



**First Thought
Not Afterthought:**
Report of the
Parliamentary Taskforce
on Kinship Care

September 2020

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About the Parliamentary Taskforce on Kinship Care

The Parliamentary Taskforce on Kinship Care was established in December 2018 with the following aim:

To raise awareness about, and support for, children in kinship care and to highlight the importance of this option for children who cannot live with their parents.

Taskforce Members

Members of Parliament:

Catherine McKinnell MP (Chair)
Newcastle upon Tyne North, Labour

Ian Byrne MP
Liverpool West Derby, Labour

Alex Cunningham MP
Stockton North, Labour

Chris Elmore MP
Ogmore, Labour

Andrew Gwynne MP
Denton and Reddish, Labour

Helen Hayes MP
Dulwich and West Norwood, Labour

Kevan Jones MP
North Durham, Labour

Ben Lake MP
Ceredigion, Plaid Cymru

Kerry McCarthy MP
Bristol East, Labour

Andy McDonald MP
Middlesbrough, Labour

Jess Phillips MP
Birmingham Yardley, Labour

William Wragg MP
Hazel Grove, Conservative

Peers:

Baroness Armstrong of Hill Top, Labour

Baroness Drake CBE, Labour

The following Taskforce Members left Parliament at the 2019 General Election:

Anna Turley,
Redcar, Labour & Cooperative
– Founder of the Taskforce

Luciana Berger,
Liverpool Wavertree, Liberal Democrat

Melanie Onn,
Great Grimsby, Labour

Stephen Twigg,
Liverpool West Derby

We would also like to express

our thanks to The Earl of Listowel
for his contribution

We are also grateful to the following members who contributed to the earlier stages of our inquiry before taking up positions in Government:

Victoria Prentis MP,
Banbury, Conservative

Rt Hon Anne-Marie Trevelyan MP,
Berwick-upon-Tweed, Conservative

Secretariat of the Taskforce

The Secretariat for the Taskforce is the Family Rights Group, a charity that works with parents in England and Wales whose children are in need, at risk or are in the care system and with members of the wider family who are raising children unable to remain at home.

This report follows an inquiry commenced in 2018, chaired by Anna Turley and later Catherine McKinnell MP, and is based on evidence received as part of this inquiry. It has been compiled by Cathy Ashley, Jessica Johnston, Caroline Lynch, and Samuel Martin, from the Family Rights Group, and Jordan Hall.

This is not an official publication of the House of Commons or the House of Lords. It has not been approved by either House or its committees. The Taskforce is an informal group of Members of both Houses with a common interest in kinship care. The views expressed in this report are those of the Taskforce.

Any quotes from carers in this report that are not explicitly referenced are taken from responses to Family Rights Group surveys or evidence submitted to the Taskforce.

Foreword – Catherine McKinnell MP, Chair of the Parliamentary Taskforce on Kinship Care



Catherine McKinnell MP

Families come in all shapes and sizes, not least when children are unable to safely live with their birth parents as a result of trauma or a tragedy. There are more than 180,000 children across the UK who are being raised by kinship carers – relatives or friends who have stepped in to help. They are often grandparents but also aunts, uncles, brothers, sisters, or even family friends. Many more children are raised in kinship care than in the care system and many more than are adopted, yet awareness of this element of children’s social care is low and support for families is variable and often very limited. This crucial third pillar of the children’s social care system is an afterthought.

The Parliamentary Taskforce on Kinship Care is the first of its kind and was established in 2018 by Anna Turley, then Member of Parliament for Redcar, who had the vision to bring cross-party parliamentarians together to work on creating solutions to the challenges experienced by kinship carers. With the support of the Family Rights Group, who have provided our secretariat, Anna was determined that a time-limited and focused inquiry into the obstacles faced would bring about some much-needed change. For some of our members, it was personal experience of kinship care which drew them to be involved, for others it was hearing the shocking stories from carers in our own constituency surgeries and the realisation of how little support there is for many of these families. As MPs and Peers from across the political spectrum and those without any party affiliation, we came together to address this challenge, by raising awareness of kinship care and working to improve the support available to kinship carers and their children. I have been pleased to chair the Taskforce in 2020 and lead the concluding stages of our inquiry.

