**Family and Friends Care Policy**

**RELATED GUIDANCE**

[**FRG Initial Family and Friends Care**](https://www.frg.org.uk/involving-families/family-and-friends-carers/assessment-tool)

**Children Act 1989: Family and Friends Care**: Statutory guidance for local authorities about family and friends providing care for children who cannot live with their parents.

**Family Rights Group, Initial Family and Friends Care Assessment**: A good practice guide outlines what a viability assessment for family and friend carers should look like, what social workers should consider and how to undertake international assessments.

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 **1.** **Why Do We Have This Policy?**

**1.1 Reason**

‘Family and Friends Care: Statutory Guidance for Local Authorities 2011’, places a legal requirement on the council to set out its approach to supporting family and friends care. This policy does not replace the statutory guidance above, neither does it duplicate it. The full guidance can be found online at [**Children Act 1989: Family and Friends Care (Gov.uk website)**](https://www.gov.uk/government/publications/children-act-1989-family-and-friends-care).

This local policy outlines how the guidance is implemented in Bournemouth, Christchurch and Poole Council (BCP).

This policy is underpinned by the following **legislation and guidance**:

1. The Children Act 1989;
2. Family and Friends Care: Statutory Guidance for Local Authorities 2011;
3. Replacement Children Act 1989 Guidance on Private Fostering 2005;
4. Special Guardianship Guidance and Regulations 2005;
5. Adoption Guidance: Adoption & Children Act 2002 (revised February 2011) and Regulations;
6. Statutory Guidance and Regulations on Fostering Services 2011;
7. The standards for foster carers are set out in the Fostering Regulations (2011);
8. Care Planning, Placement and Case Review (England) Regulations 2010 [**Children Act 1989: Care Planning, Placement and Case Review**](https://www.gov.uk/government/publications/children-act-1989-care-planning-placement-and-case-review).

This policy is based on the following **principles**:

1. In any ‘family and friends’ arrangement the child's best interests are paramount and must take precedence over the interests of others involved;
2. Children unable to live with their parents should be supported to live within their families or with friends where this is consistent with their welfare;
3. That support for ‘family and friends’ arrangements will be based on the assessed needs of the child rather than their legal status;
4. Actions under this policy are intended to promote permanence and stability for children by enabling those who cannot live with their parents to remain with members of their extended family or friends.

**1.2 Purpose**

1. BCP Council has developed this policy to help children and their carers understand what they can expect from the Council and how it addresses the requirements laid out in statutory guidance;
2. Staff within the Council should, in addition to this policy, read the full statutory guidance, outlined below to make sure they understand their responsibilities and duties to children place in family/friends care, and to the carers of those children and should use that guidance to inform their day to day work;
3. The main intention of both national and local policy guidance is to improve outcomes for children and young people placed with family/friends carers by supporting those arrangements according to the needs of the child.

 **2.** **Who Must Comply with the Policy?**

1. All staff in Children’s Social Care;
2. Partner agencies delivering services to children placed in family/friends arrangements.

 **3.** **Who Needs to be Aware of this Policy?**

1. Friends and Family Carers;
2. Parents;
3. Children and Young People;
4. Partner Agencies;
5. Schools.

 **4.** **When does this Policy Apply?**

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| 4.1 | This policy applies when considering referrals from/about ‘family & friends’ carers who are seeking support from the Council to meet the needs of a child placed with them by the child’s parents. Where the child is identified as a ‘child in need’ under sec. 17 of the Children Act 1989, an assessment will be undertaken to decide which support service can most appropriately meet the child’s/carers’ needs. |
| 4.2 | The policy also applies where the child has been placed with family/friends by Children’s Social Care, following a decision that the child cannot remain with their parents. An assessment of the carers will be undertaken under fostering regulations with a view to the carers being supported as ‘family/friends’ foster carers for the child. |

This policy is BCP Council ’s interpretation of the statutory guidance. It does not duplicate it.

