

Portsmouth City Council

Kinship Care / Friends and Family Policy

**** PROCEDURE ****

YOU SHOULD ENSURE THAT:

- You read, understand and, where appropriate, act on this information
- All people in your workplace who need to know see this procedure
- This document, if printed off and is properly filed in a place to which all staff members in the workplace have access
- You are aware that only the version of the policy found on Tri-X is guaranteed to be the most recent issue

Purpose

This document provides policy and procedural guidance for team managers and case workers who may be involved in Kinship Care arrangements for a child or young person.

Scope

This document applies to all Children's Social Care and Safeguarding (PCC) staff working with children for whom permanency outside of the birth family is an option.

This policy needs to be read in the context of a range of permanent or long term family placement arrangements which can be made for children and young people who are unable to live with their birth parents. These options include kinship care, private fostering, Child Arrangement Orders, adoption or local authority long term fostering. For specialist advice around adoption the Adoption Service should be consulted.

Policy

Our policy is to work with service users, the wider community and partner agencies and organisations to achieve best possible outcomes for children in need through providing or commissioning services which:

- support the upbringing of children in their own families;
- where this is not possible, provide stable, safe and effective alternative care at the right time and for the right length of time; and which
- are responsive to individual needs, circumstances and choice and are based on evidence of what works for service users.

Within this context, PCC will place children's needs and our aspirations for them at the centre of our policies, procedures and practice.

Definitions/Abbreviations

PCC – Portsmouth City Council

ECM – Every Child Matters

SGO – Special Guardianship Order

PCC – Children's Social Care

FSSW – Fostering Support Social Worker

CAB- Citizen's Advice Bureau

CAF- Common Assessment Framework

TSD Workbook - Training, Support and Development Workbook

Delegation

Team Managers are responsible for ensuring that their teams are aware of and work to this procedure.

Authority to vary procedure

Director of Children's Social Care

1. Portsmouth City Council recognises the major contribution of kinship care as a permanent placement option for children who cannot live with their parents. Children may be brought up by members of their extended families, friends or other people who are connected with them for a variety of reasons and in a range of different arrangements. These carers are often referred to as “kinship carers” or “family and friends carers”, In this document we will use the term " Kinship Carers".
 - 1.1. Despite the often difficult circumstances, research shows that outcomes are positive for most children living in family and friends care, and considerably better than for children in unrelated foster care. A major study published, by Buttle UK and the University of Bristol in 2013 (*The Poor Relations: Children and Informal Kinship Carers Speak Out*), shows that kinship arrangements provide stability for the children and the children have strong attachments to their carers and have good levels of academic attainment, particularly when compared to children in the formal care system. Nonetheless, over a third of the children have severe behavioural and emotional difficulties as a result of their experiences of abuse and neglect when living with their parents.
 - 1.2. Portsmouth City Council acknowledges the personal cost and sacrifice that many kinship families make in order to care for their children, often having to change their life style and plans for the future. This policy sets out how Portsmouth City Council will help kinship carers, in collaboration with its local partners to give all children and young people the best possible family experience whatever the child’s legal status, needs and circumstances.
 - 1.3. Although the exact number of children in Portsmouth living with family and friends is not known, the 2001 census estimated that there were 137,000 children being raised by relative carers in England. Most of these children will be in informal arrangements. Although, as stated above, there is no data available for Portsmouth numbers, we do know that in March 2015 there were 170 children living with Special Guardians and 257 children were placed with foster carers (24 with family and friends). As the Local Authority is committed to ensuring that children are placed, wherever possible, with family and friends carers, when they cannot live with their parents, this figure is likely to increase.

2. Our values and principles

- 2.1. The key principle of the Children Act 1989 is that children should be enabled to live within their families unless this is not consistent with their welfare.
- 2.2. Support for kinship arrangements in Portsmouth is based on the needs of the child rather than the child’s legal status.
- 2.3. Portsmouth City Council recognises that kinship care is a permanence option for children and young people, as it provides high levels of stability for large numbers of children.

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

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

3.1. There are a number of ways in which children can live with people other than their parents and there are many different reasons why a child may be raised by a kinship carer, e.g. parental death, imprisonment, mental illness, substance misuse and separation of parents.

3.2. The majority of kinship carers are relatives of the child as defined by section 105 of the Children Act 1989 or have acquired parental responsibility for the child through a court order and there is no requirement to notify the local authority of the arrangement. (The definition of "relative", in relation to a child, means a grandparent, brother, sister, uncle or aunt (whether of the full blood or half blood or [by marriage or civil partnership]) or step-parent.")