From the outset, our ambition was to place kinship carers at the heart of this inquiry and this report is a reflection of their worries, dreams and aspirations. Kinship carers from every region of England and Wales have been involved and we were pleased to hold regional discussion meetings, as well as in Parliament, to allow as many carers as possible to take part. For too long their experiences have not been given sufficient attention and it has been our desire with this inquiry to bring them into the public spotlight. I would like to extend a heartfelt thank you to every kinship carer who has contributed to our report for giving your time, sharing your personal stories, and most of all for the love and support and amazing work you do for your children.

The child welfare and family justice system has been described as in crisis. The number of children in the care system is at its highest level since 1985 and the government say they expect the number of children going into care to be likely to continue to rise. The evidence suggests that for children in and on the edge of care, the wider family and community is often an untapped resource. Greater focus on exploring and supporting families could safely avert more children needing to come into care, which is in the interests of children, society and the taxpayer. In the present economic climate, exacerbated by the pandemic, there are huge financial challenges for national and local government and the rising costs of children’s social care is one of the biggest pressures. Investment in early intervention, as set out in this report, would reduce the social and economic cost in the longer term and provide better outcomes for the children.

To that end, this report sets out a vision for a good quality system of kinship care where family are the first point of call and where kinship carers are valued and properly supported to deal with the many challenges they face. We present a series of recommendations which we believe the government, local authorities, and others should consider as a means to achieving that.

For too long kinship care has been an afterthought. It's time that it was considered first.

Throughout this inquiry we have sought to involve the widest range of stakeholders, from kinship carers and their kin children and those engaged in frontline practice and grassroots charities, to legal professionals, academics, and senior professionals and policymakers. Without their important insight, knowledge, and their commitment and support, this project would not have been possible. I would like to thank:

- The amazing kinship carers and their children who have participated in the inquiry.
- The kinship care support groups who have held discussion meeting and shared their ideas.
- Family Rights Group for their invaluable support and guidance as our secretariat.
- Jordan Hall for his administrative and policy support.
- Oliver Mawhinney and Hannah Knight from the Office of Stephen Twigg MP
- The Kinship Care Alliance for their insight and support, including Adfam, Children and Families Across Borders, CoramBaaf, Grandparents Plus, Kinship Carers Liverpool, Kinship Carers UK, TACT, and Y Bont.
- Joan Hunt, Honorary Professor at the Cardiff University School of Law and Politics, for her research review.
- All the local authorities across England and Wales who responded to our requests for information and particularly to Leeds City Council and Southwark London Borough Council for attending an evidence session as witnesses.
- The following for their attendance as witnesses to the Taskforce or providing written evidence:
 - Association of Directors of Children's Services, Association of Lawyers for Children, Birmingham Children's Trust, Children Law Subcommittee at The Law Society, Children in Wales, Lawyers in Local Government, Leeds City Council, Local Government and Social Care Ombudsman, Local Government Association, Ofsted, NSPCC, Safe Families for Children, Special Guardians and Adopters Together.
- To The Esmée Fairbairn Foundation, John Ellerman Foundation, LankellyChase Foundation, The Segelman Trust and The Armitage Foundation for their support.
- And Steve Flood (copy editor).

1 Executive summary

'I love the children in my care like a lioness loves her cubs and there is nothing I wouldn't do for them. By doing this I have been forced to rely on the kindness of others even though that hurts my pride.'

'Caring for my young relatives has allowed me to provide them with the love and security they needed following their mother's death. To see them feel welcomed and safe in our home has been the best feeling.'

'Being a kinship carer leaves you feeling unsupported in general but the pandemic highlighted how little professionals consider you and your families' needs.'

