variety of different legal arrangements, some formal and some informal. Different court orders are available to formalise these arrangements.

Looked After children will always come within the definition of Children in Need, whether they are Accommodated under Section 20 of the Children Act 1989 (with parental consent) or in care subject to a Court Order whereby the local authority shares **Parental Responsibility** for the child. The local authority has a responsibility wherever possible to make arrangements for a Looked After child to live with a member of the family (Section 22 of the Children Act 1989).

For a detailed summary of the meaning and implications of different legal situations, the rights of carers and parents, and the nature of decisions which family and friends carers will be able to make in relation to the child, please see **Appendix A 'Caring for Somebody Else's Child - Options'**. Section 4 below sets out the local authority powers and duties in relation to the various options.

In relation to financial support, local authorities may provide carers of Children in Need with such support on a regular or one-off basis, under Section 17 of the Children Act 1989. This may include discretionary funding based upon a financial means test. However, the status of the placement will determine the nature and amount of the financial support and who can authorise its payment. The legal status of the child may have a bearing on the levels of financial support which may be available to carers, however. There are different legislative provisions which apply to financial support for children living with family or friends in Looked After/Adoption/Special Guardianship/**Child Arrangements Order** arrangements. The following sections of this policy set out the financial support that we may provide to family and friends who are caring for children in these different contexts.

Definitions:

Child in Need - defined in Section 17(10) of the Children Act 1989 as a child who is disabled or who is unlikely to achieve or maintain a reasonable standard of health or development without the provision of services by the local authority.

Looked After - a child who is **Accommodated** by the local authority, or who is the subject of an **Interim Care Order**, a full **Care Order** or an **Emergency Protection Order**.

5. Different Situations whereby Children may be Living with Family and Friends Carers

There are a number of situations where a child may live in the care of family, friends or connected persons, each with different levels of permanence and therefore a different legal basis. This Policy addresses the following situations:

- Informal family and friends care arrangements;
- **Private Fostering** arrangements;
- Family and friend foster carers - "**Connected Person**";
- **Child Arrangements Orders**;

- **Special Guardianship Orders;**
- Adoption.

5.1 Informal family and friends care arrangements

This is where a child cannot be cared for within his or her immediate family, and the family make fully private arrangements between themselves and other relatives. "Relative" means grandparent, brother, sister, uncle or aunt (whether full blood or half blood or by marriage or civil partnership) or step-parent, as defined in section 105 of the Children Act 1989.

The Council does not have a duty to assess any such informal family and friends care arrangements, and will only do so where it appears that services may be necessary to safeguard or promote the welfare of a Child in Need. In such cases, the Council has a responsibility under Section 17 of the Children Act 1989 to assess the child's needs and provide services to meet any assessed needs of the child. Following assessment, a Child in Need Plan will be drawn up and a package of support will be identified. This can comprise a variety of different types of services and support, including financial support.

Financial support would only be provided following an assessment and in compliance with legislation, and typically does not include recurring payments. Instead financial support is intended as temporary assistance for a fixed period to help the family, for example pending benefits being paid. Any financial support packages are set up for a fixed period and are reviewed on a regular basis by the Team Manager and/or Head of Service.

5.2 Private fostering arrangements

This means an arrangement where a child who is under 16 (or 18 if disabled) is cared for and accommodated by someone who does not have Parental Responsibility for him/her and is not a relative, and the arrangement continues for a period of 28 days or more or is intended to do so. It does not include a child who is Looked After by a local authority. In a Private Fostering arrangement, the parent still holds Parental Responsibility and agrees the arrangement with the **Private Foster Carer**.

In a Privately Fostered arrangement, it is a legal requirement that the Council satisfies itself that the arrangements are safe and satisfactory. However every effort is always made to maintain children within their families. Where a Private Fostering arrangement is made between parents and carers, the Council must be notified at least 6 weeks prior to the start of such an arrangement, or within 48 hours of an emergency placement (where it is intended that the arrangement will exceed 28 days). A representative from the Council will visit the premises where it is intended the child will live within 7 days and speak to the Private Foster Carers and all members of the household, including the child who is to be Privately Fostered.

More information on Private Fostering can be obtained by contacting the First Response, Early Intervention & Support team on (01254) 587547.

Should the child involved in a Private Fostering arrangement come within the definition of a Child in Need, the local authority has a responsibility to provide services to meet the assessed needs of the child under Section 17 of the Children Act 1989. Following assessment, a Child in Need Plan will be drawn up and a package of support will be identified. As in 5.1 above, this can comprise a variety of different types of services and support and will be based on the assessed need of the child or young person and carers.