 **5.** **What is Family and Friends (Kinship) Care?**

There are different types of arrangements coming under the heading family and friends care: -

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| 5.1 | **Family and Friends Arrangements** - apply in circumstances where parents or those with parental responsibility make arrangements for their child to live with family or friends. The arrangement will have been made between the proposed family/friends and the child's parents or a person with parental responsibility. In such cases if the carers seek support from the Council the child’s needs will be assessed under section 17 of the Children Act 1989, or they will be signposted to services within Early Help Arrangements. |
| 5.2 | **Family and Friends Foster Care** - applies where the Council has been involved in some way in the decision to place the child with the ‘family and friends’ carers. The carers will then be assessed under fostering regulations as the child will be seen as ‘looked after’ under sec. 20 or sec. 31 of the Children Act 1989.  |
| 5.3 | **A Private Fostering Arrangement** is an arrangement where a child who is under 16 (or 18 if disabled) and who has not been provided with accommodation by the local council, is cared for and accommodated by someone who does not have parental responsibility for him and is not a relative, and the arrangement continues for a period of 28 days or more or is intended to do so. |
| 5.4 | Family & friends carers may decide they want to care for the child permanently and/or to share parental responsibility for the child placed with them, with the child’s parents. They can make an application to the court for a [**Special Guardianship Order**](http://trixresources.proceduresonline.com/nat_key/keywords/special_guardianship_order.html) (SGO) or [**Residence Order**](http://trixresources.proceduresonline.com/nat_key/keywords/residence_order.html) (RO). If they are successful this will remove the child from the care of the council if they previously had ‘looked after’ status. A SGO is intended to meet the needs of children who cannot live with their birth parents for whom adoption is not appropriate for whatever reason but who could benefit from a secure long-term family arrangement. It is more robust than a RO because it confers parental responsibility on the special guardian. |

 **6.** **How will the Policy be Implemented?**

**6.1 Family and Friends Arrangements**

1. The family member/friend can ask the council to assess the child’s needs. Children’s Social Care will make a judgement about whether the child’s needs can be met and the carers’ supported through ‘early help arrangements’ or whether the child meets the threshold for early help or statutory services, including assistance in cash or in kind as a ‘child in need’ under sec. 17 of the Children Act 1989;
2. Any support, services or payments will be based on assessed need, established by completing a single multi-agency assessment. No ongoing regular allowance will be paid for the cost of caring for the child. The child’s parents are responsible for the cost of caring for the child;
3. This support does not constitute a placement by the council;
4. If there are concerns about the standards of care for the child and the child’s safety the council may need to implement child protection procedures;
5. Services may include:
	* Social work support;
	* Referral to a parenting programme;
	* Temporary support to assist a child to attend school;
	* Day care provision (under 5s);
	* Support for contact with birth parents (and family members) when needed;
	* Information about and access to support groups;
	* Basic equipment (e.g. every child should have their own bed, the family should have the means to prepare hot food etc.);
	* Referral to the benefits agency for advice to maximise family finances;
	* A basic safeguarding check which may include police checks, health and safety, permission to contact GP, schools if relevant.

This is not an exhaustive list and will depend upon the needs of the child.

**Early Help Arrangements – Early Identification and Support**

The majority of arrangements for family and friends care works well and meet the needs of the chid with the support of services in Universal agencies for e.g. Schools and Health services however in some cases for different reasons and periods of time more targeted support may be required. BCP Council Early Help arrangements clearly describe all partner agencies responsibility in early identification and support and the key role they play in identifying and supporting all children in BCP Council, this includes those living with family and friends. Services need to be aware of and sensitive to the needs of these children and their families. To enable family and friends to offer appropriate care for children and young people who cannot live with their parents, access to a range of high quality universal, universal plus and plus partnership services will be needed. Early Help Arrangements, and the use of appropriate assessments will help prevent difficulties escalating to the point where more specialist services are required. For further information on Early Help Arrangements please refer to **BCP Council's Early Help Arrangements websites (**[Bournemouth and Christchurch](https://www.bournemouth.gov.uk/childreneducation/ChildrensSocialCare/EarlyHelpStrategy.aspx) **/** [Poole](https://www.poole.gov.uk/community-advice-and-safety/early-years-and-childcare/early-help-and-assessment-of-need/)**)**.

