



Centre for Professional Practice

Dudley Children's Services

Family, Friends And Connected Persons Policy

Contents

1. Introduction
2. Values and Principles
3. Legal Framework
4. Different situations whereby Children may be living with Family and Friends/Connected persons carers
5. Other Legal options of Family and Friends Arrangements
6. Provision of Financial Support- General Principles
7. Supporting contact with Parents
8. Family Group Conferences
9. Complaints Procedure
10. Useful Organisations
11. Appendix



1. Introduction

Children may be brought up by members of their extended families, friends or other people who are connected with them for a variety of reasons and in a variety of different arrangements.

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

The aim of this policy is to set out the framework for the provision of support for family and friends carers across a range of care arrangements for children who cannot live at home with their birth parents. The most common reasons for family members and friends taking on the care of children are related to parental factors such as domestic violence, alcohol or substance misuse, mental or physical illness or incapacity, separation or divorce, imprisonment, or death of a parent. Child related factors such as disability or challenging behaviour may also be reasons.

In many instances the characteristics and needs of children living with family and friends carers in informal arrangements are very similar to, or the same as, those of children who have become looked after. It may be the particular circumstances giving rise to an emergency, the willingness of family members to intervene at a particular stage, or the response of the local authority which determines whether the child goes to live with family and friends carers on an informal basis or is placed by the local authority as a child looked after.

Family and friends often start to care for other people's children in a crisis or emergency situation. Sometimes the care begins as a short term measure, but gradually or subsequently becomes open-ended or permanent. This policy promotes the principle that support must be based on the needs of the child rather than merely their legal status and should seek to ensure that family and friends carers (whether or not they are approved foster carers) are provided with support to ensure the children do not become accommodated for any longer than is necessary by the local authority.

Although family and friends arrangements are often beneficial, research shows they are sometimes chosen with little regard for the quality of care provided the carers' previous history of poor parenting, their personal problems or their knowledge of the child. It will be therefore important to ensure that children are only supported to be with relatives or others who can genuinely offer both the benefits of remaining within their wider family network and the commitment that makes such arrangements valuable.

The majority of family and friends carers act informally by agreement with those holding parental responsibility for the children they care for. Providing they are a relative of the child as defined by section 105 of the 1989 Act or have parental responsibility for the child, there is no requirement to notify the local authority of the arrangement. Most such arrangements remain entirely private without the need for the involvement of children's social care services.

Even where Children's Services become involved, not all children who are cared for by family and friends carers will become children in care with the local authority. Some arrangements may simply require the kind of support which the local authority can offer under section 17 of The Children Act. In such informal arrangements, this support can be seen within the broader context of enabling family members to provide support and care to each other, supported by adults' and children's services working together. An emphasis on social care and early help services working in partnership with the private and voluntary sector will help ensure easy access to services that provide effective early interventions to meet the needs of children and their families.

2. Key Principles

- 2.1 Consideration of the child's welfare and best interest is central to the work that we do.
- 2.2 Children should be enabled to remain living within their family network unless this is not consistent with **Safeguarding and Promoting their welfare**;
- 2.3 The local authority should not become involved in establishing or supporting children's living arrangements with family and friends unless it is deemed necessary to safeguard and promote their welfare;
- 2.4 When the local authority does become involved in establishing and/or supporting an arrangement for a child to live with a family and friends carer, this should be based on a thorough assessment of the child and the family and friends carers;
- 2.5 Children living with a family and friend carer should only be looked after in exceptional circumstances and only as long as necessary until they can either return home to a parent or secure permanence with a member of their family and friend network through a legal order giving that person parental responsibility.

3. Legal Framework

The local authority has a general duty to safeguard and promote the welfare of children living within their area who are in needs. So far as is consistent with the duty, local authorities must promote the upbringing of children in need by their families. Local authorities fulfil this duty by providing a range of family support services, which can be either financial, practical or both dependent on the assessed needs of the child.

