|  |  |
| --- | --- |
| **1.2.3 Child Arrangement Order Policy and Discretionary Financial Assessment** | Top of Form    Bottom of Form |

**RELATED GUIDANCE**

See also Guidance on Means Test For Residence Order Allowances and Special Guardianship Financial Support (under review); and [Adoption Support and Special Guardianship Financial Support Model Means Test Spreadsheet](file:///C:\Users\laura.moore\AppData\Local\Temp\67\Temp1_Telford%20and%20Wrekin%20Childrens.zip\Telford%20and%20Wrekin%20Childrens%20Jan%202016%20-%20from%20filezilla%20270117\client_supplied\adop_supp_spread.xls).

**AMENDMENT**

This chapter was amended in January 2018 to reflect the introduction of Child Arrangements Orders which are ‘Section 8 Orders’ (Children Act 1989) that replace Contact Orders and Residence Orders. Existing Residence Orders/Contact Orders will not change if there is a pre-existing order.

**Contents**

1. [Child Arrangement Orders](file:///C:\Users\laura.moore\AppData\Local\Temp\67\Temp1_Telford%20and%20Wrekin%20Childrens.zip\Telford%20and%20Wrekin%20Childrens%20Jan%202016%20-%20from%20filezilla%20270117\chapters\p_charr_ord_pol.html#res_ord)
2. [Eligibility for Child Arrangement Order Allowances](file:///C:\Users\laura.moore\AppData\Local\Temp\67\Temp1_Telford%20and%20Wrekin%20Childrens.zip\Telford%20and%20Wrekin%20Childrens%20Jan%202016%20-%20from%20filezilla%20270117\chapters\p_charr_ord_pol.html#elig)
3. [Procedure and Process](file:///C:\Users\laura.moore\AppData\Local\Temp\67\Temp1_Telford%20and%20Wrekin%20Childrens.zip\Telford%20and%20Wrekin%20Childrens%20Jan%202016%20-%20from%20filezilla%20270117\chapters\p_charr_ord_pol.html#process)
4. [Discharge from Care](file:///C:\Users\laura.moore\AppData\Local\Temp\67\Temp1_Telford%20and%20Wrekin%20Childrens.zip\Telford%20and%20Wrekin%20Childrens%20Jan%202016%20-%20from%20filezilla%20270117\chapters\p_charr_ord_pol.html#discharge)
5. [Financial Assessment](file:///C:\Users\laura.moore\AppData\Local\Temp\67\Temp1_Telford%20and%20Wrekin%20Childrens.zip\Telford%20and%20Wrekin%20Childrens%20Jan%202016%20-%20from%20filezilla%20270117\chapters\p_charr_ord_pol.html#finance)

**1.** **Child Arrangement Orders**

This order states who a child should live with. A parent cannot legally take a child back to live with them while there is a [Child Arrangements Order](http://trixresources.proceduresonline.com/nat_key/keywords/chi_arrange_orders.html) or an existing [Residence Order](http://trixresources.proceduresonline.com/nat_key/keywords/residence_order.html) in favour of someone else. This order is also used for stating where children should live when parents divorce and cannot agree about the children. (The local authority will not consider discretionary payments to parents who have separated and who seek a Child Arrangement Order to determine who their child/ren should live with).

A Child Arrangement Order gives [Parental Responsibility](http://trixresources.proceduresonline.com/nat_key/keywords/parental_respons.html) to the person holding the order, which means they can make the decisions about a child that a parent would usually make. However, parents also continue to have Parental Responsibility. So, if there is a serious disagreement between a carer and a parent about what to do, it may be necessary to go back to court for a decision.

Parents can apply for a Child Arrangement or an existing Residence Orders to be varied or removed, which can be a disadvantage as some carers have found themselves going back to court several times. However, specific conditions may be attached to a Child Arrangement or an existing Residence Order. Legal advice should be sought.