**6.2 Support Process for Special Guardianship Order Arrangements**

1. Where requested, the council will assess and provide, as considered necessary, financial and other support services as prescribed by the Children Act 1989. The council may consider that financial support is more likely to be necessary when the child has been ‘looked after ‘by the council because the child may well have particular needs requiring financial support which children who have not been ‘looked after’ do not have;
2. If a child has not been ‘looked after’ by the council, provided he/she is deemed to be a ‘child In need’, he/she may nevertheless be entitled to support under section 17 of Children Act 1989.

**6.3 Family and Friends Approval under Fostering Service Regulation 2011**

1. Where a child is ‘looked after’ by virtue of Children’s Social Care having been involved in their placement with family/friends, those ‘family & friends’ carers must be assessed for approval as foster carers under the 2011 Fostering Service Regulations or temporarily approved under Regulation 24/25 2010 Care Planning Placement and Case Review Regulations and then subsequently approved under the 2011 Fostering Service Regulations.

Accountability for the placement sits with the council as the placing authority. Children will only be placed in an emergency with a connected person where it is in the child’s best interests and where there is no alternative although there has been insufficient time to complete a full assessment under Fostering Service Regulations 2011.

Fostering assessments are in- depth, including full checks on all members of the carers’ household taking references and visits to assess their suitability. Assessments must be completed within 16 weeks of when a child is placed under ‘temporary approval’.

Following a positive viability assessment carried out by the child’s social worker and the supervising social worker the carer will be temporarily approved for 16 weeks, pending a full fostering assessment under the Fostering /Service Regulations 2011 and taking into account the national minimum standards for fostering.

On completion of the full assessment the carer will be considered by the council’s fostering panel which will make a recommendation to the Agency Decision Maker, who decides whether the carers are suitable to be approved foster carers for the council.

Foster carers can seek review of the initial decision either directly to the Agency Decision Maker or to the Independent Reviewing Mechanism within 28 days if they do not agree with the Agency Decision Maker’s decision.
2. **Financial Support - Family and Friends Foster Carers**Carers may receive financial support as soon as the child is placed, via sec. 17 of the Children Act 1989 until the viability assessment has been approved. Fostering allowances will then be paid continue while the fostering assessment is being undertaken. Payment of the fostering fee will begin once the application has been approved by the Agency Decision Maker.

Payments of fostering allowance may be suspended or terminated:
	* Following a formal departmental decision not to approve the applicants as foster carers;
	* Following termination of the child’s placement with the carer.
3. **Support Services for Friends and Family Foster Carer**

‘Family and Friends’ foster carers have the same level of support as other council foster carers.

A child in ‘family & friends’ foster care remains ‘looked after’ by the council and will therefore be subject to statutory reviews at which the child's care plan will be reviewed. This plan will also include what help the carer will need to meet the child's needs. Plans are reviewed by the child's Independent Reviewing Officer (I.R.O) and will include specific elements relating to education, contact with parents, siblings and other family members and health issues.

‘Family and Friends’ foster carers must co-operate with the council’s duty to promote the safety and welfare of the child placed with them. They will need to attend/contribute to reviews of the child’s care plan, working with the child’s social worker to promote the best possible outcomes for the child.
4. **Training and Development of the Family and Friends Foster Carers**

All ‘Family and Friends’ foster carers are entitled to the same level of training and support as other foster carers. They will be expected to attend appropriate training to enable them to provide a good standard of care. They will be supported by a named supervising social worker who is responsible for their support, supervision, training and development.
5. **Supporting Contact with Parents**

Where a child/young person is ‘looked after’ the council has a legal duty to promote contact between the child/young person and his or her family, as long as it is in the child’s best interest to do so. Any contact arrangements for the child should be outlined in the child’s care plan.