5.3 Family and friends foster carers - "Connected Persons"

Where a child is Looked After by the local authority, we have a responsibility wherever possible to make arrangements for the child to live with a member of the family who is approved as a foster carer (Section 22 of the Children Act 1989). However the child can be placed with the family members prior to such approval, subject to an assessment of the placement, for up to 16 weeks, known as a Regulation 24 placement. This temporary approval can only be extended in exceptional circumstances. In this context the carer is referred to as a **Connected Person** and the approval process includes home visits by social workers, where all members of the family will have their feelings and wishes recorded, including the child (subject to age and understanding), those with Parental Responsibility and the Connected Persons.

The assessment and approval process for family and friends who apply to be foster carers for a specific Looked After child will be the same as for any other foster carer except that the timescales for the assessment are different where a child is already in the placement as indicated above (regulation 24). In all other respects the process is the same as for any other potential foster carers. An information pack will be available to potential foster carers about the process and they will be given the name and contact details of the social worker from the Fostering Service allocated to carry out the assessment.

As a Looked After child, a **Placement Plan** will be produced which will set out the specific arrangements surrounding the child and the carers including the expectations of the foster carers and the support they can expect to receive to enable to fulfil their responsibilities for the child.

Once Connected Persons are approved as foster carers, they will be allocated a supervising social worker from the fostering service to provide them with support and supervision; and they will receive fostering allowances for as long as they care for the child as a foster carer. Where temporary approval is given to such a placement under the procedure, the carers will receive fostering allowances equivalent to approved family and friends foster carers until the assessment has been completed and presented to the fostering panel for a decision to approve or not. Any further financial support will be based on individual assessed need.

While the child remains a Looked After child, as a foster carer, they will be expected to cooperate with all the processes that are in place to ensure that the child receives appropriate care and support, for example, contributing to reviews of the child's **Care Plan**, cooperating with the child's social worker and promoting the child's education and health needs.

5.4 Child Arrangements Order

A Child Arrangements Order is a Court Order which sets out the arrangements as to when and with whom a child is to live, spend time or otherwise have contact.

These orders replace the previous Contact Orders and Residence Orders.

A Child Arrangements Order may give parental responsibility to the person in whose favour it is made. Parental responsibility is shared with the parents.

Child Arrangements Orders may be made in private family proceedings in which the local authority is not a party nor involved in any way in the arrangements. However, a Child Arrangements Order in favour of a relative or foster carer (who was a 'Connected Person') with whom a child is placed may be an appropriate outcome as part of a permanence plan for a Child in Need or a 'Looked After' child.

The local authority may pay Child Arrangements Order Allowances to relatives or friends, unless they are a spouse or civil partner of a parent, with whom a child is living under a Child Arrangements Order. This is set out in paragraph 15 of Schedule 1 of the Children Act 1989, however this is discretionary.

Entitlement to an allowance is assessed on the same criteria as apply for adoption allowances. The assessment is based on the needs of the child and the financial circumstances of the carers and will be reviewed annually by the Team Manager and/or the Head of Service. The carers are also entitled to claim child benefit and child tax credit if this is not being paid to the parent.

The allowance will be calculated on the following basis:

- a. Standard Allowance: Age related Band One Fostering Allowance less Child Benefit and any applicable tax credits at the appropriate rate for the child;
- b. Discretionary / Exceptional Allowance: Additional costs which have been paid on top of fostering allowances based on the needs of the child or to ensure financial issues are not a barrier to achieving legal permanence for a child.
- c. Additional costs based on the needs of the family. For example; where the family is unable to claim benefits and can evidence their need it may be appropriate to pay an exception until they reach 18 years of age;
- d. All exceptions must be approved by the Director of Safeguarding, and evidence retained on case file.

5.5 Special Guardianship Order

Special Guardianship offers a further option for children needing permanent care outside their birth family. It can offer greater security without absolute severance from the birth family as in adoption.

Relatives may apply for a **Special Guardianship Order** after caring for the child for one year. As Special Guardians, they will have Parental Responsibility for the child which, while it is still shared with the parents, can be exercised with greater autonomy on day-to-day matters than where there is a Child Arrangements Order.

