

Kinship and Connected Persons.
A working document and legal guidance

This guidance is for social workers when considering alternative carers for children where it is possible that they may not be able to remain in the care of their parents and where alternatives including adoption are being considered. For the court to make care and placement orders the Local Authority must consider “all realistic options” (*Re: B-S [2013 EWCA Civ 1146]*). This requirement is enshrined in S.22C(7) of The Children Act 1989, Family and Friends Care: Statutory Guidance and Children and Families Act 2014.

Importantly, social workers should not avoid assessing a child’s wider family during care proceedings based solely on the wishes of a parent (*Re H (Care and Adoption - Assessment of wider family) [2019] EWFC 10*).

The assessment of relatives and connected persons should be done, as far as possible, in any pre proceedings process and with the cooperation and agreement of the parents. Social workers should discuss with parents why we want to speak to certain people and we should try to agree how this will happen and what information we would want to give the other person about the child/children and the family. We should seek to involve the parents in this process as much as possible and the parents must be fully informed about which relatives and connected persons we are considering contacting. **The parents should always be given the opportunity to object. They should also have the opportunity to take legal advice.**

If the parents do object to any relatives or connected persons being contacted then, depending on why they object/what their objections are, we may take the view that (breaching the Human Rights of the parents and breaching confidentiality/data protection) contacting the relatives or connected persons in any event and without parental consent is justified in order to fulfil the local authority duty to identify all realistic options.

There may be cases of course where the parental objections to contacting the relatives or connected persons are fully justified and contacting the relatives or connected persons might represent a risk to the parent or the child. In those cases the relatives or connected persons should not be contacted without further discussion and legal advice or input from the court.

When considering this issue social workers should also consider the overall circumstances of the case. If the family are doing well and object to a relative or connected person being approached or assessed the social worker needs to consider whether it would be proportionate to override their wishes. That needs to be balanced against a possible delay for the child.

A family meeting of Family Group Conference is a useful way to gather information at an early stage.

It is important to remember that the information gathered will inform the final evidence (the final SWET) and the Child's Permanence Report (CPR) where the plan is for adoption. Even if a relative cannot safely care or is unable to care for a child the assessment of relatives and connected persons builds a picture of the child's family connections which inform the "balance sheet" when deciding the appropriate care plan for a child whether this is a relative or connected person placement, long term foster care or adoption. It will also inform what contact arrangements are in the child's best interests.

The Adoption and Children Act 2002 welfare checklist states (among other things) that consideration needs to be given:

*f. the **relationship which the child has with relatives** and with any person in relation to whom the court or agency considers the question to be relevant including:*

*i. the likelihood of any such relationship continuing and **the value to the child** of its doing so;*

*ii. the ability and willingness of any of the child's relatives, or of any such person, to provide the child with a secure environment in which the child can develop and **otherwise to meet the child's needs**;*

iii. the wishes and feelings of any of the child's relatives or of any such person regarding the child.

What should be done

- **A detailed genogram should be prepared at an early stage.**
- **The social worker should always consider any relatives or connected carers put forward by a child's parents but must also consider, independently, whether there are any other possible relatives or kinship carers and connected persons who might be realistic alternative carers.**
- **The social worker should therefore consider if there are other relatives or persons who should be assessed, even if they are either not put forward or the parents say they don't want them to be approached or assessed.**
- **A comprehensive list of all those relatives and connected persons who might need considering as alternative carers for a child should be prepared at an early stage.**

- **Direct relatives (grandparents and aunts and uncles) should usually be considered as possible alternative carers, even if not put forward, unless there is a good reason to discount them.**
- **Social workers should consider if there are siblings living with other carers and grown up siblings who might be able to offer care. Step and half siblings should also be considered.**
- **Kinship carers who had a significant involvement with the family even if they are not a close relative should also be considered.**
- **The paternal family should usually be considered as possible alternative carers, even if the father has had very little involvement, again unless there is a good reason to discount them.**
- **Consideration needs to be given as to whether there may be a way to trace relatives even if details are not forthcoming. For instance through social media platforms.**
- **The CPR/final SWET. If the care plan for a child is long term foster care or adoption the CPR/final statement should clearly state who has been approached. The table below will assist in ensuring all options have been considered.**
- **The table below will assist in completing the CPR/final SWET. It should be used as a running record of the relatives who have been assessed and can be pasted into the the CPR/final SWET or submitted as a separate document.**
- **When completing the CPR/final SWET we need to consider if the relative or connected person has given permission for their information to be shared. Generally they will have done so but in many cases, often where the person concerned has decided that they do not wish to be assessed or has been discounted at an initial/viability stage they may not consent to information about them and their circumstances being disclosed or shared. Nonetheless the CPR/final SWET needs to be clear about who has been considered, who has not been considered, who has been assessed and who has not been assessed and the reasons why in all cases.**

Child [AB]: alternative carers considered (example)

Relative/Connected Person	Part one assessment/ screening / reason for not assessing	Part 2 assessment	Full assessment	Date relative/connected person advised of outcome and action (advised to seek legal advice)
Maternal grandmother	Positive	Positive	Negative – brief reasons	Advised of this and right to challenge on xx/xx/xx
Maternal grandfather	Deceased			
Paternal grandfather	Criminal convictions and Children's Services history considered no need for assessment and not formally put forward (this decision was approved by CSW)			
Paternal grandmother and step grandfather		Negative (brief reasons)		Advised of this and right to challenge on xx/xx/xx
Maternal Aunt	Negative (brief reasons)			Advised of this and right to challenge on xx/xx/xx

Maternal Aunt	Positive	Positive	Withdrew during the course of assessment	
Maternal uncle	Part of family group conference. Is not offering full time care			
Paternal Aunt	Approached and did not respond to correspondence 3x letters sent			
Paternal Uncle	Initial screening Negative (brief reasons)			

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