 **7.** **Complaints Procedure**

Should any ‘family & friends’ carer, under any of the arrangements outlined above, be dissatisfied with the level of support provided to them they can use the council’s complaints procedure. The timescales and process are set out in the council’s complaints procedure leaflet, also available at [BCP Council Website](http://www.bcpcouncil.gov.uk/) – [Poole](https://www.poole.gov.uk/about-poolegovuk/privacy-notice/children-and-young-peoples-services-complaints-privacy-notice/) / [Bournemouth and Christchurch](https://www.poole.gov.uk/about-poolegovuk/privacy-notice/children-and-young-peoples-services-complaints-privacy-notice/)

 **8.** **Roles and Responsibilities**

**8.1 The Child’s Social Worker**

* Will undertake Initial police checks before the child is placed;
* Will undertake the viability assessment with a supervising social worker from the fostering team;
* Will see the child in accordance with the child’s needs and council/statutory standards.

**8.2 The Carer’s Supervising Social Worker**

* Will undertake a viability assessment alongside the child’s allocated social worker;
* Will begin the fostering assessment, and complete with 16 weeks;
* Will undertake DBS and other statutory checks of the prospective carers.

**8.3 The Service Manager: Children’s Social Care**

* Is accountable for decisions to accommodate a child;
* Is responsible for authorising the child’s placements for up to 16 weeks. A further 8 weeks can be agreed in exceptional circumstances;
* Is responsible for approving the viability assessment.

**8.4 The Fostering Team Manager**

* Is accountable for the ensuring reports are submitted to the fostering panel within sixteen weeks of placement.

**8.5 Fostering Panel**

* Will make recommendations regarding approval of foster carers to the Agency Decision Maker.

**8.6 The Agency Decision Maker**

* Will make the final decision regarding fostering approval.

 **9.** **Enforcement**

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| 9.1 | The service manager is accountable for decisions to accommodate a child and for authorising the child’s placements for a maximum of 16 weeks with an extension of a further 8 weeks in exceptional circumstances.  |
| 9.2 | Children’s Social Care must be satisfied the placement is the most suitable way of keeping the child safe and promoting the best possible outcomes. |
| 9.3 | Whenever a child is placed before the full assessment of the carer as a council foster carer, there is a possibility that the carer may not be approved at the end of the assessment process. The risk of a child being moved from a placement in which s/he has become settled must be minimised by careful consideration of the appropriateness of a placement at the point of initial viability assessment.  |

**Appendix A: Family Care**

**Family Care (Informal)**

If they are not looked after by the Council, children can live with a ‘close’ relative - their aunts, uncles, brothers, sisters or grandparents - without outside involvement.

The relative does not have parental responsibility which remains with the parent(s) but may do what is reasonable to safeguard or promote the child’s welfare.

However the Council may become involved if it appears that services may be necessary to safeguard or promote the welfare of a Child in Need. This could arise for example if the child is referred by any service working with them for assessment as a child in need including if there were safeguarding concerns, or as a result of a referral by the child’s family or by the relatives looking after the child asking for assessment of their support needs.

In these circumstances the Council has a responsibility under Section 17 of the Children Act 1989 to assess the child’s needs and provide any services to meet any identified needs of the child, this may include discretionary financial support.

**Family and Friends / Connected Persons Foster Carers**

This applies when a child is already ‘Looked After’ by the council and is placed with a foster carer or is in residential care. The Council will consider whether it is in the child's best interests to be placed with family, friends or another “connected person” –who is defined as a relative, friend, or other person connected with a ‘Looked After Child’ (Fostering Regulation 24).

The child may be accommodated voluntarily with the agreement of the parent(s) or may be subject to an interim care order or care order. If it is a voluntary agreement, parental responsibility remains with the parent(s); the local authority will share parental responsibility if the child is subject to an interim care order or care order and will share limited parental responsibility to safeguard and promote the welfare of the child if s/he is subject to an emergency protection order. Arrangements will be made to assess the suitability of the relative or friend to be a foster carer for the child. This suitability assessment will be carried out by the child’s social worker together with a social worker from the Family Placement Team.