Special Guardianship Orders may be made in private family proceedings and the local authority may not be a party to any such arrangements. However, a Special Guardianship Order in favour of a relative or foster carer (who was a 'Connected Person') with whom a child is living may be an appropriate outcome as part of a Permanence Plan for a 'Looked After' child.

Where the child was Looked After immediately prior to the making of the Special Guardianship Order, the local authority has a responsibility to assess the support needs of the child, parents and Special Guardians, including the need for financial support. Financial support is offered based on an assessment under the Special Guardianship Regulations 2005,

The Special Guardian's means will always be considered when ongoing financial support is being considered. They will be asked to complete a Financial Assessment Form, which when completed should be passed to the Finance Officer responsible for carrying out means assessments.

In circumstances where specific needs are identified, the rate of Special Guardianship Financial Support will be paid at up to the equivalent of band one fostering allowances subject to the authorisation by the Head of Service, Permanence.

Where an application relates to a child not previously Looked After, any payment would be subject to financial assessment and is not guaranteed. It could also be time limited and for less than a band 1 allowance. Payments in these circumstances would only be agreed where there was a risk the child may not be able to remain in placement should financial support not be offered or that the child would be a significant disadvantage by not providing financial support (for example could not access nursery provision or other support that they require).

Additional allowances may be payable in exceptional circumstances and on the basis of assessed need and would always need to be approved by the Head of Service, Permanence. Additional payments will be reviewed annually to ensure that the original need still exists. Exceptional cases may include where a carer loses a job and the implication may lead to disruption for the child or where for a time, a family may be required to reduce working hours to be with the child.

5.6 Adoption Order

Adoption is the process by which all parental rights and responsibilities for a child are permanently transferred to an adoptive parent by a court. As a result the child legally becomes part of the adoptive family.

An **Adoption Order** in favour of a relative or foster carer (who was a 'Connected Person') with whom a child is living may be an appropriate outcome as part of a permanence plan for a Child in Need or a 'Looked After' child.

Local authorities must make arrangements, as part of their adoption service, for the provision of a range of adoption support services. They then have to undertake assessments of the need for adoption support services at the request of the adopted child, adoptive parents and their families, as well as birth relatives. The support required is then set out in an **Adoption Support Plan** and this may include financial support.

Financial support is intended to supplement existing means of support available to adoptive parents and the child or children being adopted. Adopters must be given advice of entitlements to employee's rights to leave and pay, benefits, tax credits and allowances, and these should be taken into account when considering amounts of financial support.

Circumstances in which financial payments may be made are as follows:

- i. Where it is necessary to ensure that adoptive parents can look after a child;
- ii. Where the child needs special care which requires a greater expenditure of resources by reason of illness, disability, emotional or behavioural difficulties or the continuing consequences of **Neglect** - and the child's condition is serious and long-term;
- iii. Where it is necessary for the local authority to make any special arrangements to facilitate the placement or the adoption by reason of the age or ethnic origin of the child or the desirability of the child being placed with siblings or a child with whom he/she has previously shared a home;
- iv. Where such support is to meet the recurring costs of travel for visits for the child to members of the birth family/significant others;

- v. Where the local authority considers it appropriate to contribute towards expenditure on legal costs, including Court fees (in cases where the adoption is supported by the local authority), or expenses associated with the child's introduction to adoptive parents or expenditure on accommodating the child (e.g. adaptations to the home, furniture, clothing or transport).

There are a range of financial support packages offered, the list below is a summary of options available - for more information please talk to your social worker or contact the Adoption Team:

An Initial Placement Grant - This is a standard, non-means tested grant which is payable for all children who meet the eligibility criteria moving into new placements.

Regular Financial Support - Is only payable for children who meet the eligibility criteria and payment of regular financial support and is subject to a means test. Adopters who wish to be assessed for regular financial support must complete an application form and provide proof of all income and expenditure - all income available to the family and the child will be taken into account.

All adopters will be offered a Welfare Rights check to make sure they are aware of all the benefits they are able to claim (e.g. Tax Credits, Child Benefit etc.).

All cases are reviewed annually and all changes in circumstances must be notified to the Finance Team.

Additional Assessed Needs - Such payments are available only for eligible children and are means tested. All additional financial support for adopters must be authorised by the Head of Service.

There are clearly defined criteria for assessment as follows:

- The case is clearly made that the proposed provision is essential to making the placement possible or to prevent its breakdown;
- Additional needs are directly beneficial to the child as part of the adoption support package;
- An up-to-date Welfare Rights assessment is available, addressing the family's financial situation.