3.3. Many of these arrangements remain entirely private without the need for the involvement of the Portsmouth City Council, although where help and advice is needed Kinship Carers are encouraged to get in touch with Children's Social Care and Safeguarding.

4. Status of children living with kinship carers

4.1. Children have the following status when living with kinship (family and friends) carers:

4.2. A child who is not 'looked after'

4.3. As a private fostered child (private fostering)

4.4. As a "looked after" child (this includes those children in care or who are accommodated under s20 Children Act 1989.)

4.5. Where the child is 'looked after' by relatives or friends, we will refer to the carers as Connected Person foster carers (when the carers have been assessed and approved as Local Authority foster carers).

4.6. The different legal situations are set out on the table at the end of this policy.

5. Legal orders which can support the kinship arrangement

5.1. A child may be living with kinship carers without a legal order to support the arrangement. However, there are legal orders that can be applied for by the carer (if there is a conflict and a need to secure the arrangement). Described more fully later in this policy, these orders are:

5.1.1. Child Arrangements Order (formerly known as Residence Order)

5.1.2. Special Guardianship Order

5.1.3. Adoption Order

5.2. These are private law applications, but can also, in some cases, be supported by the local authority when the child has either been in care or as a direct alternative to care. This could include assistance with legal costs and advice on making the application. The carer may also be able to apply for legal aid, but only in certain circumstances.

6. The role of kinship (family and friends) carers

- 6.1. Kinship (family and friends) carers play a significant role in enabling children and young people to remain with people they know and trust if they cannot, for whatever reason, live with their parents.
- 6.2. Family and friends often start to care for other people's children in a crisis or emergency situation. The majority of the relatives who provide care are grandparents, aunts and uncles and older siblings. These children are sometimes looked after by the local authority, but most are not.
- 6.3. The advantage of these arrangements is that children are able to stay in touch with their parents, and other members of their family, more flexibly where appropriate, and to live with people they know. They will often be able to stay at the same school and may feel less stigma and loneliness than living with carers they do not know. Recent research indicates that the outcomes for children living with family and friends can be better than for children in unrelated foster care placements (Hunt et al 2012 and Selwyn et al 2013).
- 6.4. Portsmouth City Council recognise that in order to enable family and friends to offer appropriate care for children and young people who cannot live with their parents, access to a range of high quality support services at universal, targeted and specialist levels may be needed.
- 6.5. Portsmouth City Council often becomes involved if there are:
- 6.6. Welfare or protection issues and where the family needs support
- 6.7. If the arrangement falls within the definition of Private Fostering
- 6.8. If the child is, or becomes looked after by the Local Authority.

7. Some considerations for anyone thinking about becoming a kinship carer

- 7.1. Does the child have an established relationship with you?
- 7.2. Is there sufficient/appropriate space in the house for this particular child and their belongings?
- 7.3. Do you have sufficient practical support?
- 7.4. How many outside commitments do you have e.g. work, other caring commitments?
- 7.5. The needs of your own children or other dependents?
- 7.6. What support would you need from your own family network or from the Local Authority?
- 7.7. Do you have any financial constraints/debts?

8. Our approach

8.1. Early help

- 8.1.1. The majority of kinship arrangements work well and meet the needs of the child with the support of universal agencies such as health and education and housing services.

It is important, however, that any difficulties are responded to early. Families may need advice and assistance during the early stages of considering whether to care for a relative or a friend's child, in order to weigh up the options and to consider what support services they might require. This advice can be obtained from a variety of sources, including the Family Rights Group; Grandparents Plus and Citizens Advice.

- 8.1.2. Partner agencies such as Health, Education and Housing have a key role to play in identifying and supporting children who are living with family and friends carers. Services need to be aware of and sensitive to the needs of these children and their families and give priority to access services wherever possible.
- 8.1.3. To enable family and friends to offer appropriate care for children and young people who cannot live with their parents, access to a range of high quality universal and targeted services may be needed. Support services should not be withheld because a child living with a kinship carer is not a looked after child.
- 8.1.4. There are also a wide range of resources available to support children in the local area, including early year's provision, day care and out of school services, schools and colleges, health services, leisure facilities and youth support services. Kinship carers are encouraged to access all the universal services available both locally and nationally. Details are provided in the list of local and national organisations at the end of this policy.
- 8.1.5. Early help, underpinned by an Early Help assessment (including CAF, Common assessment Framework) may help prevent difficulties increasing to the point where specialist services are required. Early help may be provided through an increase in the levels of universal services, or services provided or commissioned in clusters; this includes family support provided by schools and third sector services. Where a child is assessed as 'being in need'; support may be provided under section 17 of the Children Act 1989. This may include practical, emotional and one off financial support (for set up costs etc).