The child can be placed with the family members prior to full approval as foster carers for up to 16 weeks. This temporary approval can only be extended in exceptional circumstances. During the period of temporary approval the carers will receive a fostering allowance to support the child. A Family Placement Team social worker will carry out a full foster carer assessment and provide practical help and advice as well as emotional support. They can also provide any equipment that the carer may need to help them to care for the child.

Once approved as foster carers, the carers will have a supervising social worker from the Fostering Team to provide them with support and supervision; and they will receive fostering allowances for as long as they care for the child as a foster carer.

While the child remains a looked after child, as a foster carer, they will be expected to cooperate with all the processes that are in place to ensure that the child receives appropriate care and support, for example cooperating with the child’s social worker and promoting the child’s education and health needs.

**Private Fostering**

Private fostering is when a child under the age of 16 (under 18 if disabled) is cared for by someone who is not their parent or a 'close relative' for 28 days or more. A close relative is defined as ‘a grandparent, brother, sister, uncle or aunt (whether of full blood or half blood or by marriage or civil partnership) or step parent’. It does not include a child who is looked after by the local authority. This is a private arrangement made between a parent and the carer; the parent still holds parental responsibility and agrees the arrangement with the private foster carer.

The parent and carer have a legal responsibility to inform the local authority. When the local authority knows of a proposed or existing arrangement it must assess the situation to ensure the arrangements are satisfactory and that they are in the best interests of the child. If, following the assessment, it is decided that the arrangement can continue, a social worker will visit the child and family on a regular basis (minimum 6 weekly in first year, then 12 weekly) to safeguard the welfare of the child and ensure the arrangements remain satisfactory.

The reasons why a child may be looked after through a private fostering arrangement may include:

1. A child being sent to this country for education or health care by their birth;
2. Parents from overseas;
3. A child living with a friend's family as a result of parental separation, divorce; or
4. Arguments at home;
5. A teenager living with the family of a boyfriend or girlfriend;
6. A parent’s hours of work or study making it difficult for them to use ordinary care to look after their child.

A private foster carer is responsible for the day to day care of the child and the care should be continuous. The parent (or person with parental responsibility) retains the responsibility to safeguard and promote the welfare of the child. The local authority will need to be made aware of the situation to check everything is satisfactory.

The Council has a duty to assess and monitor the welfare of all privately fostered children. If the local authority thinks that an arrangement is unsuitable and the child cannot be returned to his or her parents, the authority must decide what action to take to safeguard the child’s welfare. This may mean providing support to the carer or, in some circumstances, finding alternative Council accommodation for the child.

The person who is fostering the child under a private arrangement has a responsibility to tell the Council about certain changes in circumstances, such as change of address, any criminal convictions they acquire or anyone living at the address acquires, loss of employment etc. Changes should be notified in advance and, if this is not possible, then within 48 hours of the change. If the arrangement comes to an end, the person who is fostering the child should also advise the local authority within 48 hours in writing that the arrangement has come to an end. They should also notify the local authority of the name and address of the person who will be taking on care of the child and where the child is now living.

**Residence Orders, Special Guardianship Orders and Adoption**

A [**Residence Order**](http://trixresources.proceduresonline.com/nat_key/keywords/residence_order.html) (RO) is a legal order made by a court specifying who the child should live with and gives them parental responsibility if they do not have it already (shared with child’s parents). A (RO) will usually last until the child is 16.

A court can order a joint RO, which is an order to say that the child shall spend time living with more than one carer. Family and friends carers may apply for an order after the child has lived with them for one year.

A RO provides security for the young person but if parental responsibility is shared with other non-resident parents, agreement will have to be reached about the upbringing of a child.

The RO holder takes the general day to day decisions concerning the upbringing of the child, and these should be exercised without interference from the non-resident parent and do not require consent of others with parental responsibility.

These will be decisions about how the household will function and the child’s daily routine. The parent with parental responsibility is able to have a say in the major decisions concerning the upbringing of the child. Such decisions can include where the child should attend school, what religion the child should be brought up in, the child’s name etc. Discretionary allowances may be paid to relatives or friends with whom a child is living under a RO.

