

# **EFFICIENCY, IMPROVEMENT AND TRANSFORMATION REVIEW**

## **CHILD PLACEMENTS AND RESIDENTIAL CARE**

### **PLACEMENTS WITH FAMILY AND FRIENDS**

#### **INTRODUCTION**

Family and friend placements are often referred to by the term kinship care; both these terms however can describe a variety of arrangements.

In order to facilitate members understanding and to set family and friends placement in context it was thought helpful to give a brief overview of the research information and the process involved in 'kinship care' arrangements.

Family and friend arrangements may be formal or informal and the legal status of the child is not the only factor that defines this kinship arrangement.

A common definition of kinship care is as follows:

....." the placement of a child or young person, with an adult carer, likely, although not exclusively, to have had a significant relationship with the child, prior to the placement. The definition extends the more conventional meaning of kinship as it is not restricted to blood relationships. The paramount consideration is the meaning of the relationship to the child. The carer may be a blood relative, or a friend. 'Kinship' reflects the identity of the child, the family and the community".

Research evidence suggests that there are advantages and benefits, for children who cannot live with their parents, in being raised by the wider 'family and friends' network.

These include:

- Children in family and friends care tend to be in more stable placements than those placed with unrelated foster carers.
- Children feel loved and report high levels of satisfaction.
- Children appear to be as safe and their behaviour is perceived to be less of a problem when compared to children with unrelated foster carers.
- Children placed within the family and friend's network can more easily maintain a sense of family and cultural identity.
- Contact with family members is more likely to be maintained

The research findings also suggest that the family and friends carers' commitment and willingness to continue against the odds benefits the children they are looking after, but the good outcomes for these children are sometimes achieved at the expense of the kin carers themselves. Many of the family and friends carers are struggling financially, emotionally, and socially, receiving little, if anything, from the state to meet the child's needs.

The research shows that for these carers:

- They are more likely to be older, in poorer health and in more disadvantaged circumstances when compared to unrelated carers.
- There are wide variations between Local authorities in the support offered.
- Access to support and financial support is usually dependant on legal status.
- Where substance misuse by the parent is the issue in the case, the children and kinship carer are less likely to receive focused support in relation to the parental drug misuse and any potential effect upon the child.
- Lack of clarity with regards to a child's legal status and who is responsible for the making of the kinship arrangement can leave the child and relative without appropriate support.
- Managing contact can cause significant difficulties and support is rarely available.
- Nationally there is a policy vacuum as there is no agreed definition of family and friends care and support arrangements.

**Process in reaching a decision that a child is a looked after child:**

The first consideration must be for the welfare of the child and as such the Local Authority Social Worker is responsible for ensuring that an assessment of need is undertaken.

Dependant upon the circumstances this could be an 'Initial' assessment or a more comprehensive 'Core' assessment. This assessment will identify the services required.

Initial consideration must be given to working with the family to keep the child safely at home and this arrangement is usually in a voluntary capacity and the child is considered as a child in need. In these situations the child will have a child in need plan or may be subject of a protection plan.

In most cases there will be a multi agency approach to supporting the child and family and the provision of services will be tailor made to suit the circumstances. These services may include advice and information, practical help, limited financial support, education and training in relation to parenting capacity and or behaviour management.

The Social worker will consider if a child's circumstance is such that they require to be cared for by someone other than the natural parent.

Once a child has been identified as needing to be looked after by someone other than the parent the Social worker needs to fully explore, with the parent, anyone who may be a potential carer for the child.

This is often a difficult task to undertake as parents may be opposed to involving family and friends and they need to be supported in helping to understand that sharing their situation with the wider family network is ultimately in the best interests of the child. This is a skilled area of work and is time intense.

This arrangement may be an informal arrangement instigated by the parent and may be with family members such as a grandparent or with someone who is not a close relative.

If this is the case then the child is not a looked after child however may, dependent upon the legal relationship with the child, be a 'privately fostered' arrangement.

If this is the case then the Local Authority Social Worker has a duty to ensure that the arrangements are suitable and may continue to work with the child and their family as a child in need.

The Local Authority, however, must give this arrangement very careful consideration and each case will be different.

The Social Worker will need to consider if the voluntary arrangement between the parent and other person is appropriate and whether or not the arrangement should be a formal arrangement between the Local Authority, the child, the parent and the person caring for the child.

The Social worker will need to consider this arrangement in light of any safeguarding issues, the history of agency involvement, the potential for the child to safely return to the birth family, the capacity and cooperation of the carer and the relationships between the carer and the parents and any other significant person and whether or not the Local Authority need to monitor and safeguard the child's welfare in the longer term and whether there is a need for the Local Authority to share parental responsibility.

Normally, in a situation where the Local Authority has intervened and has concluded the child should not be cared for by the parent then the arrangement should be that of a looked after child. This can be by voluntary agreement with the parent or if the parent does not agree with this action or the Local Authority feels they need to share parental responsibility then the Local Authority needs to apply to the court for an order. In this case the child then becomes a 'looked after child' and the 'placement' with the family or friends becomes a placement under the fostering regulations.