A **Child in Need** is defined under **S17** of the Children Act 1989 as a child whose health or development is likely to be significantly impaired, or further impaired, without the provision of services; or a child who is disabled.

'Family' in relation to a Child in Need includes not only a parent but other members of the wider family and friend network.

'Children in Need' may also live with a family or friend carer under a variety of legal arrangements – either informally or more formally, which may include

Child Arrangements Orders (S8 Children Act 1989)

Special Guardianship Orders (S14 (a) and (b) Children Act 1989)

Adoption Orders (S46 Adoption and Children Act 2002)

Children and young people may become looked after through accommodation by the local authority under Section 20 of The Children Act 1989. Accommodation under Section 20 of The Children Act 1989 is a voluntary arrangement between the child's parent, or person with parental responsibility and the local authority. The arrangement is informed by Dudley's Children's Services Manual, and other child's procedures.

Children Looked After will always come within the definition of a 'Child in Need' whether they are accommodated (**S20 Children Act 1989**) or subject to a court order (e.g. **Care Order, Interim Care Order**) whereby the local authority shares Parental Responsibility for the child with their parent(s).

The local authority should, wherever possible make arrangements for a Child Looked After to be reunited with their parent or someone else holding parental responsibility for them (S22C (2) to (4) Children Act 1989), as assessed through the child's care planning and review.

If it is not possible for a Child Looked After to return to a parent or someone else with parental responsibility for them the local authority should, wherever possible, place the child with a relative or family friend carer unless this would not be appropriate to safeguard and promote their welfare (S22C (5) and (6) Children Act 1989).

- (1) A relative is defined under the Children Act 1989 as being a grandparent, brother, sister, uncle, or aunt (whether full blood or half blood) or by marriage or civil partnership, or a stepparent (S105)

4. Different types of Family and Friends Living Arrangements

4.1 Informal Family and Friends Care Arrangements

Informal Family and Friends Care Arrangements is the term used to refer to care arrangements that are made by the child's family without any direct involvement in establishing these living arrangements by the local authority.

Decision-making for the child rests with the carers in partnership with the child's parents and anyone else who holds parental responsibility for them.

The local authority does not have a duty to assess any such informal arrangement or to provide ongoing support unless it appears necessary in order to safeguard and promote the welfare of the child as a 'Child in Need' under S17 of the Children Act 1989.

Any local authority support is provided under S17 of the Children Act 1989 and must be identified through a formal assessment of the child and their family's needs and authorised by the Team Manager.

4.2 Private Fostering Arrangements

A privately fostered child is a child who is under the age of 16 years (or under 18 years if they are disabled) who lives with a person who cares for them for 28 days or more and who is not an immediate relative (e.g. grandparent, brother, sister, uncle or aunt (whether full blood or half blood) or by marriage or civil partnership, or a step parent). Children living with a private foster carer are not deemed to be looked after by the local authority.

Decision-making for the child rests with the private foster carers in partnership with the child's parents and anyone else who holds parental responsibility for them.

The local authority 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's circumstances fall within the definition of a "Child in Need". In such cases, the local authority has a responsibility to provide services to meet the assessed needs of the child under S17 of the Children Act 1989. Following assessment, a "Child in Need Plan" will be drawn up and a package of support will be identified; this can include a variety of different types of services and support, including financial support.

4.3 Family and Friends Foster Carers – “Connected Persons”

Where a child cannot be looked after by a parent, the local authority has a responsibility wherever possible to make arrangements for the child to live with a member of the family who is approved as a foster carer (S22 Children Act 1989).

Regulation 24 is detailed in **Care Planning Regulations 2010**. The child or young person can be placed with the family members under a temporary approval, subject to an assessment for an immediate placement for a period of up to 16 weeks. Temporary approval is only to be used in exceptional and unforeseen circumstances, where children need to be placed immediately. A Regulation 24 – Immediate Placement Agreement - must be completed and approved by the Head of Service. In this context the carer is referred to as a “Connected Person” and the process of obtaining approval for the placement is set out in the Family and Friends (Connected Persons) Procedure.

