**Section 17 Payments Policy**

**Purpose of the policy**

This document outlines the circumstances where a Section 17 (S17) payment is appropriate.

**The legal framework**

1. Financial support in terms of goods or services can be offered to children, young people and parents/carers under S17 of the Children Act 1989 to address identified needs. S17 (1) says it shall be the general duty of every local authority to
2. safeguard and promote the welfare of children within their area who are in need; and
3. so far is consistent with that duty, to promote the upbringing of such children by their families, by providing a range and level of services appropriate to those children’s needs.
4. S17 (3) says that any service provided by an authority (under this section) may be provided for the family of a particular child in need or for any family member, if it is provided with a view to safeguarding or promoting the child's welfare. S17 (6) also makes it clear that the service provided by a local authority in the exercise of functions conferred on them by this section may include providing accommodation and giving assistance in kind or in cash.
5. A child is defined as being in need if:
6. They are 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 (under this part of the Act); or
7. Their health or development is likely to be significantly impaired or further impaired, without the provision of such services; or
8. They are disabled.
9. Therefore, for a child to be supported using S17 payments, they **must** be open to Children's Social Care or at the very least have an open referral for an assessment.

**Assessment**

1. All children who may be in need are entitled to an assessment under S17 of the Children Act 1989.
2. Children and families will be assessed under S17 of the Children Act 1989 after it has been determined that they cannot receive services to meet their needs by other agencies, e.g. the Department for Work and Pensions.
3. Each referral will be assessed on the information presented and elicited at the point of referral to determine priority for assessment for services.
4. Assessment will identify the needs of the child and their family, the services required to meet those needs and a plan, detailing which services should be provided. The assessment will confirm the level of support required and which service of the Council or agency is best placed to provide that support.
5. If the child and family are receiving S17 monies, and therefore open to Children’s Services, the allocated social worker must visit the child and family in line with statutory guidance.

**Criteria of S17**

1. The Local Authority does not replace the role of benefit support.
2. Assistance in kind or cash payments made from the S17 budget will only be made where the assessment indicates that financial assistance is the only appropriate way of safeguarding and promoting their welfare within the family.
3. On receipt of a request for S17 assistance, the social worker must establish that the needs of the child would be met by such a payment, and that the family cannot obtain the help they require from another source, for example, the Department for Work and Pensions.
4. All alternatives must be explored with the family before assistance is offered under S17. This must include the consideration of obtaining assistance – or part assistance - from other agencies, including;
* Universal Credit;
* Child Tax Credit and Working Tax Credit (including help with childcare costs);
* Guardian's Allowance for people caring for bereaved children;
* Housing Benefit/Local Housing Allowance and/or discretionary housing payments;
* Council Tax benefit and discounts;
* National Insurance contribution-based benefits (such as Maternity Allowance, Jobseeker’s allowance (JSA), Employment Support Allowance (ESA), Bereavement Benefits, Basic State Pension and New Style State Pension);
* Non-contributory benefits (such as Universal Credit, Child Benefit, Disability Living Allowance, Personal Independence Payment, Guardian’s Allowance, Industrial Injuries benefits and Carers Allowance;
* Free school meals [Apply for free school meals - GOV.UK (www.gov.uk)](https://www.gov.uk/apply-free-school-meals);
* Charitable organisations;
* Helping Hands [Help with the cost of living (Helping Hand) | Buckinghamshire Council](https://www.buckinghamshire.gov.uk/cost-of-living/) and the Family Information Service [Family Information Service | Buckinghamshire Family Information Service](https://familyinfo.buckinghamshire.gov.uk/) should be checked to see what support may be available.
1. For more detailed information, families should be directed to the Citizen's Advice Bureau. [Help on a low income - Citizens Advice](https://www.citizensadvice.org.uk/benefits/help-if-on-a-low-income/)
2. The social worker must also establish that the payment will support the achievement of specific objectives for the child, for example:
* Reduce the child's vulnerability.
* Prevent them from becoming looked after.
* Ensure that the family does not become dependent upon the local authority to provide financial support on a long-term basis.
1. The circumstances of the family will determine the nature of the assistance given and whilst it is not possible to detail every possible type of assistance that can be considered, payments will only be made for essential items, for example clothing or heating, and not for non-essential items.
2. Financial assistance under S17, as far as possible, should be a minimal payment to support parents to meet the needs of their children until the next working day, when it is then expected that they will resolve any benefit issue. There may be exceptional circumstances where multiple payments are required; these are to be considered on a case by case basis by a Team Manager and must be subject to review and time limited. This must be clearly communicated by the worker to the person in receipt of the assistance. The person in receipt of the monies must be aware that the funding will be under constant review.
3. The use of S17 monies **must** be the final option. In particular, the allocation of cash should only be made in exceptional circumstances and all other alternatives such as benefits, and crisis funds **must** be explored and evidenced.