**There are possibly three distinct groups of children who may well be involved in kinship arrangements, these are:**

- Children looked after or who were looked after immediately prior to the kinship arrangements being made.
- Children who were in receipt of services from Social Care and where the Social Worker was actively involved in the decision and process of the child living with someone other than a birth parent, due to safeguarding action.
- Children where Social Care did not play a role in making the kinship arrangements at all or were only involved in offering initial advice and guidance.

This report is primarily focused on services in relation to the first two groups of children.

The report will further separate these children out to consider the arrangements for them when they have been:

- Section A - placed with 'family and friends' foster carers under Fostering regulations
- Section B - made subject of a Special Guardianship Order
- Section C - made subject of a Residence Orders

In addition, the report will, at the request of the committee, provide basic information with regard to:

- Section D - Private fostering arrangements

The report will then set out the key service challenges and developments required across these service areas.

## **Section A**

### **FAMILY AND FRIENDS AS FOSTER CARERS**

#### **1. Legal context**

The Children Act 1989  
The Children and Young Person Act 2008  
The Human Rights Act 1998  
The Fostering Service Regulations 2002  
The National Minimum Standards for Fostering Services  
The Care Standards Act 2000  
UK National Standards for Foster Care 1999.  
The Code of Practice on the recruitment, assessment, approval, training management and support of foster carers 1999.

- 1.1 The Local Authority are responsible for the provision of accommodation for children in need in their area who appear to require accommodation as a result of there being lost or abandoned, there being no person who has parental responsibility for him or where the person caring for him is prevented, for whatever reason, from parenting him in a suitable manner.
- 1.2 The Local Authority mainly provides this accommodation by means of foster care or residential care.
- 1.3 The Local Authority may provide its own fostering service or may choose to contract with independent or voluntary fostering agencies.
- 1.4 Fostering services must be registered with OFSTED.
- 1.5 Stockton borough council maintains its own Fostering Service and 'spot' purchases placements with the Independent and Voluntary sector when required.
- 1.6 The fostering service is located within the Social Care section of the authorities department of Children Education and Social Care.
- 1.7 The legislation prioritises and emphasises the importance of kinship care and requires the Local Authority to seek out and determine if family and friends are suitable to care for the child before placing them with 'stranger' foster carers.
- 1.8 If a child is looked after by virtue of a care order or by a voluntary agreement with the person who has parental responsibility and the Local Authority, the arrangement with the family or friend member is then considered under the Fostering Regulations.
- 1.9 Regulation 38 of the fostering service regulations 2002 allows the Local Authority to make an immediate placement of a child with someone who is not an approved foster care, for a period not exceeding 6 weeks, provided that the person is a relative or friend of the child and the Local Authority are satisfied that the arrangement will not compromise the safety and welfare of the child.

- 1.10 If this 'kinship' arrangement, of a child looked after is to continue it is then necessary for the Local Authority to comply with the terms of the fostering service regulations 2002.
- 1.11 These regulations require that the Local Authority completes an assessment of the person's suitability to be a foster carer and requires that the Fostering panel has considered the application for approval as a foster parent.
- 1.12 Standard 32 of the fostering service National Minimum standards requires the Fostering Service to be sensitive to the pre-existing relationship in assessing and approving family and friends as foster carers, to assess and meet the support and training needs in the same way as for other foster carers and to ensure that the mechanisms we have to assess the family and friends carers are designed in a way that encourages their consideration as carers.

## **2. Aims of the Service**

- 2.1 The service aims to ensure that children looked after can be cared for within their family and friends networks and to prevent them from being unnecessarily raised outside their family.
- 2.2 The fostering service aims to assess the suitability of family and friends to become approved foster carers and to encourage them to access training and support to enhance their ability to improve the outcomes for children placed with them.

## **3. Description of Services**

### **3.1 Services for the family and friends foster carer.**

- 3.1.1 The child placement team are responsible for the Fostering and Adoption services.
- 3.1.2 The responsibility for training and supporting family and friends foster carers who are offering medium to long term foster care lies within the fostering service. There is one full time specific dedicated post within the Child Placement Team.
- 3.1.3 The responsibility for assessing family and friends as foster carers is jointly owned by the Child Placement Team and the integrated service areas.
- 3.1.4 There is a protocol in place which identifies the circumstances under which a referral should be made to the team for assessment of family and friends as foster carers.
- 3.1.5 The protocol outlines that priority is given to those cases where it is envisaged that the fostering arrangement will continue in the medium to longer term. For those cases where the fostering arrangement is considered to be a short term measure the children's team will make arrangements to have their suitability to foster assessed.
- 3.1.6 This arrangement is only in place as a measure to manage and prioritise and isn't intended to imply that short term arrangements don't require assessment and support.

3.1.7 Family and friends foster carers are entitled to access all the services that are available to other foster carers. This includes.