8.1.6. A child shall be taken to be in need if:

- 8.1.6.1. s/he is unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision for her/him of services by a local authority
- 8.1.6.2. her/his health or development is likely to be significantly impaired, or further impaired, without the provision for him of such services; or
- 8.1.6.3. s/he is disabled

9. Family Group Conferences

- 9.1. Where there are support needs or concerns about children's welfare and those at risk of harm, Portsmouth City Council will always look within the kinship network for a short-term and / or permanent solution for the child and will offer the family a Family Group Conference to help achieve this. Family Group Conferences are meetings with family members, which aim to achieve the best outcomes for children.
- 9.2. The Family Group Conference (FGC) is arranged by someone who is independent of the case. They visit the child, their parents, and members of the child's wider family in

preparation of the FGC. The child should be offered support to help them participate in the meeting.

9.3. FGCs are intended as a respectful and empowering process in which parents, children and members of the wider family are given clear information about the agency's concerns and are asked to produce a plan that addresses those concerns and answers specific queries. This plan may involve extended family members supporting the child and parents, but it may also involve the child living with a kinship carer.

9.4. Where the plan meets the needs to safeguard the child, the Local Authority will agree the plan.

9.5. Family Group Conference referrals in Portsmouth are only taken from Portsmouth Children's Social Work Service. However, families can indicate to social workers that they would like to be referred for a Family Group Conference.

10. Education

10.1. Portsmouth City Council recognises the importance of continuity of education for children and young people. Advice and guidance on educational matters for children cared for by family and friends will be provided, by directing carers to the most appropriate helplines or services.

10.2. Young people aged 16 -19 in kinship placements may be entitled to the Government funded bursary scheme. For more information contact: www.gov.uk/1619-bursary-fund.

10.3. Although the fund is discretionary for non-looked after children, those children looked after or who are care leavers will be able to access the fund and receive up to £1,200 per annum (2015). Your education or training provider decides exactly how much you get and what it's used for.

10.4. The bursary might be:

- paid in full or in instalments
- paid in cash, by cheque or through a bank account
- given as a travel pass, free meals, books etc instead of money

Some providers also offer one-off payments to cover study trips or travel for university interviews.

10.5. Priority schools admissions are available for those children who were in Local Authority care but who are now placed with their family under a Residence Order, Child Arrangement Order, Special Guardianship Order or Adoption Order. This is under Schools Admission Code 2014 (Oversubscription Criteria)

11. Arrangements for children living with kinship carers who are not 'looked after'

11.1. About these arrangements

11.1.1. When families have difficulties and the child cannot at that time live at home with their parents, an arrangement may be made with a member of the family or a friend for them to live with them for a short period of time or longer term.

11.1.2. The arrangement can be made directly between the parents and the kinship carer or a social worker may also be involved because the child is a child in need or at risk of harm. Where the social worker plays a major role in making the arrangement and/or stipulates what may or may not happen to the child whilst in the arrangement, (e.g. supervised contact with the child's parents) the child is likely to be considered a "looked after child".

11.1.3. Parental responsibility will generally remain with the birth parents but with day to day parenting tasks and decisions delegated to the carers. On the whole, these arrangements work well and will rarely come to the attention of the council although there may be a need for some advice and support during the placement.

11.1.4. Children cared for under the following arrangements are **not** looked after children. The arrangements may be made under the following circumstances:

11.2. Children living with close relatives (as defined by Children Act 1989 as agreed by parents at the parents' own initiative

11.3. Children living under a child arrangements order or special guardianship order made in favour of a family and friends carer

11.4. Children living with close relatives as agreed by parents and with the support of the council, the arrangement may have been identified as part of a Family Group Conference

11.5. Young people aged 16+ who are living with a relative or family friend of their own volition

11.6. Children and young people living with friends or non-close relatives as agreed by parents for a period of less than 28 days

11.7. Parents have made an arrangement with friends or non-close relatives for over 28 days under Private Fostering Regulations 2005. (NB: in such cases the Local Authority has a role to play in safeguarding these placements under the Private Fostering Regulations 2005. See section below about Private Fostering.) It is the responsibility of the Parents and the carer to inform the Local Authority of the arrangements they have made for their child.