Where temporary approval is given to such a placement under the procedure, the carers will receive financial support on a regular basis from the point of placement and the full assessment being presented to Fostering Panel 12 weeks after the child is placed, and no later than 16 weeks from the time of placement. .

The Social Work team will make a weekly payment to the prospective carer(s) for each child placed. From this point the placement is eligible for Family and Friends foster allowance and fee.

All children will have a Placement Plan which sets out any specific requirements for the child and placement. This will include the expectations of the foster carers and any support they can expect to receive in order to fulfil their responsibilities for meeting the child’s needs.

The local authority also appoints an **Independent Reviewing Officer** whose job is to oversee the child’s case to ensure that the child has a good care plan that sets out what work needs to be done to promote the best possible outcomes for the child., and that there is no delay in progressing the care plan. The foster carer will also be allocated an **Independent Reviewing Officer** whose role it is to oversee the quality of fostering practice, and to review how well the needs of the children are met.

The assessment and approval process for family and friends who apply to be foster carers for a specific “Child Looked After” 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 process is the same as for any other potential foster carers and is set out in the Assessment and Approval of Foster Carer procedure. Information is available to potential foster carers about the process, and they will be contacted by the social worker allocated to carry out the assessment.

Connected Persons carers are allocated a Supervising Social Worker after Fostering Panel. The Supervising Social Worker will support, supervise and assist in identifying training needs.

The Fostering Service Statement of Purpose indicates how Family and Friends/Connected persons will be supervised, trained and supported.

4.4 Training, Learning And Development

All carers will be offered formal and informal training. The formal training programme is disseminated to approve foster carers, family and friends' carers, Special Guardians, those caring for children subject to Child Arrangement Orders. Learning and development is essential to the quality of children's care given and how well their needs are met.

5. Other Legal Options for Family and Friends Care

5.1 A Child Arrangements Order

Child Arrangements Orders were introduced in April 2014 by the Children and Families Act 2014 (which amended S8 Children Act 1989). They replaced Contact Orders and Residence Orders.

A **Child Arrangements Order** is a court order regulating arrangements relating to any of the following:

With whom a child is to live, spend time or otherwise have contact; and

where a child is to live, spend time or otherwise have contact with any person

The 'residence' aspects of a Child Arrangements Order (i.e. with whom a child is to live/when a child is to live with any persons) can last until the child reaches 18 years unless discharged earlier by the court or by the making of a Care Order.

The 'contact' aspects of a Child Arrangements Order (with whom and when a child is to spend time with or otherwise have contact with) cease to have effect when the child reaches 16 years, unless the court is satisfied that the circumstances of the case are exceptional.

A person named in the order as a person with whom the child is to live, will have Parental Responsibility for the child while the order remains in force. Where a person is named in the order as a person with whom the child is to spend time or otherwise have contact, but is not named in the order as a person with whom the child is to live the court may provide in the order for that person to have Parental Responsibility for the child while the order remains in force.

5.2 Guardianship

The Children Act 1989 (Ss5 and 6) allow the birth parents of a child to formally name someone in their family/friend network as the child's 'guardian' in the event of both of their deaths. Guardianship arrangements do not have to be made in a court but are usually overseen by a solicitor and becomes active in the event of both parent's death or when one parent has died and the other is serving a prison sentence.

The local authority would not be involved in the making of living arrangements under 'guardianship' and would consider it to fall under an informal family and friends care arrangement. A tax free benefit called 'guardianship allowance' is available from the HMRC for those caring for a child whose parents have died or where one parent has died and the other is serving a prison sentence.

Any local authority support that is provided under Section 17 of the Children Act 1989 must be identified through a formal assessment of the child and their family's needs and authorised by Team Manager.

