

## CABINET ITEM COVERING SHEET PROFORMA

**AGENDA ITEM**

**REPORT TO CABINET**

**8 SEPTEMBER 2011**

**REPORT OF CORPORATE  
MANAGEMENT TEAM**

### **CABINET DECISION**

**Children & Young People – Lead Cabinet Member – Councillor Mrs McCoy**

#### **FAMILY AND FRIENDS CARE POLICY**

1. Summary

One of the approved recommendations of the Efficiency, Improvement and Transformation (EIT) Review of Child Placements was that the authority needed to develop a Kinship Care Policy.

In March 2011 the Department for Education (DfE) published 'Family and Friends Care: Statutory Guidance for Local Authorities' which sets out the context of local policy requirements and requires each local authority children's services to publish a policy on family and friends care by 30<sup>th</sup> September 2011.

Family and friends care relates to a set of circumstances where children and young people who, because they are unable to live with their parents, are being brought up by members of their extended families, friends or other people who are connected with them. Since the publication of the DfE guidance the term 'kinship care', has been replaced by 'family and friends care'.

A draft Family and Friends Care Policy has been developed in line with the recommendations arising from the EIT review, and the requirements of the DfE statutory guidance. Opinion has been sought from Counsel, and following receipt of legal advice the policy is currently being redrafted and this will be circulated separately.

A copy of the Equality Impact Assessment (EIA) for the Family and Friends Care Policy is attached.

2. Recommendations

- 1) That the Family and Friends Care Policy be adopted by the council, subject to any final modifications arising from the consultation process.
- 2) That a protocol be developed with local housing providers, setting out arrangements to support family and friend carers.

3. Reasons for the Recommendations / Decision(s)

There is a requirement within the Family and Friends Care: Statutory Guidance for Local Authorities that each local authority children's services must, in collaboration with local partners, publish no later than 30<sup>th</sup> September 2011 a policy setting out its approach

towards promoting and supporting the needs of children living with family and friends carers.

#### 4. Members' Interests

Members (including co-opted Members with voting rights) should consider whether they have a personal interest in the item as defined in the Council's code of conduct (**paragraph 8**) and, if so, declare the existence and nature of that interest in accordance with paragraph 9 of the code.

Where a Member regards him/herself as having a personal interest in the item, he/she must then consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest (**paragraphs 10 and 11 of the code of conduct**).

A Member with a prejudicial interest in any matter must withdraw from the room where the meeting considering the business is being held -

- in a case where the Member is attending a meeting (including a meeting of a select committee) but only for the purpose of making representations, answering questions or giving evidence, provided the public are also allowed to attend the meeting for the same purpose whether under statutory right or otherwise, immediately after making representations, answering questions or giving evidence as the case may be;
- in any other case, whenever it becomes apparent that the business is being considered at the meeting;

and must not exercise executive functions in relation to the matter and not seek improperly to influence the decision about the matter (**paragraph 12 of the Code**).

**Further to the above, it should be noted that any Member attending a meeting of Cabinet, Select Committee etc; whether or not they are a Member of the Cabinet or Select Committee concerned, must declare any personal interest which they have in the business being considered at the meeting (unless the interest arises solely from the Member's membership of, or position of control or management on any other body to which the Member was appointed or nominated by the Council, or on any other body exercising functions of a public nature, when the interest only needs to be declared if and when the Member speaks on the matter), and if their interest is prejudicial, they must also leave the meeting room, subject to and in accordance with the provisions referred to above.**

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**SUMMARY**

One of the approved recommendations of the Efficiency, Improvement and Transformation (EIT) Review of Child Placements and Residential Care was that the authority needed to develop a Kinship Care Policy.

In March 2011 the Department for Education (DfE) published 'Family and Friends Care: Statutory Guidance for Local Authorities' which sets out the context of local policy requirements and requires each local authority children's services to publish a policy on family and friends care by 30<sup>th</sup> September 2011.

Family and friends care relates to a set of circumstances where children and young people who, because they are unable to live with their parents, are being brought up by members of their extended families, friends or other people who are connected with them. Since the publication of the DfE guidance the term 'kinship care', has been replaced by 'family and friends care'.

A draft Family and Friends Care Policy has been developed in line with the recommendations arising from the EIT review, and the requirements of the DfE statutory guidance. Opinion has been sought from Counsel, and following receipt of legal advice the policy is currently being redrafted and this will be circulated separately.

A copy of the Equality Impact Assessment (EIA) for the Family and Friends Care Policy is attached.

**RECOMMENDATIONS**

- 3) That the Family and Friends Care Policy be adopted by the council, subject to any final modifications arising from the consultation process.
- 4) That a protocol be developed with local housing providers, setting out arrangements to support family and friend carers.

**DETAIL**

1. The Efficiency, Improvement and Transformation (EIT) Review of Child Placements and Residential Care conducted in 2009-10 concluded that the authority has a responsibility to support kinship arrangements and that a policy should be developed to reflect this responsibility. The policy should offer different levels of support for different arrangements e.g. greater support including financial support arrangements to those children previously looked after or where the local authority has opened care proceedings.