Kinship carers are relatives or friends who raise children who cannot safely remain with their parents. Across the UK more than 180,000 children are living with kinship carers – significantly more than are in the care system and many more than are adopted, making kinship care an important element of the children's social care system.

Yet kinship care is widely unrecognised, underappreciated and often poorly supported – it is, in effect, the unacknowledged third pillar of the children's social care system. Our vision is for a children's social care and family justice system that explicitly acknowledges and supports this vital third pillar, and in which family is always explored as a first point of call.

The cross-party Parliamentary Taskforce on Kinship Care was established in 2018 to raise awareness of and support for children in kinship care and their families, and to highlight the importance of this option for children who cannot live with their parents. MPs and Peers from across the political spectrum, including those unaffiliated to any party, came together to lead an inquiry on kinship care in England and Wales, with the support of Family Rights Group.

This is the first-ever parliamentary inquiry into kinship care and the first time parliamentarians have taken extensive evidence from kinship carers and children who have been raised in kinship care. Our regional discussion events were an opportunity for kinship carers in every region of England and Wales to share their experiences, views and ideas. We have also worked closely with the network of professionals who work with families on the front line of our children's social care and family justice system. The Kinship Care Alliance of third sector organisations have been important partners and an invaluable source of expertise. We have also undertaken extensive analysis of data from local authorities.

- **Why children enter kinship care:** Children enter kinship for a variety of reasons. These include parental substance misuse or mental or physical incapacity, domestic violence, imprisonment, teenage parenthood, parental separation or death. Child protection concerns are common. All kinship placements involve loss and placements often arise in situations of tragedy or trauma, so the demands on kinship carers can be challenging. Yet kinship placements rarely attract the same degree of focused and targeted support as other placements in the care system.
- **Outcomes for children in kinship care:** Overall, research studies into the emotional, behavioural and educational outcomes for children in kinship care have identified many benefits for children. Some children are doing very well. As a group, kin children seem to be doing better or at least as

well as those in unrelated foster care. However, on the whole they do not fare as well as children in the general population. At least 20% of children raised in kinship care are affected by some degree of emotional and behavioural difficulties. Census analysis has also found that children in kinship care are twice as likely as children living with at least one parent to have a long-term health problem or disability that limits their day-to-day activities.

- **Kinship carers:** The circumstances of kinship carers tend to be much less advantageous than either the general population of parents or unrelated foster carers. Research demonstrates the prevalence of long-term health issues, disabilities and deprivation among kinship carers. Research also highlights the strain many carers are under and the urgent need for better support (for both carers and children) that is responsive to *need* rather than to the legal status of the kinship arrangements (e.g. whether or not the child is formally in the care system) which is what often happens in practice.
- **Kinship care and the care system:** The number of children in the care system is at its highest level since 1985. The child welfare and family justice system has been described as being in crisis. Yet for children in and on the edge of care, the wider family and community is often an untapped resource. A greater focus and commitment to exploring and supporting those families could safely avert many more children from having to come into care, which is in the interests of the children themselves, society and the taxpayer. The Education Secretary has promised a ‘broad, bold and independently led’ review of children’s social care and this must include kinship care within its remit, as a fundamental element of the system.
- **A neglected option:** Our inquiry found that local authorities are not consistently exploring potential kinship care placements as a realistic option at an early stage. When kinship placements are considered, it is often late in the day, leading to the process being rushed. Kinship carers have told us they lacked sufficient information to make an informed decision and were unsure about their rights during the assessment process. In many cases, they felt they were forced into making a choice with little time to prepare. We are recommending that a new duty is placed on local authorities to ensure that potential placements with kinship carers are explored early on. And we are recommending the use of family group conferences at an early stage to ensure families are engaged and well informed from the outset.
- **Supporting informed decisions:** Survey research suggests three-quarters of kinship carers feel they did not have enough information about legal options to make an informed decision when taking on care of their kinship child. Moreover, 58% incurred legal costs and 4 in 10 of those received no financial help with this. We heard from many carers who had accrued substantial private debt in order to secure a legal order for a child and give them a safe home. We are calling on the government to fulfil its pledge to expand the scope of legal aid for special guardians, and to ensure adequate funding for specialist legal advice, information and advocacy services so that potential kinship carers know their rights and options from the outset of their assessment.
- **Employment and financial strain:** Stepping in to raise a child in kinship care places extra pressure on family life, including the carer’s employment – this is particularly so if a child has additional needs and/or has suffered trauma. More than one in two kinship carers has to give up work or reduce their hours, yet most receive little if any financial support. We are urging employers to be flexible to the needs of kinship carers, and that consideration be given to extending the right to paid employment leave and protection (currently available to adopters) to kinship carers.
- **Benefits system:** Research indicates that kinship households are more likely to be located in less affluent areas and kinship carers are likely to be living on a lower income than the general population of parents and unrelated foster carers. The financial challenges faced by kinship families have also been exacerbated by the Coronavirus pandemic. Inevitably, many have to rely at least in part on the benefits system, yet kinship carers often find themselves penalised by the welfare system. We are calling for a number of reforms to the welfare system, including: kinship carers to be exempt from the Benefit Cap and Bedroom Tax, local authorities and housing