12. Arrangements made without the involvement of the local authority

12.1. Where kinship carers have stepped in to protect and care for the child without the involvement of the Local Authority, parental responsibility remains with the parents but day-to-day parenting tasks and decisions are delegated to the kinship carers. It is good practice for an agreement to be drawn up between the carer and the parents, so that everyone knows the arrangements for the care and protection of the child.

12.2. The carer may do what is reasonable to safeguard and promote the child's welfare (s.3 (5) Children Act 1989) but should be supported to refer back to the parent or other person with parental responsibility about significant decisions. It is acknowledged that many of these arrangements will be temporary and short term but equally, if the arrangement needs to continue, with parental agreement, this can be secured as a permanent plan for the child.

12.3. Some arrangements may have been formalised by the court and in these cases the parental responsibility, delegated to the carers is much more clearly prescribed. Advice

about legal options available to carers can be provided from Portsmouth Children's Services, Family Rights Group and local child care solicitors.

- 12.4. In these arrangements, kinship carers may require support services and can request advice about what is available in their local areas.

13. Request for services

- 13.1. Families requiring support will be assisted and signposted by workers to appropriate services that will help them care for the child, including access to any state benefits they may be entitled to. Support and access to services will be based on the needs of the child rather than their legal status, in order to ensure that family and friends carers are provided with support they need.
- 13.2. Portsmouth City Council will provide advice and guidance to carers requesting information about kinship care and will signpost carers to appropriate organisations. These may include voluntary organisations, health and education services and welfare benefit services as well as independent legal advice, e.g. from Family Rights Group
- 13.3. Where there is a request for services to Children's Services, children who are not looked after and living with kinship carers will be treated as potential 'children in need' and entitled to an assessment for support services.
- 13.4. The assessment will determine if the child is in need and a plan will agree practical and any other support needed, including emotional support, maximising benefits, access to psychological services and clarifying the role and responsibilities of the child's parents. In exceptional circumstances there may be access to financial support.
- 13.5. Where, in the child's best interests, an arrangement by the parents is facilitated by the council, but the council did not play a major role in making the arrangement or stipulating what can happen to the child whilst in that arrangement, the child is likely to be subject to a child in need plan or, where there are serious safeguarding concerns, a child protection plan. This will ensure the coordinated provision of a range of support to meet the child's needs, and ensure the arrangements are in the best interests of the child, and that the child's need for permanence is being met in the current arrangement.
- 13.6. Following assessment, in exceptional circumstances, Portsmouth City Council may also provide financial support under Section 17 of the Children Act to support a child to live with kinship carers, if by doing so it promotes their best interests and prevent the child becoming looked after. Advice about entitlement to universal benefits will be provided.
- 13.7. In all cases, it is essential that the parents and the kinship carers have a clear understanding of the status of the arrangements and are able to make informed decisions, with the opportunity to access independent advice and advocacy.

14. Arrangements made where there has been involvement of the local authority

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

- 14.2. Where Portsmouth City Council are supporting a child in need and it is clear that they cannot continue to live with their parents, either on a short term or long term basis, then we will broker or assist the family in discussing their care by a close family member or connected person, through a Family Group Conference. This will facilitate the family to agree a plan for the child, which the Local Authority will consider.
- 14.3. In some circumstances Portsmouth City Council will play a major role in facilitating and supporting the arrangement. This may happen when there is concern that the child may be at risk of significant harm and if an arrangement is not made to care for the child by a close family member or connected person and not return to the care of their parents, then the child would become looked after by the local authority. The basis of support being offered by Portsmouth City Council will always be clarified (by the child's Social Worker) in writing to the parent and the proposed kinship carer.
- 14.4. Where there is are serious child protection concerns or a possibility of the child becoming looked after, the family will be offered the opportunity of a Family Group Conference (FGC) to ensure the best arrangements are made to secure the child's welfare. The FGC will assist families in making support plans for children and potential kinship carers will be provided with advice and information (by the child's allocated social worker) to help them care for the child.
- 14.5. It is essential that everyone has a clear understanding of the status of the arrangements, is in agreement and that this is recorded in writing with a copy given to parents and carers.
- 14.6. The suitability of the arrangements to meet the child's needs and the range of support, including any financial support to meet the child's needs, will be reviewed via Portsmouth City Council's Child in Need or Child Protection review procedures.
- 14.7. If the assessment is that the child may need to remain with the carers, even if the parents don't agree or the child's contact with parents needs to be supervised, legal advice for all parties may be appropriate to assist with the decision.