- An allocated Social Worker to supervise and support the foster carer
- Annual foster care appraisal and review
- Access to training
- Access to support groups and support events
- Access to health and education support
- Financial support at level 1 payment

### **3.2 Services for children and young people**

3.2.1 All children and young people placed with family and friends foster carers are allocated a qualified Social worker who is responsible for ensuring that they have an up to date care plan which addresses their assessed needs and who makes regular visits to them and their carers to offer advice and support and put in place all the required supports to ensure that the children and young people are in stable placements and are securely attached to their carers.

3.2.2 The children and young people have access to, where appropriate, services from the Raising Achievement and Performance Team (RAPT) and the virtual school as well as drawing upon the expertise and support of an Educational Psychologist who has expertise in the area of looked after children. They are encouraged to access annual health assessments and can seek advice and support from a designated nurse for looked after children as well as other health professionals who have expertise in maintaining healthy lifestyles and relationships. They also have access to free or reduce priced leisure activities as well as having the ability to seek financial support to pursue interests and talents.

3.2.3 The children and young people are consulted regularly about their care arrangements and have opportunity via inspection and consultation process to give a view in relation to service developments.

3.2.4 Eventually the young person is also likely to be able access through care and care leaving services.

### **3.3 Statistical Information**

3.3.1 There are currently 15 children placed within 11 formally approved family and friends foster care arrangements.

3.3.2 There are currently 16 children placed within 14 family and friends arrangements under regulation 38. (not formally approved)

3.3.3 From 2006 to current there have been 31 family and friends applying to be foster carers for 42 children

3.3.4 Of these

- 18 - went on to be formally approved
- 2 - assessments started but a Special Guardianship Order was granted prior to the formal assessment being concluded and approved.
- 1 - assessment started but a Residence Order was granted prior to assessment being concluded and approval.
- 1 - where the child returned to the parent prior to fostering assessment concluded and approval.
- 3 - where the applicants withdrew.
- 1 - where the Local Authority ceased the assessment as we were not able to recommend their approval.
- 5 - are currently in assessment process

#### **4. Financial**

4.1 All family and friends foster carers receive a weekly allowance regardless of whether they have been formally assessed and approved or if they have children placed under regulation 38.

4.2 They receive the following allowances:

- 0-4yr old = £125.09 per week
- 5-10yr old = £142.49
- 11-15 yr old = £177.38
- 16 plus = £215.74
- Annual Holiday allowance = 2 x the weekly age related allowance
- Birthday allowance = 1x the weekly age related allowance
- Christmas/religious festival= 1x the weekly age related allowance
- Top up Clothing allowance = £100 paid every 6 months
- Mileage @20p per mile

4.3 Family and friends as foster carers are not entitled to claim for child benefit in respect of the child nor are they able to claim any benefits because of having a fostered child within the household. The exception to this is if a child is entitled to disability living allowance.

4.4 A carer, entitled to claim benefits in their own right, looking after a child under the age of 16yr old will be treated as a single carer and will therefore not be required to 'sign on' as unemployed and will not normally be expected to seek job seekers allowance and will be able to claim income support for themselves instead.



- 4.5 Any payment received from the Local Authority does not count as income in terms of the carer claiming benefits in their own right. So if the carer is claiming means tested benefits, the allowances will not reduce their entitlement.
- 4.6 Normally the allowances paid does not affect the carers need to pay tax and they will still be eligible to claim tax credits however there is a ceiling limit of approximately £25,000. Per year. Once a carer has exceeded this limit they then may have to declare it as earnings.

#### **4.8. Budget – in relation to those children placed under regulation 38**

<b>Year</b>	<b>Budget</b>	<b>% growth</b>	<b>Actual</b>	<b>% growth</b>	<b>Variance</b>	
2005/06	50,000		50,819		819	O/S
2006/07	82,341	64.68%	44,302	-12.82%	-38,039	U/S
2007/08	81,870	-0.57%	49,591	11.94%	-32,279	U/S
2008/09	71,512	-12.65%	45,775	-7.69%	-25,737	U/S
2009/10	73,836	3.25%				

Please note that where a family and friends member has undergone formal approval as a foster carer the costs associated with the placement are absorbed into the main Fostering budget which was reported upon in the Fostering services report.

#### **5. Performance of the service**

- 5.1 The Fostering service is inspected by OFSTED and the outcomes of these inspections were reported upon in the Fostering service reports.
- 5.2 There is no other mechanism in place to monitor the performance of the service in relation to family and friends foster carers as a discrete group and service.

#### **6. Service user feedback**

- 6.1 The main point of feedback is via the annual foster carer reviews. These reviews in the main highlight the family and friends' carers have valued the support and guidance given to them by their supervising Social Worker and the majority of them have found the training and support available to them useful.

#### **7. Strengths of the service**

- 7.1 The service has one dedicated and focussed worker who is involved with all of the approved family and friends foster carers.
- 7.2 The service encourages these carers to make use of the services available and does not discriminate between services for family and friends and services for 'stranger' foster carers.

- 7.3 The service and the panel are fully aware of and do give priority to the pre existing relationships when considering suitability to foster
- 7.4 The number of cases of family and friends fostering is increasing and this evidences that Social Workers are beginning to be more aware and proactive in identifying family members to care for children.
- 7.5 To date, there have been relatively few disruptions to family and friends placements.