associations to consider the needs of kinship carers in local housing policies, and no kinship carers of pension age to be penalised as a result of transferring from Child Tax Credit to Pension Credit.

- **Support services:** It is clear from our evidence gathering that there are a whole range of areas in which kinship carers would benefit from effective support services – these include help with managing contact arrangements, training and therapeutic support for dealing with children’s trauma and other issues, and benefits and welfare advice. Some local areas have well-established support groups that provide vital peer support, but provision is a postcode lottery and the help available generally depends on the child’s legal status or local authority procedures rather than the severity of the child’s needs. We recommend extending the Adoption Support Fund so all children in kinship care have access to therapeutic support, and placing a duty on local authorities to establish and commission kinship care support services and to assess the needs of carers. Experience suggests programmes such as the Mockingbird Family Model, Lifelong Links, and Kinship Connected are beneficial and could be rolled out more widely.
- **School support:** Over half of kinship children have additional educational needs or disabilities, yet depending on the child’s legal status they typically have no clear route to greater educational support. Research studies suggest the educational performance of children raised in kinship care is, as a group, behind that of the general population (though at least as good as that of children in unrelated care). We recommend the extension of Pupil Premium Plus, Virtual School Heads, and the National Tutoring Programme to all children being raised in kinship care who cannot live safely at home, to ensure they can reach their full potential.
- **Improving data collection:** A key part of the challenge in raising awareness of kinship care and the needs of kinship families is a lack of good quality data to inform policymakers. We propose a number of measures to address this, including greater data collection and further research by national and local government, the establishment of local kinship care taskforces, joint select committee inquiries (to enable cross-departmental scrutiny), the appointment of national Kinship Care Champions at the Local Government Association, and themed Joint Targeted Area Inspections of kinship care by Ofsted and partner inspectorates.
- **Kinship Care Bill:** We have identified huge variation between regions and local authorities in the way in which they recognise and support kinship care. A common finding is that the provisions currently outlined in statutory guidance are not being followed to their full extent. We therefore propose a number of new legal duties to ensure compliance and envisage the delivery of these through a Kinship Care Bill. A dedicated bill would not only deliver the legal changes required to improve kinship care support, it would also be a clear demonstration that Parliament and government recognise the challenges faced by kinship carers and value the important role they play in keeping families together.

We recognise the challenging financial climate that both national and local government are facing, and that some of our proposals require funding commitments. However, children’s social care is one of the greatest pressures on local authority budgets and with the rising number of children being taken into care this will continue. We believe that a relatively small additional investment now will enable more children to remain safely within their families, thereby reducing the numbers of children entering the care system, and will save substantial economic and social costs in the longer term.