15. Support for kinship carers

- 15.1. Our aim is to ensure that kinship carers receive the support they need to meet the needs of the children they are caring for.
- 15.1.1. *Contact*
Children benefit from having contact with their parents unless there are specific reasons why this would not be safe or in the child's interest. In some cases, older children will want to make their own decisions about keeping in contact with their parents.
- 15.1.2. Contact arrangements must meet the needs of the child rather than just be for the benefit of the parent. It is acknowledged that management of contact can be a source of considerable anxiety and sometimes conflict for kinship carers. Advice and support may be needed to manage contact and Portsmouth City Council will undertake to provide this advice or signpost the carer to another organisation / helpline who may be able to provide more specialist advice.
- 15.1.3. Local mediation services can help parties to communicate better and resolve disputes taking account of the child's wishes in a supported environment. Similarly if

the courts are involved with the children, the CAF/CASS officer may assist you in drawing up safe contact arrangements for you and your family. If necessary Contact Orders, (now called Child Arrangements Orders) can be made in the courts which spell out the arrangements by making a legal order about contact, although there is an expectation that families have tried mediation first.

15.1.4. Legal aid may be available for mediation in such circumstances if carers and parents meet the criteria.

15.2. *Financial responsibility and benefit entitlement*

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

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

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

16. *Financial support*

16.1. In some situations, if a child's needs cannot be met by a family member or friend without additional financial support, Section 17 (Children Act 1989) support may be provided if the needs of the child require such assistance.

16.2. In all cases, the carers will be expected to access universal benefits in the first instance as the Local Authority cannot duplicate or replace state benefits. Before considering taking on a commitment to a child, carers can access information from the Connected Person's Support Worker about the level of support, including any financial assistance, that they may be offered. This will include how finances have been or will be calculated and how long this support will last on a case by case basis from the social work team involved. (The Connected Persons Support Worker will be required to complete a CA9 Form)

16.3. Advice, information and assistance on how to claim Welfare Benefits can be sought from the Citizen's Advice Bureau.

16.4. It is an expectation that any Kinship Carer will access universally available financial and practical support in advance of approaching the local authority for financial assistance:

16.4.1. Child Benefit

16.4.2. Child Tax credits (or Universal benefit when this applies)

16.4.3. Welfare benefits (or Universal benefit when this applies)

16.5. Carers for example, who would have to give up their job to care for the child(ren) should always seek advice from the Citizen's Advice Bureau. They will then be able to make an informed choice about whether the placement is feasible for them to enter into.

- 16.6. Any payments made by Portsmouth City Council will be monitored and reviewed by the FAB Team for the purposes of Means Testing
- 16.7. Time limited payments may assist carers at any stage of the child's life. Examples of time limited financial support might be a contribution towards nursery care fees where the carer is working and the child is not of school age or where the carer needs to manage a change or interruption to their work commitments or to respond to the child's needs.
- 16.8. Basic equipment may be required, e.g. bed, bedding, clothing where the carer does not have essential equipment in the family home and cannot access these from other sources or it is required immediately for the child to be able to live with carer.
- 16.9. All agreements to financial assistance / support under £1000 must be approved by a Commissioning Manager (usually the Commissioning Manager for Looked After Children). Amounts over £1000 must be agreed by the Director of Children's Services.

17. *Legal Aid ('public funding') and legal fees*

- 17.1. Where an assessment of need has been carried out or where there is a child protection plan, and it is *deemed* necessary, family and friends carers will be given advice on how to apply for legal aid ('public funding') in order to secure legal orders for the child. In order to qualify for legal aid, a merits and means test is applied.

18. **Legal orders to support these arrangements**

- 18.1. There are legal orders that can be applied for by kinship carers who care for a child (or who wish to) and want to offer a greater level of security within the arrangement. These orders are: Child Arrangements Order, Special Guardianship Order and Adoption Order.
- 18.2. Carers may be given advice and guidance on applying for Child Arrangements Orders or Special Guardianship Orders under Private Law and will be encouraged to seek independent legal advice.

19. *Child Arrangements Order*

- 19.1. A Child Arrangements Order is a Court Order which specifies with whom a child is to live with, gives parental responsibility to the person in whose favour it is made, usually lasting until the child is 18. Parental responsibility is shared with the parents but the carer can make most major decisions about how the child is raised. Relatives may apply for a Child Arrangements Order after caring for the child for one year or earlier, with the consent of others who have parental responsibility or with the court's leave.
- 19.2. 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. It can also be made in care proceedings, either of the court's own motion or if the carer applies for a Child Arrangements Order within the care proceedings. In this situation, where the arrangement is an alternative to care, a Child Arrangements Order allowance may payable up to a maximum of two years to assist with the transition to the new arrangement

- 19.3. A Child Arrangements Order in favour of a kinship carer with whom a child is living may be an appropriate outcome as part of a permanence plan for a Child in Need.