**8. Key service challenges/developments required**

**SEE SUMMARY**

## Section B

### SPECIAL GUARDIANSHIP

#### 1. Legal context

The Children Act 1989  
Adoption and Children Act 2002  
Special Guardianship Regulations 2005

- 1.1 Special Guardianship arose from the Prime ministers review of Adoption in the year 2000. The review identified that there was a need for an alternative legal status for children that offered the security of adoption without the legal severance from the birth family. Special Guardianship falls somewhere between a residence order and an adoption order, in terms of the level of responsibility given to the holder of the order.
- 1.2 The order gives the Special Guardians parental responsibility, shared with the birth parents but allows the guardians to exercise parental responsibility to the exclusion of birth parents on most issues.
- 1.3 The issues they cannot decide upon alone includes:
  - Consent for the child to be placed for adoption.
  - Change of child's surname.
  - Removal of child from the UK for more than 3 months.
- 1.4 Those that can apply for a Special Guardianship order include:
  - Child's guardian
  - Holders of a residence order in respect of a child
  - Those with whom the child has lived with for 3 yrs of the preceding 5 yrs.
  - Those with consent of parents and others with parental responsibility including a Local Authority where there is a care order in force.
  - Local Authority foster carers can apply within one year of placement with the permission of the LA and after one year in placement without permission.
  - Those that have the leave of the court to apply.
- 1.5 The Local Authority **cannot** apply for a Special Guardianship Order nor can they apply on an individual's behalf.
- 1.6 Within the court process a court may make a Special Guardianship Order even when it has not been applied for, if any question arises about the welfare of a child within any family proceedings.

## **2. Aims of the service**

- 2.1 The aim of the service is to assess a person's suitability to be a Special Guardian and make recommendations to the court where the application has been lodged.
- 2.2 To assess support needs and to offer services that meet the children and Special Guardians needs.

## **3. Description of services**

- 3.1 The Local Authority doesn't have a discrete service to fulfil its obligations and duties in respect of Special Guardianship.
- 3.2 The responsibility to assess suitability and support needs is held within the Integrated Service Area teams.

### **3.3 Provision of services**

- 3.3.1 Where a person intends to apply for a Special Guardianship Order in respect of a specific child they must give three months written notice to the Local Authority.
- 3.3.2 The Local Authority is then responsible for investigating and preparing a report on the applicant's suitability to be a Special Guardian and present the findings to the court who will then either agree or not to the making of the order.
- 3.3.3 The Local Authority is required to make arrangements for the provision of Special Guardianship support services.
- 3.3.4 The following are services prescribed by legislation as Special Guardianship support services:
  - Counselling, advice and information.
  - Financial support.
  - Services to enable groups of relevant children, Special Guardians, prospective Special Guardians, and parents of relevant children to discuss matters relating to Special Guardianship.
  - Assistance including mediation services, in relation to arrangements for contacts between the children his parent or relative or any other person significant to the child.
  - Services in relation to therapeutic needs.
  - Assistance in relation to ensuring the continuance of the relationship between child and Special Guardian including training, respite care, mediation in relation to matters associated with Special Guardianship orders.

### 3.5 **Assessment of need**

3.5.1 In order to receive these services (other than counselling advice and information) the Local Authority **MUST** undertake an assessment of need at the request of:

- A relevant child (who is looked after or had been looked after immediately before the making of the Special Guardianship Order)
- A Special Guardian or prospective Special Guardian of this child.
- A parent of such child.

3.5.2 The following people **MAY** be offered an assessment of their need for support services:

- A child (where not looked after.)
- The Special Guardian or prospective Special Guardian of a child (not looked after).
- A child of the Special Guardian (regardless whether the child subject to the order was a looked after child or not).
- A parent (where child is not or was not looked after).
- Any person who has significant relationship with the child.

3.6 The guidance advises that it is important that children who are not or were not looked after are not unfairly disadvantaged by the LA approach to delivering services. It further advises that support services delivery should be incorporated into mainstream services however there will be some areas that need to be discrete services for this group of people.

3.7 Any request from a Special Guardian for support or services is taken by the First contact team in the first instance and then directed through the Integrated Service Area teams (ISA) and the child is seen as a child in need and an Initial or Core assessment is undertaken dependant upon the circumstances.

3.8 The ISA teams will deliver some of the services themselves or signpost to appropriate services such as CAMHS for therapeutic needs.

3.9 Services to Special Guardians are also provided through the AFTER ADOPTION contract. This contract has been jointly commissioned by Stockton, Redcar and Cleveland, Hartlepool and Middlesbrough Local Authorities.

3.9.1 The service provided is outlined below:

- Pre-order and short term support.
- Post-order support which may include mediation.

- Help with contact issues between the child and their parents or relatives - or anyone else the child has a relationship with that the Council considers to be beneficial to the child's welfare.

3.9.2 Where demand is agreed as sufficient the Service Provider will provide:

- Support groups for children, parents and Special Guardians or people thinking about becoming one, for them to discuss issues relating to Special Guardianship
- Help for parents where children are exhibiting difficult behaviour that may be linked to early experiences.