Our vision, presented in this report, is for a children’s social care and family justice system where family is always explored as a first point of call. We believe no child should have to live outside of their family if there is a safe and loving home available within their family and friends’ network.

The Taskforce heard from many kinship carers who have stepped in to prevent the child from having to enter or remain in the care system. Kinship carers are doing right by their families. We believe the state needs to do right by them.

Summary of key recommendations

Detailed recommendations are set out in full in Chapter 7.

Exploring family as the first port of call:

- Local authorities should ensure kinship assessments are conducted in a consistent, fair and transparent way by following the Family Rights Group's initial family and friends care assessment good practice guide. This should include the offer of a family group conference.
- Local authorities should provide clarity to kinship carers from the outset of any kinship placement as to the legal implications of that placement, in accordance with case law. This should include both the child and carers' rights as related to that placement type, and what support may also be available.
- To make sure practice is consistent across all local authorities, national government should consider introducing new legal duties on local authorities to ensure that potential placements with kinship carers are explored early and that all families are offered the opportunity to have a family group conference before a child enters the care system, unless there is an emergency.
- National government should also incorporate the Family Rights Group's initial family and friends care assessment good practice guide into statutory guidance.

Making informed decisions: legal advice and representation:

- The Ministry of Justice should fulfil their pledge to bring forward provisions to extend the scope of legal aid to special guardians in private law cases and also consider extending this to potential special guardians in public law cases where a special guardianship order is being considered.
- The government should consider providing adequate funding of free specialist independent legal advice, information services and advocacy services for all kinship carers.
- Local authorities should review their family and friends care policies to: signpost where kinship carers or potential carers can get free specialist independent legal advice; and ensure they set out clearly what criteria are applied when deciding whether to fund potential kinship carers to get independent legal advice, and help with court costs or representation if they cannot access legal aid.

Work and family life:

- National and local government should encourage employers to develop employment policies that recognise the needs of staff who are kinship carers. This should include public agencies leading by example.
- Local authorities and social housing providers should establish a protocol to meet the housing needs of kinship carers.
- The government should consider introducing reforms to the welfare system to exempt kinship carers from the Benefit Cap and the under occupation penalty ('bedroom tax'), and to ensure no kinship carer is penalised from taking on the care of a kinship child.
- National government should consider introducing the right to a period of paid employment leave and protection to kinship carers.
- National government should consider affording all children in kinship care, where there is professional evidence or a court decision that they cannot live safely with their parents, the same rights currently available to children adopted from care and children who ceased to be in care as

a result of a special guardianship or 'lives with' child arrangements order (or residence order). This would include free childcare for two-year-olds, a designated school member of staff and Pupil Premium Plus. It should also include priority school admissions, which the government should consider as part its revision of the Schools Admissions Code (currently out to consultation).

Getting the right help, at the right time

National government should consider:

- Retaining and extending the Adoption Support Fund so that all children being raised by kinship carers, who are unable to live with their parents, have the same rights to therapeutic support and counselling currently available to children who are adopted from care.
- In order to support kin children's education and wellbeing, including their transition back to school, consider extending the remit of the Virtual School Head and ensure the National Tutoring Programme includes children in kinship care in all placements types, where there is professional evidence of additional need.
- Amending Regulation 3(1)e of the Special Guardianship Regulations 2005 (and the National Assembly for Wales, in exercise of the powers conferred upon it by sections 14A(8)(b), 14F, 24(5)(za), 26(3C) and 104 of the Children Act 1989) should similarly considers amending the Special Guardianship (Wales) Regulations 2005) to expand the scope of training provision in prescribed special guardianship support services to include all needs, not just a child's special needs.
- Amending the anomaly in Care Planning, Placement and Case Review (England) Regulations 2010 which provide for sibling contact with a sibling who is also looked after but do not refer to contact with siblings who are not looked after.
- Making it a duty on local authorities, supported by adequate funding from central government, to commission kinship care support services, which will include access (for the child, other members of the kinship care household, parents and separated siblings) to counselling, therapeutic work, family therapy and life story work, contact support and training resources.