20. *Special Guardianship Order*

- 20.1. Special Guardianship offers a further option for children who cannot live with their parents and need permanent care. It can offer greater security without absolute severance from the birth family as in adoption. A special guardian formally takes on the legal powers and responsibilities of parenting a child until their 18th birthday. This includes taking most decisions to do with the child's upbringing, including where the child lives and goes to school, and what medical treatment they receive. A Special Guardian can appoint a Guardian to care for the child after their death. This is not the case with Child Arrangements Orders
- 20.2. Kinship carers may apply for a Special Guardianship Order after caring for the child for one year, or sooner with the leave of the court. 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
- 20.3. Special Guardianship Orders may be made in private family proceedings and the local authority may not be a party to any such arrangements. However, Portsmouth City Council will be responsible for sending a report to the court regarding whether a Special Guardianship Order is in the child's best interest. It can also be made in care proceedings, either of the court's own motion or if the carer applies for a Special Guardianship Order within care proceedings. A Special Guardianship Order can be made in favour of a kinship carer with whom a child is living and may be an appropriate outcome as part of a permanence plan for a Child in Need. However, the Court will always give due consideration to the "no order" principle.
- 20.4. All Special Guardians are entitled to counselling, advice and support in addition to an assessment of their needs. More information can be provided from the Fostering Support Team.

21. *Adoption Order*

- 21.1. 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.
- 21.2. An Adoption Order in favour of a kinship carer with whom a child is living may be an appropriate outcome as part of a permanence plan for a Child in Need. However it is more unusual because of the impact it has on changing the family relationships order, e.g. the child's grandmother would become the child's mother and the mother, the child's sister.
- 21.3. Portsmouth City Council's Adoption Service provides a range of adoption support services in conjunction with partner agencies. An assessment for adoption support services can be requested by 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 a range of support services and signposting to other services.

22. **Private Fostering arrangements**

- 22.1. Private fostering arrangements are arrangements made directly between the parents or those with parental responsibility without the involvement of the local authority.
- 22.2. A privately fostered child is a child under 16 (or 18 if disabled) who is cared for by an adult who is not a parent or close relative, or a Local authority foster carer, where the child is to be cared for in that arrangement for 28 days or more. Close relative is defined as 'a grandparent, brother, sister, uncle or aunt (whether of the full blood or half blood or by marriage or civil partnership) or step-parent.' It does not include a child who is Looked After by a local authority.
- 22.3. In a private fostering arrangement, the parent still holds parental responsibility and agrees the arrangement with the private foster carer and is responsible for any financial payments
- 22.4. in respect of the child. Child benefit and child tax credits can be claimed by the private foster carer.
- 22.5. Portsmouth City Council has a duty to assess and monitor the welfare of all privately fostered children and the way in which they carry out these duties is set out in the Children (Private Arrangements for Fostering) Regulations 2005. However, the local authority may also become involved with a child in a private fostering arrangement where the child comes within the definition of a Child in Need. In such cases, Portsmouth City Council 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 provided to meet any identified needs. This may comprise a variety of different types of services and support, including financial support.

23. Arrangements for children living with kinship carers and are 'looked after'

23.1. Definitions of a looked after child

- 23.1.1. A looked after child is 'in care' or 'accommodated' by the local authority under s20 Children Act 1989. To be 'in care', the court has made an order on the child giving the local authority the power to remove the child from the care of their parents. These orders are:
- 23.1.2. interim care order
- 23.1.3. full care order or
- 23.1.4. an emergency protection order

- 23.2. A child is 'accommodated' by the local authority with the agreement of the parents / others with parental responsibility and there has not been one of the orders stated made.
- 23.3. This may include the situation where the Local Authority has played a major role in making arrangements for the child to live with a relative because they are concerned about the child's safety.
- 23.4. In both cases, children may be cared for by family and friends only if the carers have been approved as Local Authority Foster Carers under the Fostering Regulations 2011 and where they meet the requirements of the National Minimum Fostering Standards 2011. Children may also be placed in an emergency, by approving the kinship carer on a temporary basis under Regulation 24 of the Care Planning Regulations 2010.