3.9.3 To date there has been little take up of services via this contract with regards to Special Guardianship however this is to be expected as it is a relatively new order and it is likely that as children grow older the issues for them will become more pertinent and we will likely see an increase in the usage of this service.

### **3.10 Statistical information in relation to SGO and children looked after**

3.10.1 No. of children leaving care as a result of becoming subject to SGO

Year	No.	with - family/friend	LA foster carer
2006/07	6	6	0
2007/08	6	2	4
2008/09	5	4	1

3.10.2 It is unusual for these cases to remain an open case to a Social worker upon the making of an order unless there have been specific support needs identified. Should future services be required the Special Guardian is required to contact the Local Authority and request an assessment of need.

## **4. Financial**

4.1 Financial support to those who hold a Special Guardianship Order will be subject to an assessment of need and can be offered from two different perspectives.

4.2 The child can be seen as a child in need and eligible for limited financial support under section 17 of the Children act 1989 or the financial support can be offered subject to the Special Guardianship Regulations 2005.

4.3 Financial support is payable to a Special Guardian or prospective Special Guardian following an assessment for support services and in the following circumstances:

- To facilitate arrangements for a person to become the Special Guardian of a child where the Local Authority consider such arrangements to be beneficial to the child's welfare; or

- To support the continuation of such arrangement after a Special Guardianship Order is made
- 4.4 Such support is only payable in the following circumstances:
- Where the Local Authority consider that it is necessary to ensure that the Special Guardian or prospective Special Guardian can look after the child.
  - Where the Local Authority consider that the child needs special care which requires a greater expenditure of resources than would otherwise be the case because of illness, disability, emotional or behavioural difficulties or the consequences of his past abuse or neglect.
  - Where the Local Authority consider that it appropriate to contribute to any legal costs including court fees or costs associated with any application to vary or discharge an order, application for a section 8 order or application for an order for financial provision.
  - Where the Local Authority consider that it is appropriate to contribute to the expenditure necessary for the purpose of accommodating and maintaining the child, including the provision of furniture and domestic equipment, alterations to and adaptations of the home, provision of means of transport and provision of clothing, toys and other items necessary for the purpose of looking after the child.
- 4.5 Financial support may be paid periodically or as a single payment or by instalment. Where financial support is to be paid periodically the Special Guardian must provide an annual statement of his financial circumstances and the level of support payable is calculated via a means testing process.
- 4.6 In determining the amount of financial support the Local Authority must also take account of any other grant, benefit, allowance or resources available.
- 4.7 As the child is not a 'looked after child' after the making of the Special Guardianship Order the Special Guardian (SG) should then be able to claim Child Benefit and Child Tax credit for the child. The child also then counts as a member of the household for the purposes of any other relevant benefit the SG may be entitled to.
- 4.8 There are some benefits that are affected by the SG being in receipt of financial support from the Local Authority.
- 4.9 There are currently 17 SG's receiving financial support for 22 children. This compares with 20 financial support arrangements with a like Local Authority in the North of the region and 8 arrangements with one of the other Tees wide Local Authorities.
- 4.10 In order to agree the financial support the Social Worker, when assessing a Special Guardian's need for financial support takes into account the circumstances and the legal criteria and then provides a report recommending what financial support arrangements should be in place.
- 4.11 This report is then presented to a panel of officers (Fostering Service and Placement Scrutiny panel) who then agree (or not) that the criteria has been met and set the timescales in which payments will continue.

- 4.12 The Special Guardian, if in receipt of an ongoing allowance is then asked to provide information in respect of their financial situation and a means test is undertaken. This is completed on an annual basis for the duration of the arrangement and financial adjustments made according to the outcome.
- 4.13 Should the terms of the financial arrangement come to an end and the Special Guardian considers their situation still warrants financial support then they must request an assessment of the Special Guardianship support needs and the process of assessment starts again.
- 4.14 Others entitled to financial support includes parents of the children subject to SGO arrangements. Financial support in these cases usually applies to support for contact arrangements.
- 4.15 The scheme is based on the age related fostering allowance and then means tested. The majority of arrangements, after means testing, do not vary greatly from the level of fostering allowance that would have been applicable had the child remained in foster care.

#### **4.16 Budget (in relation to financial support)**

YEAR	Budget	% growth	Actual	% growth	Variance
2006/07	50,000		25,777		-24,223 <b>U/S</b>
2007/08	73,962	47.9%	67,190	160.7%	- 6,772 <b>U/S</b>
2008/09	62,531	-15.5%	134,237	99.8%	71,706 <b>O/S</b>
2009/10	120,171	92.2%			

#### **5. Performance of the service**

- 5.1 The Special Guardianship support service is not formally inspected or monitored

#### **6. Service user feedback**

- 6.1 There is no specific mechanism which collects user feedback

#### **7. Strengths of the service**

- 7.1 There are clear arrangements for the assessment of an applicant's suitability to be a Special Guardian and there is an increasing recognition of the need to support these arrangements
- 7.2 The authority contracts with an independent agency to provide specific aspects of the prescribed support services.