Local authorities should:

- Provide clear and comprehensive information to kinship carers about the options available to them and any support that they may be eligible for, including access to benefits advice.
- Establish and commission kinship care support services including counselling, therapeutic support, family therapy, contact support and training resources.
- In response to a request by a kinship carer, conduct an assessment of the support needs of the child in their care (whatever their legal status at that time) where a court, local authority or a professional has determined that child cannot live with their parents.
- Consider introducing a named person and contact number with responsibility for supporting applications for eligible kin children to access the Adoption Support Fund and other entitlements (such as priority admissions to school, ensuring schools apply for Pupil Premium Plus) and to promote these supports to kinship care families who may be eligible.
- Assist in setting up, commissioning or grant funding support groups for kinship carers, and routinely signpost kinship carers to such groups.
- Consider the use of the Mockingbird Family Model and Lifelong Links for the delivery of support to kinship carers and children in kinship care.
- Adopt the Mutual Expectations charter, which sets out what families should be able to expect of child welfare services and what children's services can expect from families.

Kinship Care Bill

In order to deliver the new legal duties and powers recommended by the Taskforce (as set out above), the government should consider introducing a Kinship Care Bill. A dedicated Bill would not only deliver the changes required to improve kinship care support, it would also be a clear demonstration that Parliament and the government recognise the challenges faced by kinship carers and value their vital role in keeping families together.

Reimagining the system

National government should:

- Ensure each government department and relevant agency collects and publishes robust official data relating to kinship care arrangements to inform planning of local and national policies and support services for kinship care.
- Extend the Adoption and Special Guardianship Leadership Board to cover all children under a special guardianship order and set up a Special Guardianship Reference Group to influence the Board (akin to the Adopter Reference Group).
- Commission research into kinship care, including where there is a particular dearth of knowledge.
- Host a Downing Street reception of the Taskforce, when it is safe to do so, to raise awareness and recognise the brilliant and vital job kinship carers do.
- Include kinship care within the remit of the forthcoming independent review of the children's social care system.

Local government, including Metro Mayors, should:

- Involve kinship carers and their children in kinship care decision making, policy development and service provision.
- Hold 'thank you' recognition and awareness events for kinship carers and the children they are raising.

Ofsted should:

- Ensure that inspections of children's services make certain that the duty to publish a policy setting out the approach towards promoting and supporting the needs of children living with kinship carers is being complied with.

The Local Government Association should:

- Provide a kinship care peer review and support network for local authorities to enable self-challenge and improvement. They should also consider appointing lead national champions for kinship care.

Other public services and organisations, including but not limited to the police service, the NHS and health services, and JobCentre Plus, should:

- Ensure that their policies and procedures include and reflect the specific needs of kinship families, and that staff receive training to promote and support the needs of kinship families.



2 Introduction

‘I have also allowed a child to blossom to almost a teenager without the added trauma from rejection and abuse. I will do it time and again without regrets.’

‘Whatever little support that I have received over the past nine years is a bonus. The real reward is being given the privilege to change another child’s life for the better.’

‘I am proud to be a kinship carer, who has lost all family connections because I choose to sacrifice my lifestyle, love and home for a family member who would have otherwise been lost in the system that failed him and his siblings in the first place.’

Families come in all shapes and sizes, especially when children are unable to safely live with their birth parents as a result of trauma or a tragedy. There are more than 180,000 children across the UK who are being raised by kinship carers – relatives or friends who have stepped in to help. They are often grandparents but can be aunts, uncles, brothers, sisters, or even family friends. Many more children are raised in kinship care than in the care system and many more than are adopted, yet awareness of this element of children’s social care is low and support for families is variable and often very limited.