5.3 Special Guardianship Order

A **Special Guardianship Order** is different to 'Guardianship' as described above and provides another way in which a child's living arrangement with someone in their family/friend network outside of their birth family can be secured legally.

Special Guardianship does not completely break the legal link with the child's parent(s) in the way that an Adoption Order would do. Unlike a Child Arrangements Order though, it does allow the special guardian to make significant decisions about the child and their upbringing without having to consult with the child's parents.

Relatives and local authority foster carers who have cared for the child for at least a 12 month period can apply for a Special Guardianship Order. Other members of the child's family/friend network may also be eligible if they already have a Child Arrangements Order in force with respect to the child, or they have the consent of the child's parents and others with parental responsibility for the child (including the local authority if the child is in care.)

Special Guardianship Orders may be made by the court in private family proceedings in which the local authority is not involved in making arrangements for the child. A Special Guardianship Order made in favour of a relative or family/friend foster carer with respect to a child/young person looked after would mean that the child/young person would cease to be looked after by the local authority and this may be an appropriate outcome as part of a **Permanence Plan** for the child/young person.

Children/young people subject to a **Special Guardianship Order** are not entitled to any post 16 years leaving care services from the local authority unless they were either previously looked after following their 16th birthday or looked after immediately before the **Special Guardianship Order** was made, in line with Care Leaver's entitlements.

When a **Special Guardianship Order** is made with respect to a child who immediately prior to the **Special Guardianship Order** was looked after, the local authority has a responsibility to assess the support needs of the child, parents and special guardians, including their need for financial support.

Carers who hold **Special Guardianship Orders** can obtain support via a referral to the Special Guardianship Support Service. There is also an opportunity for Special Guardianship carers to access training provided by the local authority.

5.4 An Adoption Order

When a child is adopted all the parental rights and responsibilities for that child are permanently transferred from the child's birth parents and anyone else who shares parental responsibility with them to the adoptive parent(s). An **Adoption Order** severs primary parental responsibility of the birth parent. As a result the child legally becomes part of the adoptive family.

Relatives, friends and private foster carers can apply to adopt a child they have been caring for, after the child has lived with them for a total of 3 years out of the previous 5 years, without requiring the consent of the local authority. A court can also give permission to someone to apply for an Adoption Order if they do not satisfy this condition.

An **Adoption Order** made in favour of a relative or family/friend foster carer with respect to a child/young person in care would mean that the child/young person would cease to be looked after by the local authority and may be an appropriate outcome as part of a permanence plan for the child/young person.

Unless the child has been placed with a family and friend carer by a local authority or an adoption agency as a Child Looked After, applicants must notify the local authority in the area that they are living of their intention to apply for an Adoption Order. An adoption application cannot be made until at least 3 months after the notification is received.

Local authorities must make arrangements, as part of an adoption service, for the provision of a range of adoption support services. The local authority has a duty to provide adoption support services when a request is made for such support by the adoptive parents and their families, the adopted child and the child's birth parents

and families, including birth relatives. An **Adoption Support Plan** is produced based on the assessments findings and this may include financial support.

6. Provision of Financial Support – General Principles

6.1 One off Payments

This type of financial support would be used to overcome a specific crisis facing the child and carer's that might otherwise prevent the child from being able to live with their family and friends carers.

6.2 Regular Allowance

Connected persons foster carers are entitled to a fostering allowance from the local authority to care for a child/young person while the child is looked after by the local authority and placed with them. The way in which the allowance is determined is the same as for non related carers. (See Appendix 1)

Family and friends carers (Connected Persons) will be paid the same fostering allowance for the child as non-related carers. Attendance at training events and completion of the Training, Support and Development Standards workbook is essential for all carers. Engagement in learning and development activity is considered a key and integral component of the fostering role. Regular support groups are held across the borough of Dudley for Family and Friends/Connected persons. A list of dates is available from the Fostering Service. Information about learning and development activities as well as support for foster carers is also available on the website.