#### **8. Key service challenges/developments required**

**SEE SUMMARY**



## Section C

### RESIDENCE ORDERS

#### 1. Legal context

The Children Act 1989

- 1.1 A "Residence Order" means an order settling the arrangements to be made as to the person with whom a child is to live.
- 1.2 The following are able to apply to the court for a Residence Order under section 8 of the Children act 1989
  - A parent
  - A guardian
  - a step- parent
  - Any other person who has obtained the consent of all those with parental responsibility
  - Any person who, if the child is in care, has the consent of the Local Authority
  - Any person who has obtained the permission of those who already have a residence order for the child
  - Anyone who the child has lived with for at least 3 years
  - A Local Authority foster parent if the child has lived with them for at least 1 year immediately preceding the application to court.
  - The child themselves if of an age and understanding.
  - Any other person who has a genuine interest in the child's welfare.
- 1.3 The Local Authority cannot apply for this order nor can they apply on someone else's behalf however, in conjunction with other orders, a Residence Order is one of a range of orders that a court can be asked to make, to a relevant person, in Family Proceedings.
- 1.4 For a child who is looked after by the Local Authority under a Care Order, this is extinguished when a Residence Order is granted.
- 1.5 A Residence Order gives the person with the Order parental responsibility for a child under 16 years (or 18 years if the child has disabilities) and parental responsibility/decision making is then shared between the person holding the order and the birth parents.
- 1.6 The Local Authority will not make welfare visits or carry out reviews in respect of the child unless required to do so under the terms of a supervision order that may be made at the same time as the residence order. The Local Authority will not be involved in decision making in respect of the child.

1.7 Under the Children Act 1989, Local Authorities have a discretionary power to make payments towards the cost of maintenance and accommodation of a child who is subject of a Residence Order.

1.8 Paragraph 15 of schedule 1 to the act provides:

“where a child lives or is to live with a person as the result of a residence order, the Local Authority may make contributions to that person towards the cost of the accommodation and maintenance of the child.....this does not apply where the person with whom the child lives or is to live, is a parent of the child or the husband or wife or civil partner of a parent of the child”

1.9 There is no guidance, in relation to financial support for those who have residence orders, issued under the Children act 1989 or under section 7 of the Local Authority Social services act 1970.

## **2. Aims of the service**

2.1 The service available for children subject to Residence Orders is classed as services for children in need. The aim of which is to ensure that children’s health and development is promoted and that children are securely attached to their care givers.

## **3. Description of services**

3.1 There are no discrete services for this specific group of children. There is no automatic involvement or oversight from Social Care services and if a service is requested the child will be subject to children in need processes and if any services are provided including financial support these will be provided under section 17 of the Children Act 1989.

3.2 The Authority do have a policy in relation to Residence Order allowances however this policy only covers arrangements for approved Local Authority Foster carers who are willing to apply for a Residence order in respect of the child they have in placement and where the Local Authority positively support this proposal.

3.2.1 This policy has developed in practice, over time and has began to include not only those children who were formally fostered by the holder of the residence order but also those who have the care of children where the children were in receipt of services from Social Care and where the Social Worker was actively involved in the decision and process of the child living with someone other than a birth parent, due to safeguarding action and where the Local Authority had instigated care proceedings.

3.2.2 The scheme allows for them to continue to receive the age related fostering allowance less the amount of child benefit that they would be entitled to apply for.

3.2.3 Practice is also developing in terms of setting timescales in which allowances will be continued to be paid rather than an automatic payment being made for the duration of childhood.

3.2.4 It is unusual for these cases to remain an open case to the authority following the making of the order unless there are specific support needs identified.

3.2.5 The allowance rate is not means tested. All those in receipt of this allowance are contacted on an annual basis to ensure that the child is still living with them and circumstances have not changed.

### 3.3 Statistical information in respect of Residence Orders and children looked after:

#### Number of children leaving care as a result of a Residence Order:

Year	No.	with Family and Friends	Local Authority foster carer
2005/06	3	3	0
2006/07	15	15	0
2007/08	4	4	0
2008/09	10	10	0
2009/	4	4	0

## 4. Financial

4.1 There are currently 19 financial support arrangements involving 28 children in place. This compares with 24 arrangements in force with a Local Authority within the Tees wide area.

### 4.2 Budget:

Year	Budget	% Growth	Actual	% Growth	Variance
2004/05	85,960	-	90,759	-	4,799 <b>O/S</b>
2005/06	93,234	8.46%	100,051	10.24%	6,817 <b>O/S</b>
2006/07	134,745	44.52%	104,717	4.66%	-30,028 <b>U/S</b>
2007/08	133,971	-0.57%	118,899	13.54%	-15,072 <b>U/S</b>
2008/09	137,320	2.50%	135,369	13.85%	-1,951 <b>U/S</b>
2009/10	141,783	3.25%			

## 5. Performance of the service

5.1 There are no mechanisms to measure the performance.

## 6. Service user feedback

6.1 There are no mechanisms to seek user feedback.

**7. Strengths of the service**

- 7.1 The authority do have a scheme to financially support approved foster carers which was intended to encourage foster carers to seek residence orders in respect of children in their care. The scheme is well used and is flexibly applied.