**Summary of S17 payments**

1. Underlying principles:
2. Families are to be enabled to resolve financial crisis through their own means wherever possible.
3. All other options to support a family **must** be sought first and evidenced that this has been done. This includes accessing charitable organisations, including [Turn2us Grants Search](https://grants-search.turn2us.org.uk/).
4. Any Section 17 monies spent **must** be informed by an assessment of need, unless in exceptional circumstances of absolute emergency, when financial support might be given prior to an assessment. This must be a minimal amount and followed up with an assessment of individual circumstances.
5. Entitlement to benefits should always be explored and can be established by contacting the Citizen's Advice Bureau.
6. Any payments that are not one offs must have regular reviews planned with managers, ideally on a weekly basis. (However, 3 months is the longest period permissible between reviews).
7. Payments can only be provided where an assessment determines items identified as essential to meet the needs of the child, prevents the child suffering significant harm or to meet significant need, or prevents the need for the child to be looked after by the local authority.
8. It should be checked if S17 payments have already been made to the family in the last 12 months. If there have been 3 or more payments, the Head of Service must be informed and in agreement. This will trigger a reassessment of need.
9. Money can only be given to clients after all other options have been explored and verified, and cash in the form of a prepaid card can only be used where it is not possible to pay money directly into a bank account using a payment requisition or payment plan.

**Types of S17 Financial Assistance**

Non-Accommodation

1. These should be used to overcome a crisis, following the best assessment that can be achieved in the circumstances.
2. **Food** – consideration should be given to use of local Food Banks or applying for support through other schemes.
3. **Gas and Electricity** –payments can be issued to families in crisis; however, in order to save money on utility bills, individuals or families are encouraged to seek advice on saving fuel from the [www.moneyadviceservice.org.uk](http://www.moneyadviceservice.org.uk/) or at [www.thameswater.co.uk](http://www.thameswater.co.uk/) who may be able to offer FREE water saving devices. Energy supply companies will all have arrangements to support customers who are experiencing difficulties in paying for fuel. Customers should contact their supplier directly. Help can also be sought using the following link. <https://www.citizensadvice.org.uk/consumer/energy/energy-supply/get-help-paying-your-> [bills/grants-and-benefits-to-help-you-pay-your-energy-bills/](https://www.citizensadvice.org.uk/consumer/energy/energy-supply/get-help-paying-your-bills/grants-and-benefits-to-help-you-pay-your-energy-bills/)
4. **Clothing -** one off payment. The provision of clothing, can only be provided where an assessment determines the items as essential. These are to be minimal amounts to meet essential basics.
5. **School uniforms -** If school uniform is required immediately, not giving the family an opportunity to budget through regular benefit or subsistence payments to afford this. If the family has more than one child in secondary school and cannot afford uniform costs for the second or subsequent children. Clothing needs should be discussed in the first instance with the school to see what support they are able to offer.
6. **Toiletries -** Funding to the parent /carer for costs of goods only, and to meet basic needs.
7. **Nappies and baby milk** should be given in appropriate amounts. Funding is direct to parent/carer for costs of goods only. Liaison with health should take place in the first instance as they may be better placed to provide this support.
8. **White Goods (appliance purchase) -** grants should be applied for in the first instance [www.turn2us.org.uk](http://www.turn2us.org.uk/)
9. **Equipment** can only be provided where an assessment determines items identified as essential to meet the needs of the child and/or prevent the child suffering significant harm or significant need and/or the need for the child to be looked after by the local authority.

Contact/ Travel Support (Family Support)

1. This provision is available to support the transport of children, parents, or carers to attend:
* assessments
* activities
* appointments, including attendance at a child protection conferences
* support groups and courses
* maintain contact
* essential to a Child's Plan or to comply with court direction.
* It also includes the provision of an escort if it is necessary to enable a child to get to school or nursery whilst the parent/carer has a temporary disability, once all other options regarding friends and family have been exhausted.
1. If the transport is for travel to and from school, the school transport team should be contacted first.
2. An assessment must ensure and agree that clients could not reasonably be expected to travel using their own means due to medical, situational, financial or geographical reasons. This support is to be provided through bus tickets, train tickets or reimbursement of own, family or friend's petrol costs.
3. Taxis are not the first option to be explored and will not be approved unless all other avenues of travel have been exhausted and the cost of travel has been evaluated against the benefits to the child of the appointment, or it is cheaper by taxi.