The carer has the right to apply to the Council for a RO allowance to assist with accommodation and maintenance of the child (Children Act Schedule 1 section 15)

When:

1. The child is assessed as a child in need and is unable to be cared for by either birth parent; **and**
2. A residence order is assessed as the best way of meeting the child’s needs; **and**
3. The child would otherwise need to be looked after by the local authority.

Residence Order holders are entitled to claim child benefit and child tax credits and these will be taken into account when assessing RO allowances.

A [**Special Guardianship Order**](http://trixresources.proceduresonline.com/nat_key/keywords/special_guardianship_order.html) (SGO) is a new option introduced under the [**Adoption and Children Act 2002**](http://www.legislation.gov.uk/ukpga/2002/38/contents). It can offer greater security without absolute severance from the birth family as in adoption.

Relatives may apply for a SGO after caring for a child for one year. As Special Guardians, they will have parental responsibility for the child which, while it is still shared with the parents, can be exercised with greater autonomy on day-to-day matters than where there is a Residence Order.

Where the child was Looked After immediately prior to the making of the SGO, the Council has a responsibility to assess the support of the needs of the child, parents and Special Guardians, including financial support. Aspire Adoption Agency are involved in undertaking assessment and SHO support.

Where entitlement to an allowance has been established the applicants will be financially assessed and advised in writing of the allowances to be paid.

**Adoption** is the process by which all parental rights and responsibilities for a child are permanently transferred to an adoptive parent by a court. As a result the child legally becomes part of the adoptive family. BCP Council has a range of services to support adopted children and adoptive parents. The support to be provided to individual adoptive families is set out in an Adoption Support Plan and this may include financial support. Where a decision in principle has been made for the payment of allowances to adopters a financial assessment will be carried out to decide the level of financial support payable.

**Appendix B: Entitlement to Support by Family and Friends Carers under Children Act 1989 Section 17 and Section 20/Care Order**

**Entitlement to Support by Family and Friends Carers under Children Act 1989 Section 17 and Section 20/Care Order**

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| **Child in Need Supported under Section 17 (in an Informal Arrangement)** | **Child Accommodated under Section 20 / Care Order**  |
| * The child is not ‘Looked After’ by the local authority;
* The child will not have a Care Plan but there may be a Child In Need plan or Child Protection Plan;
* If there is a Child In Need plan or a Child Protection Plan a social worker or other worker may visit the child and carers;
* The child must be offered access to an advocacy service where they make or intend to make representations under section 26 of the Children 1989;
* The family or friend will not usually have a separate social worker;
* The local authority has discretion to give financial assistance (which can be on the basis of regular payments) but there is no entitlement and family income may be taken into account since the local authority must have regard to the means of the child and parents under section 17 (8) the 1989 Act);
* Child Benefit and Child Tax Credit may be payable but only while child benefit is transferred;
* Support may be offered to the carers and/or child but is discretionary;
* There is no entitlement to Leaving Care support;
* Any support offered will cease when the young person becomes 18, unless criteria are met for support from adult services.
 | * The child is ‘Looked After’ by the local authority;
* The child must have a Care Plan (including Health Plan and Personal Education Plan) which will be reviewed by an Independent Reviewing Officer;
* A social worker will visit the child and carers and oversee the child’s welfare;
* The child must be offered access to an advocacy service where they make or intend to make representations under section 26 of the Children Act 1989;
* A supervising social worker will be appointed for the Foster Carers;
* A weekly fostering allowance will be paid;
* There is no entitlement to Child Benefit or Child Tax Credit;
* Training and support must be offered to the Foster Carers;
* On Leaving Care the young person may be eligible for ongoing support under the 1989 Act (as amended by the Children (Leaving Care) Act 2000);
* The local authority is able to offer continuing support (including financial support) to the carers until the young person is 21, and to support the young person in respect of education and training until they become 25.
 |

**End**