2. In March 2011 the DfE published their Family and Friends Care: Statutory Guidance for Local Authorities which sets out the context of local policy requirements as summarized in paragraphs 3 to 6 below.
3. In collaboration with local partners, each local authority children's services must, no later than 30<sup>th</sup> September 2011, publish a policy setting out its approach towards promoting and supporting the needs of children living with family and friends carers.
4. The detail of the policy is a matter for local determination, however it must address:
  - evidence base;
  - management accountability;
  - legal framework;
  - information about services and support;
  - financial support;
  - accommodation;
  - supporting contact;
  - Family Group Conferences;
  - support groups;
  - private fostering arrangements;
  - family and friends foster carers;
  - Special Guardianship, residence orders and adoption; and
  - Complaints.
5. The statutory guidance allows for, where appropriate, the policy to signpost other information rather than repeat it.
6. Whilst the statutory guidance includes reference to Family Group Conferences, this does not compel local authorities to have such arrangements in place, only that they should be considered; it states that there is the flexibility to offer other forms of family meetings as a means to engage families at an early stage and to support them in identifying solutions. (See section 10.5 of the guidance for social workers attached to the policy).
7. The development of the Family and Friends Care Policy has been in line with the outcomes of the EIT review. All of the required areas identified in the Family and Friends Care: Statutory Guidance for Local Authorities have been addressed within the report with the policy with the exception of a component within the section on accommodation. Further work will be required with the Housing authority and registered social landlords to ensure that 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. It is proposed that a protocol be developed to cover this requirement.
8. The policy has to be regularly updated, made freely and widely available and publicised by relevant means, such as websites and leaflets.

## **FINANCIAL IMPLICATIONS**

9. Consultation on the draft policy with the Children's Trust Management Team identified that it would be appropriate to make resources available for:
  - Support groups to be organised by or on behalf of the council; three times each year with the aim to inform family and friends carers of the services available and to signpost as appropriate. At least one of the meetings could also act as a peer support group.

- Produce public information to be produced in the form of a leaflet on Family and Friends Care.
  - Awareness raising sessions to be arranged for relevant services in respect of the difficulties that this group of children and carers may face.
10. It is not anticipated that individual payments within the scope of the policy will be of a high monetary value; however it is currently difficult to estimate the number of cases where the provision of financial support will be appropriate.
11. The required resources should be met from existing revenue budgets. Adoption of the policy will contribute to improved outcomes for children in need and, in the longer term, will help to reduce the need for some children to move in to more costly arrangements within the care system.

## **LEGAL IMPLICATIONS**

12. In March 2011 the DfE published their Family and Friends Care: Statutory Guidance for Local Authorities which sets out the context of local policy requirements which requires each local authority children's services to publish a policy on family and friends care by 30<sup>th</sup> September 2011.
13. The development of the policy has included consultation with Legal Services to ensure compliance with the statutory requirements and to minimise the risk of challenge from families or within the courts.

## **RISK ASSESSMENT**

14. Implementation and delivery of this family and Friends Care Policy is categorised as low to medium risk. Existing management systems and daily routine activities will be sufficient to control and reduce risk.
15. The adoption of the policy will reduce current risks to the Council arising from some inconsistency in the framework for the provision of support to family and friends carers.

## **SUSTAINABLE COMMUNITY STRATEGY IMPLICATIONS**

16. The policy sets out the provision of support to family and friends carers who are in the position to provide stability and continuity securing emotional permanence, for children and young people when they cannot live with birth parents.
17. The outcomes for children who live within family and friends care are positive when compared to similar children living with unrelated Foster Carers.
18. The policy will contribute to the Children and Young People theme within the Sustainable Community Strategy. It will promote the health, wellbeing and achievement of children and young people in family and friends placements and will therefore tackle inequalities and disadvantage experienced by some children and their families.
19. The policy has no implications in relation to community safety.

## **EQUALITIES IMPACT ASSESSMENT**

20. This report has been subject to an Equalities Impact Assessment and has been judged to have a positive impact. No remedial actions are required

21. The results of the EIA will be placed in the Members' Library and a summary version of the EIA will be published on the Council's website, following Cabinet.

## **CORPORATE PARENTING**

22. For those children who are looked after, the Council has a responsibility as Corporate Parent to ensure that their needs are appropriately met. The policy has been developed in line with the Corporate Parenting Strategy.
23. Children living within a family and friends arrangement either on a voluntary basis under Section 20 of the Children Act 1989 or through a Care Order they are "looked after children", and as such they and their carers will be entitled to the same range of services range of services available for looked after children living within foster placements.

## **CONSULTATION INCLUDING WARD/COUNCILLORS**

24. Consultation has been undertaken with all Ward Councillors, members of the Local Safeguarding Children Board and agencies represented on the Children's Trust Board.

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### Background Papers

EIT Review of Child Placements, March 2010.

Family and Friends Care: Statutory Guidance for Local Authorities, DfE 2010.

### Ward(s) and Ward Councillors:

The Family and Friends Care policy is relevant to all members of the council and will be in the public domain.

### Property

There are no implications in relation to the Council's property or impact on the Capital Programme and Asset Management Plan.