Additional assessed needs which fall into the following categories will be assessed:

- Changes to Property;
- Other Identified Needs;
- Expenses During Introductions;
- Statutory Adoption Pay:

Where an adopter is ineligible for Statutory Adoption Pay we will consider making a payment of financial support equivalent to Maternity Allowance where adopters:

"have been employed or self-employed for at least 26 weeks in the 66 weeks up to and including the week before the child is placed with them for adoption (the test period), and have earned on average at

least the minimum earnings required to qualify for Maternity Allowance. The average earnings are worked out using earnings from any 13 weeks in the test period".

- Contact Expenses.

Foster Carer Adopters - Special transitional arrangements are in place for foster carers who become adoptive parents. This is to allow for a period of adjustment in their financial situation.

6. Provision of Financial Support - General Principles

There are three categories of payment, which may be considered. One or more of these may be applicable, depending on the particular circumstances of the case:

1. **Subsistence crisis (one-off) payments;**

These should be used to overcome a crisis, following the best assessment that can be achieved in the circumstances.

2. **Setting-up;**

These are for such items as clothing, furniture, or bedding. The social worker must be satisfied that the carers' financial position justifies the payment through a financial assessment. Assistance may be given subject to conditions, including repayment in certain situations.

3. **Weekly living contribution;**

It is possible for the local authority to make regular payments where family members or friends care for a child whether or not the child is not Looked After. Where regular payments are to be made, relative carers should be assisted to maximise their Income/Benefit as regular payments may adversely affect an individual's claim to income support.

In all cases where regular financial support is agreed, a written agreement will be drawn up detailing the level and duration of the financial support that is to be provided, and the mechanism for review.

The following criteria will be applied to all such payments:

- The purpose of the payments must be to safeguard and promote the welfare of the child;
- As part of the assessment, a view should be taken as to whether the carers need financial support based on their reasonable requirements in taking on the care of the child;
- There are no other legitimate sources of finance;
- Payments will be paid to the carer, not the parents;
- The payment would not place any person in a fraudulent position.

7. Accommodation

The authority works with landlords to ensure that, whenever possible, family and friends carers living in social housing are given appropriate priority to move to more suitable accommodation if this will prevent the need for a child to become looked after.

8. Supporting Contact with Parents

The authority is under a duty to promote contact for children Looked After.

Where the child is not Looked After, we are required to promote contact between the child and his/her family 'where it is necessary to do so in order to safeguard and promote his or her welfare.' As part of the support arrangements, it may be identified that specific assistance is required to ensure that any such contact can be managed safely. If necessary, information will be made available to family and friends carers about local contact centres and family mediation services, and how to make use of their services.

Where a child is Looked After, we are required to endeavour to promote contact between the child and his or her family 'unless it is not practicable or consistent with the child's welfare.' The overall objective of the contact arrangements will be included in the child's Care Plan and the specific arrangements will be set out in the child's Placement Plan.

9. Family Group Conferences

Family Group Conferences are meetings held between professionals and family members, which aim to achieve the best outcomes for children. They promote the involvement of the wider family to achieve a resolution of difficulties for Children in Need, and may help identify short-term and/or permanent solutions for children within the family network.

We will offer a Family Group Conference or other form of family meeting at an early stage. If a child becomes Looked After, perhaps following an emergency, without a Family Group Conference having been held, then (where appropriate) we will arrange one as soon as possible.

10. Complaints Procedure

Where a family or friends carer is not satisfied with the level of support provided to enable them to care for the child, then they have access to the local authority's complaints process. Our aim would be to resolve any such dissatisfaction without the need for a formal investigation but where an informal resolution is not possible, then a formal investigation will be arranged.

Any complaints should be sent to Quality Manager, Blackburn with Darwen Borough Council, PO Box 478, Blackburn, Lancashire, BB2 9BR.

11. Contacts

Team	Telephone	Email
Fostering Team	(01254 666806	Business.support-people@blackburn.gov.uk
Adoption Team	01204 336 098	CarePlanning@AdoptionNoW.org.uk
Assessment and safeguarding Team	(01254) 666991	Business.support-people@blackburn.gov.uk
Complaints	(01254) 01254 585367or 0800 015 5330	customercare@blackburn.gov.uk

11. Appendices

[Click here to view Annex A: Caring For Somebody Else's Child - Options](#)

[Click here to view Annex B](#)

[Click here to view Annex C](#)

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