**8. Key service challenges/developments required**

**SEE SUMMARY**

## Section D

### PRIVATE FOSTERING

#### 1. Legal context

Children Act 1989

Children Act 2004

The Children (Private Arrangements for Fostering) Regulations 2005

National Minimum Standards for Private Fostering

Disqualification from Caring for Children (England) Regulations 2002

Framework for Assessment of Children in Need and their Families (DOH 2000)

#### 1.1 Definition of Private Fostering

1.1.1 A Private Fostering Arrangement is made *privately* between the parent (or person with parental responsibility) and the carer, without the involvement of the Local Authority.

1.1.2 A private fostered child is defined in section 66 of the Children Act 1989 as one who, being under the age of 16 (or under 18 if disabled), is cared for and accommodated by someone **other than** a parent or close relative (as defined in section 105 of the Act).

1.2 Under the Children Act 1989, a relative is defined as a grandparent, brother, sister, aunt and uncle (whether of the full blood or half blood or by affinity), and step parent.

1.3 A child is not privately fostered if the person caring for him has done so for fewer than 28 days and does not intend to do so for longer than that.

1.4 Privately fostered children are not looked after children and Local Authorities are not involved in the making of such arrangements.

#### 1.5 The following are examples of Private Fostering arrangements:

- A mother falls ill and asks a neighbour to care for her children in the neighbour's home whilst she is in hospital and this stay extends beyond 28 days.
- A family agree for their child's 15 year old friend to stay for a while (28+ days) after she had an argument with her parents.

1.6 Local Authorities do not formally approve or register private foster carers. However, it is the duty of local authorities to satisfy themselves that the welfare of children who are privately fostered within their area is satisfactorily safeguarded and promoted.

## **2. Aims of the service**

- 2.1 To receive notifications of private fostering arrangements within Stockton-on-Tees Borough Council.
- 2.2 To respond to and monitor private fostering arrangements.
- 2.3 To raise awareness of private fostering arrangements and the requirement to notify the Local Authority when such arrangement is being proposed.
- 2.4 To assess the suitability of the private fostering arrangement and monitor compliance to relevant matters
- 2.5 To ensure the welfare of the child is safeguarded.
- 2.6 To offer advice to the private foster carer

## **3. Description of services**

- 3.1 Local Authorities do not formally approve or register private foster carers. However, it is the duty of local authorities to satisfy themselves that the welfare of children who are privately fostered within their area is satisfactorily safeguarded and promoted.
- 3.2 Assessment of the suitability of the arrangement includes an inspection of the private foster carers' home to ensure accommodation is suitable, speaking to the child to assess wishes and feelings, and consult with parents or those with PR. This process has to be undertaken at notification and again when the child moves to the private foster carer (assuming the notification is in advance). In addition, there are a number of checks made on all adults in the private foster carers' home, including CRB and OFSTED. The Social worker will consider the parenting capacity of the carer for the specific child and their ability to promote the child's ethnicity, culture, health, educational and social needs.
- 3.3 The child will be seen during statutory visits as will the private foster carer
- 3.4 During statutory welfare visits, discussion with the Private Foster Carer will take place and we will endeavour to identify the individual's support requirements, provide appropriate advice and guidance and record any themes.
- 3.5 Statutory Visits are undertaken a minimum of 6 weekly in the first year of a Private Fostering arrangement, and a minimum of 12 weekly in second and subsequent years.
- 3.6 There is a nominated person within Social care who has, responsibility as defined by the legislation, for being the Private Fostering Officer and offering advice, oversight and monitoring of the authorities compliance with the regulations.
- 3.7 In 2008/09 there were 13 notifications of new arrangements, with 3 existing arrangements at the start of the year (April 08). At the start of this reporting year (April 09) there were 8 existing arrangements. Some have ended during

the year because the child returned home, some reached 16 years, and at least one left our area and was transferred to another authority

#### **4. Financial**

- 4.1 There is not any specific information available in respect of private fostering arrangements.

#### **5. Performance of the service**

- 5.1 All Local Authorities are inspected by OFSTED in respect of private fostering arrangements. Stockton was inspected in July 2008 and given a quality rating of GOOD.

- 5.2 The following is the summary of the inspection findings:

“This was an announced inspection. Its purpose was to assess how the authority complies with the National Minimum Standards (NMS) for private fostering all of which relate to the staying safe and organisation outcome areas. The authority effectively promotes public awareness of private fostering. It uses a range of methods and is experiencing increased numbers of enquiries as a result of this. It is effective in raising the awareness of private fostering within the wider multi-disciplinary teams working with children and families. The authority responds well to notifications of private fostering. It carries out good assessments of the suitability of arrangements and the arrangements for meeting children’s needs but the physical safety of private foster carers’ homes is not always assessed well enough. Decisions regarding the suitability of arrangements are carefully and promptly made. There are two relatively minor weaknesses in documents used in the process of responding to private fostering arrangements, but the impact of these are minimised by good practice. Effective social work supports children, their parents and private foster carers. The authority has a clear and detailed statement that sets out its duties and responsibilities in relation to private fostering. The authority effectively monitors the way it discharges its private fostering responsibilities at an individual case level and strategically. Staff members are well trained in their duties and functions.”