Childcare / Activities

1. **Childcare** - childminders or nursery for children under 2 years old, this should only be in the short term, in exceptional circumstances, and assessed as an absolute necessity to promote the welfare of a child. If the child is between the ages of 2 and 4 years old then an application must made through the Early Years Team for 15 hours of free provision, increasing to 30 hours when the child becomes 3 years old.
2. If additional hours are agreed as being required, payment should be made only on receipt of an invoice.
3. The funding is available from the term after a child's 2nd birthday, providing they meet the prescribed eligibility criteria:
* Children looked after
* 'Child in Need' status
* Those on a Child Protection Plan
* Children of Gypsy Roma Traveller heritage
1. For further details and how to apply; [Apply for funded childcare for your 2-year-old | Family Information Service (buckinghamshire.gov.uk)](https://familyinfo.buckinghamshire.gov.uk/childcare-and-early-years/paying-childcare/2yo-funded-childcare/#:~:text=15%20hours%20of%20funded%20childcare%20per%20week%20is,nursery%20schools%20%28including%20those%20joined%20to%20a%20school%29.)
2. Parents/carers receiving Working Tax Credit or Universal Credit can request financial support towards childcare costs from their local benefit office. Buckinghamshire Council should only pay the difference between what the benefits cover and the actual cost. This ensures that the Department for Work & Pensions (DWP) fund childcare costs, wherever possible.
3. **After school and holiday activities** – if they are part of a Child Protection Plan, or prevent the need for accommodation as part of planned intervention that is informed by an assessment. Payment on receipt of an invoice by the supplier.
4. **Support temporary private care arrangements** - e.g. when a parent may be hospitalised and there is no other means of caring for the child. The arrangement and financial responsibility lies with the child’s family. At the very least, the parent should be expected to provide the person caring for the child with the child benefit received for that child. Any S17 payment should be informed by an assessment, the person caring must be assessed as viable and, based on actual cost, this will be funded through prepaid card or payment requisition.

Professional Fees (Family Support); Therapeutic support (one off)

1. **Specialists Assessments and DNA/Hair Strand Testing** - If special assessments or testing is required to evidence the level of risk to a child, then these assessments need to be agreed by the Team Manager. Specialist assessments should be the exception rather than usual practice. If the Social Worker and Practice Manager are of the view that a specialist assessment may be required, approval from the Service Lead is to be sought before the pre-proceedings meeting and ratified thereafter by the relevant Service Lead. An invoice will be provided and paid using a purchase order.
2. **Interpreter and Translation Costs** - Where English is not the first language for children and carers, workers need to ascertain if the child and/or carer is able to understand and speak English to the level that they can complete their intervention in a meaningful way. If the child and/or carer is not able to understand or speak English to the required level, then an interpreter will be required.

Consideration is to be given to whether this could be a community worker or teaching staff with the carers' permission if it will not be detrimental to any assessment and/or the intervention. Professional Interpreters should always be used for assessments, Child Protection Conferences, pre-proceedings and court proceedings. These can usually be sourced through the existing interpreter’s contract. If alternative interpreting services need to be sourced, invoices will be paid via a purchase order.

Accommodation - Furnishings (Family Support)

1. **Furniture, bedding or safety equipment** can only be provided under S17 where an assessment determines items identified as essential to meet the needs of the child and/or to prevent the child suffering significant harm or significant need and/or the need for the child to be looked after by the local authority.
2. Access to community resources should also be considered. Liaison with the benefits agency, advice agencies and charitable organisations locally that can be accessed, and specific grants should be sought. Either second hand or the least expensive suitable item available should be purchased.

Accommodation - Housing Costs (Family Support); S17 Deposit/ Rent

1. For families experiencing housing difficulties in the first instance a check should be made to see if parent/carers are being supported to prevent their homelessness. If a parent/carer is homeless or threatened with homeless within 56 days, then a duty to refer should be completed and sent to the Housing department.
2. Support to intentionally homeless families - Refer to Children's Social Care to undertake a Child and Family Assessment.

Rent in Advance

1. Rent in advance may be offered as a loan/grant of one, three or six months maximum where it is evidenced through assessment this will relieve the children’s homelessness and all other options have been exhausted. This offer is made to promote the welfare of the child(ren) and to ensure the child(ren) have suitable accommodation available for their occupation for at least 6 months. The onus is on the parent/carer to ensure they provide all requested information to be considered as part of the affordability calculations and assessment and seek accommodation.
2. **Support to 16/ 17 homeless young people**- Staff should refer to Joint Housing Protocol for Homeless 16/17 Year Olds. [Referral and notification | Buckinghamshire Council](https://www.buckinghamshire.gov.uk/care-children-and-families/joint-protocol-for-working-with-16-and-17-year-old-young-people-presenting-as-homeless-or-at-risk-of-homelessness/referral-and-notification/)
3. Rental payments for families with No Recourse to Public Funds (NRPF)- Refer to Children’s Social Care to undertake a Child and Family Assessment. These cases must be carefully assessed, both in social work and financial terms, and authorised by the relevant Team Manager before being progressed.

**Requesting Payments**

A Financial Instruction must be completed for all payment requests.

**Process for requesting a payment**

The process to request a payment is below and **must** be followed for payments to be arranged.

1. Allocated worker completes Financial Instruction Template Email (below) with the details of their request.
2. Form is sent to Team Manager for approval. Team Manager sends to Head of Service.

Heads of Service can approve requests up to £1,000, Service Directors up to £250,000 and Corporate Director up to £1,000,000.

1. Manager responds to the request including the relevant business support mailbox as well as the allocated worker.
2. BSO arranges payment, either through LCS/ContrOCC or via PO/LO and invoice in SAP.
3. All payments must be recorded in the ‘Costs’ tab in LCS, whatever the payment method (i.e. including off-system payments such as purchase card and petty cash).
4. BSO to copy and paste the information from the completed Finance Instruction Email into the comments box of the payment record in ‘Costs’.

Please see attached email template/form for completion:



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