Connected Persons/Family and Friends carers are eligible for payment of a fostering fee. This is paid at the same rate as that of non-related carers. (See Appendix A)

Local authorities are not required to provide a regular allowance to children and young people living with a family /friend carer under an informal family and friends care arrangement (see point 4.1). Family and Friends carers are encouraged to maximise their state income and tax benefits as well as other contributions for the child's care from the child's birth parents.

In exceptional circumstances Dudley Children's Services may decide to provide financial assistance under S17 of the Children's Act 1989 this will be based on a thorough assessment of the child's needs.

In any cases where an arrangement is made for short term regular financial support, a written agreement will be drawn up detailing the level and duration of the financial support that is to be provided, and the mechanism for review.

6.3 Legal Fees

Dudley Children's Services will consider the payment of the legal costs of carers to apply for an adoption, child arrangement or special guardianship order where it supports the application and where not doing so would lead to the child/ren remaining looked after unnecessarily.

7. Supporting Contact With Parents

In circumstances where children/young people are living with a family/friend carer, the responsibility of the local authority for promoting contact between the child and their parents will vary, depending on whether the child is a child looked after or whether their living arrangement is an informal one.

Where a child/young person is a child looked after, the local authority has a legal duty to promote contact between the child/young person and their family, taking into account the need to maintain the safety and welfare of the child. Any contact arrangements for the child should be included within the child's **Permanence Plan**, which forms part of their **Care Plan**.

For children and young people living with family and friends who are not accommodated by the local authority, the local authority still has a duty to promote contact between the child and their family. As part of an assessment of the child's needs it may be identified that specific assistance is required to ensure that any contact between the child/young person and their parents is managed safely. Information can be made available to family and friends carers about local contact centres and family mediation services and how to make use of their services.

A Family Meeting is a meeting called at any stage, on a voluntary basis to discuss the needs of the child, or the living arrangements and aim to improve the outcomes for the child, and the quality of care afforded.

Family And Friend Living Arrangement Meetings

Family Group Conferences are meetings that are held between professionals and family members that are used to help the family plan and make decisions to achieve the best possible outcomes for their children, including where the child should live and how they will be supported. The meetings are voluntary in nature and led by family members with the assistance of an independent family group conference coordinator, who helps prepare family members for the meeting. The meeting is held at a neutral venue or where the family feel at ease.

A **Family Group Conference** or other form of family meeting will be offered to all children and young people at risk of becoming looked after by the local authority at an early stage in the local authority's involvement with them. If the child becomes looked after as a result of an emergency, without a family group conference taking place, then one will be arranged as soon as possible.

9. Complaints Procedure

All carers including family and friend carers for children looked after are encouraged to discuss any complaint or dissatisfaction about the service with their supervising social worker so that the complaint can be resolved informally. However, if the matter cannot be resolved in this way the formal complaints procedure can be used. This may also result in formal Fostering Procedures being invoked where appropriate and necessary.

Where complaints cannot be resolved informally, family and friend carers have a right to put complaints in writing, and heard. Contact can be made via email or online using the feedback form to dudleycouncilplus@dudley.gov.uk. or by telephone - 0330 555 2345

This policy was reviewed in May 2018

Appendix 1

DUDLEY MBC FOSTERING ALLOWANCES AND FEE PAYMENTS

	AGE OF CHILD	WEEKLY ALLOWANCE	DAILY ALLOWANCE
FOSTERING ALLOWANCES	0-4	148.68	21.24
	5-10	169.33	24.19
	11-15	210.77	30.11
	16-18	256.41	36.63
FOSTERING FEE	0-4	95.69	13.67
	5-10	109.13	15.59
	11-15	135.80	19.40
	16-18	165.06	23.58
ENHANCED FEE	NOT APPLICABLE	470.05	67.15

The Allowance

The allowance is intended to cover the child's maintenance and to include pocket money, normal replacement of clothing, school dinners and normal leisure activities, e.g. scouts, brownies, swimming lessons etc.