In December 2018 a cross-party group of parliamentarians came together to establish the Parliamentary Taskforce on Kinship Care, with the support of the Family Rights Group. It is the first parliamentary inquiry of its kind, and it is the first time parliamentarians have taken extensive evidence both from kinship carers and children who have been raised in kinship care. The Taskforce has set out to shine a spotlight on kinship care and to raise awareness in Parliament, in government and across society. The Taskforce has also set out to identify the challenges faced by kinship carers and the solutions that would address them. Our work has focused on England and Wales given the different legal and policy contexts of the other devolved nations of the UK.



Launch of Kinship Care Taskforce with former Chair Anna Turley MP

This report sets out the findings of our inquiry, which has taken evidence from thousands of kinship carers and their children. We have also heard from local authorities, from social workers and other professionals working with families on the front line of our children’s social care and family justice system, from civil society organisations in the Kinship Care Alliance, and from other stakeholders.

The key message to emerge from this evidence gathering is that kinship carers are doing a brilliant job in fulfilling a vital role, often in the face of huge pressures and alongside their other family commitments. Too often, these families find themselves having to struggle on alone or having to fight for recognition and support. Many are accruing significant debts to pay for legal fees to secure a legal order for the child and to give them a safe home. They and their kin children are more likely to have long-term health conditions or disabilities and are also more likely to live in deprived communities. Despite facing many of the same challenges as adoptive parents or unrelated foster carers, kinship care is not recognised in the same way and therefore many of the forms of support available to other care options are not open to kinship carers. Moreover, these challenges have been exacerbated by the Coronavirus pandemic, isolating carers from their support networks, increasing health risks for

elderly carers who are shielding, and often worsening family finances.

Through the course of this inquiry we have seen some examples of good kinship care support locally and at a national level, but the reality is that for many families a significant postcode lottery remains. The support available is also heavily dependent on the legal status of the kinship care arrangement, particularly whether or not the child is a looked after child in the care system.

Moreover, with the number of children in the care system at its highest level since 1985 and expected to rise further, kinship care could be an alternative for more children. The child welfare and family justice systems have been described as being in crisis. Yet for children in and on the edge of care, the wider family and community is often an untapped resource. Greater focus on exploring and supporting families could safely avert more children from having to come into care, which is in the interests of the children themselves, society and the taxpayer. We hope the Government will take the key opportunity to include kinship care within the remit of the forthcoming review of the children's social care system, so that the review truly addresses the system as a whole and does not continue to treat kinship as an afterthought.

In this report we identify the challenges kinship carers face and present a vision for what a good system of kinship care would look like. We are ambitious for the thousands of kinship families across England and Wales who are doing the right thing for their family. We believe the state needs to do right for them.

This report is divided into several parts:

Chapter 3 presents some key findings from a review of UK research on kinship care over the past two decades, undertaken by Joan Hunt, Honorary Professor at the Cardiff University School of Law and Politics.

Chapter 4 sets out the present legal environment on kinship care and the various legal frameworks that underpin different kinship care arrangements.

Chapter 5 is an overview of the methodology behind our inquiry's evidence gathering, and the analysis of that evidence is set out in Chapter 6.

In Chapter 7 we set out our vision for what a children's social care system that recognises, values and supports kinship care would look like. We also make some policy recommendations for how this could be delivered.



Midlands Taskforce evidence session with Jess Phillips MP



North Wales Taskforce evidence session with Rhun ap Iorwerth AM, National Assembly for Wales (Senedd)

3 Some key findings from the last two decades of research on kinship care: Extracts from a review of UK research

Joan Hunt, Honorary Professor, Cardiff University School of Law and Politics presents extracts from her synthesis of two decades of UK evidence on kinship care, drawn from academic and third sector research.