23.5. 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. They will need to be assessed and approved as a foster carer. The child can be placed with the family members prior to such approval, whilst the assessment is taking place, for a period of up to sixteen weeks. This temporary approval can only be extended by a further eight weeks in exceptional circumstances (and only by Fostering Panel). The carer is referred to as a Connected Person, and will receive the Standard Level fostering allowance on a weekly basis (See Foster Carer Scale of Allowances). They will be expected to take part in relevant training events, attend the child's statutory reviews as required and meet regularly with their supervising social worker, as well as promoting the child's education and health needs.

24. Reasons why a child may be looked after

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

24.1.1. *Where no known and suitable kinship options are available and*

24.1.2. A child is at risk of or suffering significant harm and it is not safe for them to stay living at home

24.1.3. Both of the child's parents may be deceased

25. Where kinship options are available:

25.1. Birth parents may not agree, or may be inconsistent as to their agreement for their child being cared for by family and friends carers

25.2. There may be a concern that an arrangement for a child to live with family or friends carers may be seriously disrupted by a birth parent, whose behaviour may have been assessed as being potentially dangerous, or as posing a significant risk to the child or family

25.3. A birth parent may be untraceable, or incapable of giving agreement to the child being cared for by family/friends carers

25.4. Portsmouth City Council assesses that it needs to share parental responsibility with the birth parents in order to promote and safeguard the child's welfare and secure the placement

26. Looking within the kinship network

26.1. Where a child is looked after, and it is the most appropriate placement, Portsmouth City Council will ensure that they will give preference to a member of the family/relative, or friend (Connected Persons) as the placement of choice for the child. The person will need to be assessed as a Foster carer under the Fostering Regulations 2011.

Portsmouth City Council will take a pro-active approach to identifying, considering and supporting family and friends carers in the child's network who may be able to care for the child. There is an expectation that a Family Group Conference will be held as soon as

possible to help identify any potential carers or family support (see earlier on Family Group Conferencing).

27. Assessment of Connected Persons

- 27.1. When a child is looked after and placed with a kinship carer, the carer must be assessed and approved as a Connected Person foster carer by the local authority.
- 27.2. The child can be placed with a Connected Person foster carer on an emergency basis under Regulation 24 to grant the carer temporary approval as a foster carer for a period of 16 weeks. During this period of time, a full assessment of the carer and the arrangement is undertaken. This temporary approval can only be extended in exceptional circumstances for a further 8 weeks. In this context the carer is referred to as a Connected Person.
- 27.3. The assessment and approval process for family and friends who apply to be Connected Person 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. In all other respects the requirements are the same as for any other potential foster carers and the National Minimum Standards for Fostering apply, in particular Standard 30 refers directly to Connected Person foster carers. Connected Person foster carers will be expected to complete the TSD Workbook (Training, Support and Development Standards) within 18 months of approval and to attend identified training to meet their developmental needs. The aim of the assessment is to help the local authority decide whether to approve the prospective carer as Connected Person foster carer and to consider what support needs the carer may have when caring for the child. The Connected Person foster carer will need to be registered as a Connected Person foster carer following approval.
- 27.4. In considering whether a relative, friend or other connected person should be approved as a foster carer, account must be taken of the needs, wishes and feelings of the child whom it is proposed to place with them and the capacity of the carer to meet those particular needs.
- 27.5. The assessment will balance the strengths of the carers arising from their position within the family network against any aspects which may make them less suitable. The carer's past experiences of parenting will be assessed as part of a fuller picture of their capacity to care for the child.

28. Support for Connected Person foster carers

- 28.1. Connected Person foster carers will be involved with all the processes that are in place to ensure that the child receives appropriate care and support, for example, contributing to reviews of the child's Care Plan, working with professionals, including the child's social worker and promoting the child's education and health needs.
- 28.2. Once approved, Connected Person foster carer will receive support from the local authority. In addition the child will have a placement plan which sets out the specific arrangements surrounding the child and the carers, including the expectations of the Connected Person foster carers and the support they can expect to receive to enable to fulfil their responsibilities for the child. A Delegated Responsibility agreement will be drawn up in order to clarify day to day/specific and longer term decision making the carers and

child are allowed to make. The support that is provided to Connected Person foster carer is set out below.