Connected Person

Connected Persons/Family and Friends carers are eligible for payment of a fostering fee. This is paid at the same rate as that of non-related carers.

Connected Persons are offered training via the Fostering Service with an expectation that the Training & Development Standards for Foster Carers training module is completed within a 18 months timeframe.

Enhanced Fee

Foster carers will be paid an enhanced fee where there is a requirement for one of the carers to remain at home full time to enable them to meet the specific needs of the child in placement.

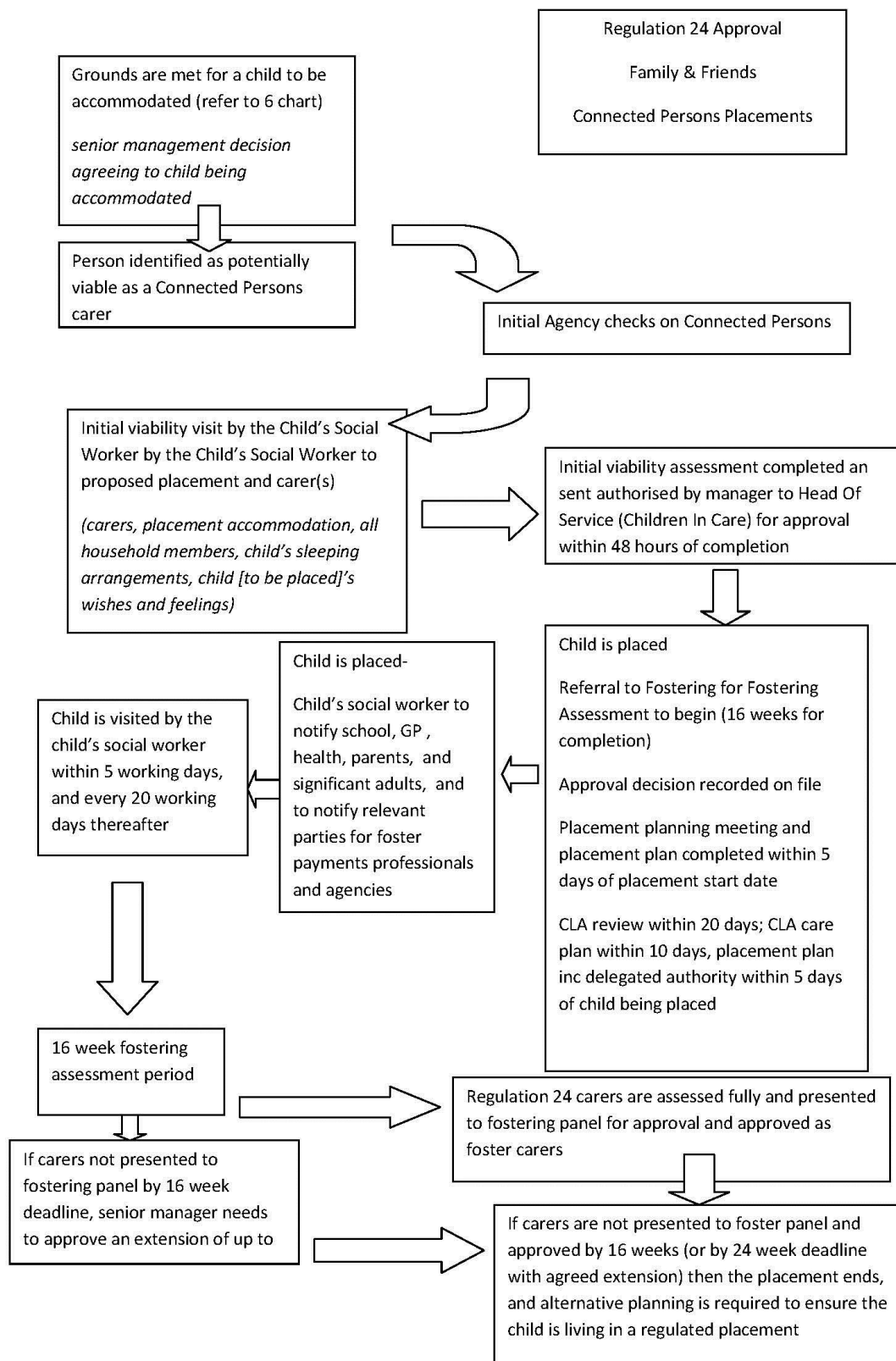
A specific need of the child relates to those who present with complex emotional, behavioural, social and or developmental difficulties. Examples of specific needs would include placements of complex teenagers, mother and baby placements, and children with special needs.