Social workers do not need to be involved with applications for Child Arrangement Orders, although, in some situations, they may become involved if there are welfare concerns for the child and the child is considered to be [In Need](http://trixresources.proceduresonline.com/nat_key/keywords/in_need.html).

Relatives may now apply for a Child Arrangement Order without the permission of the court after caring for the child for one year, instead of three years as was previously the case.

**2.****Eligibility for Child Arrangement Order Allowances**

Telford & Wrekin Council may make a discretionary Child Arrangement Order allowance payment to carers to help them look after a child. Telford & Wrekin Council will only consider payment of Child Arrangement or an existing Residence Order allowance where this is a direct alternative to care and where this is a discharge from care. The council will not consider funding Child Arrangement Order allowances for any other cases.

**3.** **Procedure and Process**

**What is the arrangement for the child and who has arranged this?**

If the social work staff have facilitated informal arrangements or suggested that family and friends take care of the child concerned, the basis upon which the arrangement is made must be made clear to the family and carer. As far as possible, direct arrangement should be encouraged between family members and friends, and, where possible, the transportation of the child/young person should be facilitated between family or friends.

Social workers will need to write to the families at the outset to clarify the arrangement stating whether this is deemed as a private arrangement. This will assist the carers to make a considered judgement -as to whether this is a Private Fostering arrangement if more than 28 days.

**Alternative to admission to care?**

If there is current or further information which indicates that the child /young person who is within an informal /private arrangement may be at risk of suffering [Significant Harm](http://trixresources.proceduresonline.com/nat_key/keywords/significant_harm.html) if returned to their parent/s, then a Children and Family Assessment ([Single Assessment](http://trixresources.proceduresonline.com/nat_key/keywords/assessment.html)) should be presented to a professionals RO planning meeting to explore the appropriateness of the current arrangements. Recommendations from this meeting may be that the Social Worker refers the case to the SDM to within their area, seek funding to support the application for a Child Arrangement or existing Residence Order (current costs £200) and to consider financial assessment in relation to regular payments.

The Council does not provide a support plan for Child Arrangement Orders, only discretionary funding based upon a financial means test.

**4.** **Discharge from Care?**

Where a Child Arrangement Order is being considered as a discharge from care this will need to be explored and agreed upon within the child's /young person's Statutory Review in respect of the change to their Care Plan.

If the child/young person is in a foster placement - and the carers are seeking to gain a Child Arrangement Order - a report should be provided to the Fostering Panel which may also be shared at the Statutory review to consider the suitability of moving to this arrangement and reviewing the long term match report presented to Fostering Panel.

Where appropriate, legal advice should be sought, and prospective foster carers may wish to obtain legal independent and financial advice.

**5.** **Financial Assessment**

The financial assessment process will be similar to that for the Special Guardianship Assessments - please see Guidance on Means Test For Child Arrangement Order Allowances and Special Guardianship Financial Support (under review). Financial discretionary assistance will only be granted for cases where this is a direct alternative to care provision or discharge from care. This discretionary financial support is not available to cases potential carers where the Council has had no previous involvement.

Prior to this assessment taking place the Social Worker will need to gain their Team Manager’s approval and then the Service Delivery Manager’s agreement to an Assessment being undertaken.

The Social Worker should completed the Financial Assessment form on Protocol, making sure that evidence of expenditure is gained.

Once completed the form will then go to the Financial Officer to assess and set the appropriate level of financial support. This will then need to come to the SDM for approval. This will then need to come to the SDM for approval. Once the SDM has approved the amount, a letter will be sent to the applicants notifying them of the level of payments. It will also notify them that these payments will be in place for a maximum of 12 months.

At 12 months the financial assessment will need to be reviewed by the Admin Finance Team. Again they will review the form, send it to the Financial Officer to confirm levels of payments and then send it to the SDM for approval. Once approval a letter will be sent to the applicants confirming the level of financial support (see flow chart).