29. *Supervising Social Worker*

- 29.1. When looked after by a Connected Person foster carer, the child's care continues to be managed by a social worker to ensure their needs are being met. The Connected Person foster carer, on being approved, will be allocated a supervising social worker from the Fostering Support Team to provide them with support and supervision. Visits will take place on a regular basis by both the child's social work and the supervising social worker.
- 29.2. A foster carer agreement will be drawn up and signed by the Connected Person foster carer which sets out how the carer will work with the local authority and about the support and training that will be provided.

30. *Financial support – fostering allowance*

- 30.1. Connected Person foster carers may receive a weekly payment to cover the costs of caring for the child. This is in line with the Standard Fostering Allowance and is based on the age of the child (see Foster Carer Scale of Allowances).
- 30.2. When receiving this allowance, the carers **will not** be able to claim other benefits, such as Child Benefit or Child Tax Credits because the fostering allowance includes this element of payment. Connected Person foster carers will receive fostering allowances for as long as they care for the child as a foster carer, following approval.

31. *Training, development and support groups*

- 31.1. All Connected Person foster carers, temporarily approved or fully approved under the Fostering Service Regulations 2011, are in all respects foster carers and entitled to the same level of training and support as unrelated foster carers, and are subject to the same rigour and expectations as unrelated foster carers.
- 31.2. The allocated supervising social worker will be responsible for the Connected Person foster carer's support, supervision, training and development.
- 31.3. Portsmouth Fostering Service ensures that all Connected Person foster carers temporarily or fully approved will receive support which is equivalent to that provided for unrelated carers, at the basic level. Portsmouth City Council will ensure Connected Person foster carers have access to family and friends preparation groups, post approval training and support in order to achieve the Children's training, support and development standards within 18 months of approval. Statutory visiting of both the Fostering Support Social Worker and the child's Social Worker will be as per the legal requirements.
- 31.4. They may also attend foster care support groups in their locality and join with other foster carers.
- 31.5. Further training and development needs will be identified with the carer by the supervising social worker and recorded in the Connected Person foster carer's personal professional development plan.

32. **Care planning and alternatives to children being looked after**

- 32.1. Permanency planning is based on the philosophy that every child has the right to a permanent and stable home, preferably with his or her own family. The primary focus of permanency planning is to prevent children remaining unnecessarily in care and to ensure the child's needs are met in a secure and loving family.
- 32.2. Portsmouth City Council, as corporate parent for children looked after, will work diligently to find permanent, safe homes for children in care, in a timely manner. The best possible care involves giving children security, stability and love through their childhood and beyond.
- 32.3. At any stage of the assessment process where it is considered in the child's best interests, to promote their welfare and achieve a permanence arrangement, discussions will be held with the Connected Persons foster carers to explain appropriate legal orders that would give them parental responsibility. The relevant orders are Child Arrangements Orders, Special Guardianship Orders or Adoption Orders.
- 32.4. Portsmouth City Council will review the child's care plan through the care planning process to ensure that the child does not remain looked after for longer than is needed and where financial support is not the primary reason for maintaining that status. The review will be chaired by an Independent Reviewing Officer for the child.

33. *Legal fees*

- 33.1. Portsmouth City Council will consider the payment of the legal costs of carers to apply for a Special Guardianship Order or Child Arrangements Order where it supports the application and where not doing so would lead to the child/ren remaining or becoming looked after unnecessarily. Decisions about these payments will be made by the Director of Children's Social Care

34. **Care leavers and 'Staying Put'**

- 34.1. Portsmouth City Council is committed to Looked After young people staying with their Connected Person foster carers after the age of 18 and has a 'Staying Put' policy. 'Staying Put' is the name that the government has given to arrangements whereby a young person aged 18 and above, remains living with their former foster carer. The aim of "Staying Put" is to help looked after young people make the transition to independence and adulthood at a pace, and within a timescale that suits them, rather than having to move when they reach the age of 18. Planning for a 'Staying Put' arrangement in Portsmouth starts to take place before a young person reaches the age of 16. The supervising social worker and the young person's social worker will meet with the carer and young person prior to the young person's 16th birthday to explain the 'Staying Put' policy and to discuss options. The young person's Social Worker will provide guidance and support to young people and their carers.

35.

Comments and suggestions to Children's Services

36. Where a kinship carer or a young person living in a kinship arrangement would like to make a comment or suggestion they can contact the Fostering Support Team. To find out more, visit our webpage, ring, email or write to us.

If a Kinship Carer or a young person living in a kinship arrangement would like to make a complaint they can contact us on 023 9283 4702 or by email at: ccc@portsmouthcc.gov.uk

37. Comments and suggestions: www.fosterportsmouth.co.uk Tel: 02392 834071