To qualify for **an enhanced rate, the following criteria must be fulfilled:**

- Evidence that there is an increased, significant and ongoing level of disruption to family life above and beyond that which is a normal part of fostering; or
- The ongoing costs of caring for the child are significantly greater than would normally be expected; or
- The child's needs prevent any other placements being made, when in normal circumstances the foster carer would have additional placements.

Appendix 2: Glossary Of Terms Use

- “the 1989 Act” means the Children Act 1989;
- “the 2008 Act” means the Children and Young Persons Act 2008;
- “the 2010 Regulations” means the Care Planning Placement and Case Review (England) Regulations 2010;
- “the 2011 Regulations” means the Fostering Services (England) Regulations 2011;
- “care plan” means the plan for the future care of a looked after child prepared in accordance with Part 2 of the 2010 Regulations;
- “a child in need” is defined in section 17(10) of the 1989 Act, which provides that a child shall be taken to be in need if (a) 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 him of services by a local authority under this Part; (b) his health or development is likely to be significantly impaired, or further impaired, without the provision for him of such services; or (c) he is disabled;
- “child” means a person under the age of 18. Where the context particularly refers to older children the term “young person” is used;
- “connected person” means a relative, friend, or other person connected with a looked after child. A person in the last category may be someone who knows the child in a more professional capacity such as a childminder, a teacher or a youth worker although there are not exclusive categories.
- “family and friends carer” means a relative, friend or other person with a prior connection with somebody else’s child who is caring for that child full time. A child who is cared for by a family and friends carer may or may not be looked after by the local authority;
- “foster carer” means a person who is approved as a local authority foster parent (by a local authority or an independent fostering provider) in accordance with regulation 27 of the Regulations 2011, or temporarily approved under regulation 24 of the 2010 Regulations;
- “fostering service” means a local authority fostering service;
- “informal arrangement” means an arrangement where a child is living with a family and friends carer who does not have parental responsibility for the child. References to “informal arrangements” in this guidance do not include arrangements where the child is looked after by the local authority or where the child is privately fostered, placed for adoption, or subject to a child arrangements or a special guardianship order. The legislation which governs these arrangements does not apply to an informal arrangement.
- “child looked after ” means a person under 18 who is subject to a care order under section 31 of the 1989 Act (including an interim care order), or is accommodated under section 20 of that Act;
- “mainstream foster carer” means a local authority foster carer who has no previous relationship or connection with the child they look after;
- “parent”, in relation to a child, includes any person who has parental responsibility for that child;
- “parental responsibility” has the meaning given by section 3 of the 1989 Act, being all the rights, duties, powers responsibilities and authority which by law a parent of a child has in relation to the child and his property;



Appendix 3

Useful numbers:

SPA – 0300 555 0050

Dudley EDT – 0300 555 0050

Family Rights Group (Advice Line) – 0808 801 0366

Grandparents Plus – 0300 123 7015

Fostering Network (Members Hotline) – 020 7401 9582

Coram Voice (Advocacy) - 0808 800 5792

NSPCC – Child Protection Line – 0800 800 5000