#### **6. Service user feedback**

- 6.1 There are not any mechanisms in place to receive feedback other than via the inspection process and this area has not been specifically commented upon within the inspection report.

#### **7. Strengths of the service**

- 7.1 The inspection report highlights that the authority are good at promoting public awareness of private fostering arrangements and are good at responding to and assessing the suitability of the arrangements.

## **KEY SERVICE CHALLENGES/DEVELOPMENTS REQUIRED**

Kinship care either via family and friends fostering, Special Guardianship arrangements, residence order arrangements or private fostering arrangements can not be seen as separate services or simply as different legal arrangements.

All these arrangements have more things in common than not and a key feature is that all of these arrangements involve people caring for other peoples children.

This in itself causes tensions and conflicts which may get in the way of a satisfactory outcome for the child if not adequately supported.

There are national challenges in the area of kinship care as well as challenges that are pertinent to policy and practice within Stockton borough council.

Research findings suggests that “carers commitment and willingness to continue against the odds benefits the children they are looking after, but the good outcomes for these children are sometimes achieved at the expense of the kin carers themselves”.

The National challenges in relation to the family and friends foster carers can be described as the tension between the legislation, which promotes family and friends where ever possible, as being given preference over ‘stranger’ foster carers and the fostering service regulations and standards which requires these family and friends foster carers to be assessed in the same way as ‘stranger’ foster carers.

Even if the family member is party to the court proceedings and an assessment of them as carers for a child is undertaken for court purposes, the Local Authority are still required to complete its own assessment of them with regards to their suitability to foster. This assessment invariably needs to be taken through the same regulations and standards that are applied to ‘stranger’ Local Authority foster carers. This process can be seen by these individuals as intensive, intrusive and unnecessary. The applicants do need to satisfy the regulations and standards in the same way as other foster carers and sometimes they may not meet these but are good enough to care for the known child. The dilemma is then one of either seeking other less satisfactory solutions for ensuring the child remains with that person or removing the child from their care.

The DCFS have indicated that they are currently re-writing regulations and guidance in relation to family and friends as carers and will be issuing guidance for consultation in the autumn which considers a new framework for assessment of family and friends as foster carers.



A key challenge for this Local Authority is to enable more children to live within a kinship arrangement rather than in a non-related Local Authority Foster placement and to be able to identify, in a timely manner, those within the family and friends network who may be appropriate and safe to care for children.

A Family group conference service could be seen as an effective way to identify and enable family members to come forward to care for the child. This area of work as stated earlier in the report is a skilled area of work which is also time intense. Family group conferences are family led meetings where the family and friends network develop a plan to safeguard and care for the child. This plan could include alternative care arrangements and identify necessary support packages. The family group conference approach requires an independent coordinator who prepares the relatives and helps them understand the child welfare and protection concerns and then liaise with those individuals within the Local Authority who could provide the services and support required.

We also need to be able to allocate all suitability to foster assessments to Social Workers who have the appropriate training and experience.

We also need to be able to meet the needs of those family and friends not yet formally approved as foster carers (regulation 38). The action necessary in order to do this alongside point 8.14 will necessitate an increase within the staff resource base as well as reviewing the current protocol.

In order to support non looked after children in kinship arrangements and limit the risk of, or prevent, these children from re-entering the care system kinship carers need access to a secure base of support where workers have the time and expertise to more than adequately respond to and support them.

Currently the assessment of need and provision of services to this discrete group of children is considered by the ISA teams. These children may be considered as low priority need due to the more immediate nature of new referrals and existing case loads in relation to safeguarding children.

The reality is that some of these children are most likely to have been those children who were once considered as being subject to harm or at risk of harm and they may well have had some very traumatic experiences in their life. These children and those caring for them are likely to need ongoing regular or intermittent support and the support required needs to be seen as a specialist area where expertise and understanding needs to be developed.

Stockton needs to be able to offer a more focused comprehensive and consistent assessment and support service which encourages those kinship carers, regardless of the legal status, to approach the Local Authority not just in times of crises but at a time where support can prevent the crises.

Stockton needs to consider how to best deliver these services and also needs to decide upon:

- The viability of a permanence team which delivers services to children, young people and their families who are either in the permanent/long term care of the authority ,or where they are living with people other than their parents. These services could incorporate all the duties and responsibilities associated with step-parent adoptions, residence orders and Special Guardianship as well as adoption support services for children. These support services could run along the same lines as the support services for Foster carers and children looked after and should promote a culture of permanence and good outcomes for all children in kinship arrangements.
- The support packages available.
- Revising the current policy in relation to the residence order allowance scheme which, dependant on the scheme, may have an impact upon the budget.