Key findings

- Analysis of 2011 census data indicates that there were around 180,000 children in the UK living with members of their extended family without either parent present. Prevalence varied slightly between different countries (1.5% of children in Wales, 1.4% in England, 1.2% in Scotland and Northern Ireland), and more significantly between local areas.
- Less than 10% of those children were being looked after in the care system. Other research suggests arrangements for many of the other children in kinship care are likely to be secured by a private law order – either a child arrangements order or a special guardianship order.
- Overall, there were more children of minority ethnicity in kinship care than would be expected from the proportion in the general population.
- Grandparents form the largest single group of kinship carers, although many kin children are being cared for by siblings. There are some regional and countrywide variations. Census data suggests sibling kinship care is less common in Scotland than the other three countries, for example.
- Most children are living in kinship care because their parents couldn't look after them safely. Child protection concerns are common, even for children who are not in formal kinship foster care.
- On the whole, the circumstances of kinship carers are much less advantageous than those of most parents and unrelated foster carers. Kinship carers tend to have lower incomes, more health problems and more caring responsibilities. They are also more likely to live in social housing and/or overcrowded conditions and to live in a less affluent area.
- Studies highlight the commitment and persistence kinship carers show in raising their kin children – and their determination to continue even in the face of often formidable challenges. There is a cost, however. Studies also highlight the stress many kinship carers are under and an urgent need for better support.
- Evidence from qualitative studies that sought children and young people's views report that they were overwhelmingly (although not exclusively) positive about kinship care. It was often seen as an improvement on the care they had received from their parents and as preferable to unrelated care.
- Children did express concerns, however, including those who were happy about being in kinship care. These included feelings of shame, concern at being perceived as 'different', unresolved anger and loss, and conflict of loyalty. Some children being brought up by grandparents worried about their grandparents' health or had anxieties about the generation gap.
- Studies that used standardised tests (e.g. Strengths and Difficulties Questionnaire) suggest that 24-35% of kin children are likely to have emotional and behavioural difficulties (EBD), compared to 10% expected in the general population. Other studies (e.g. based on case files, carer reports) suggest broadly similar figures, with at least 20% of children affected. Most studies (five of six)

¹ The findings here are drawn from Hunt, J. (forthcoming November 2020) *An overview of the last two decades of UK research on kinship care* published by Family Rights Group. References in footnotes are presented here in abbreviated form; for the full references, see the bibliography at the end of this chapter.

that looked at progress since entering kinship care report an overall reduction in EBD, although this was not the case for every child.

- Evidence from studies that looked at educational outcomes suggests that overall, children in kinship care are doing at least as well as children in unrelated foster care, and some are doing very well. However, outcomes are not as good as for children in the general population. The evidence suggests a high proportion of kin children have special educational needs, far higher than in the general population and comparable to those in the care system.

The extent of kinship care in the UK

Analysis of census data² indicates that in 2011 there were 180,040 children in the UK living with members of their extended families without either of their parents being present, the majority (152,910; 84.9%) in England. (Children living with family friends or others known to the family are also categorised as being in kinship care, but their numbers are not known). These overall numbers represent an increase of around 4% since the previous census in 2001. In both England and Wales, the numbers have grown and at a faster rate than the child populations; however, numbers have declined in Scotland and Northern Ireland, the former more sharply than the child population.

Prevalence varies between the different parts of the UK: 1.5% of the child population in Wales is living in kinship care, 1.4% in England, and 1.2% in both Scotland and Northern Ireland. There is variation within each country also. In Blaenau Gwent and the London Borough of Newham, for instance, 2.8% of children are in kinship care.

Analysis of 2001 census data³ found that in each of the four countries of the UK less than 10% of children in kinship care were looked after in the care system. Although there are no national numerical data on the specific legal status of the remaining arrangements, other research⁴ indicates that many would be secured by a private law order, either a residence order (now child arrangements order) or a special guardianship order.

According to the analysis⁵ of the 2011 census, grandparents form the single largest group of kinship carers in each country: 72% in Scotland, 60% in Wales, 51% in England and 47% in Northern Ireland. There are also substantial proportions of sibling carers in all countries apart from Scotland (31% in Northern Ireland, 23% in England, 19% in Wales and 8% in Scotland) with other relatives (e.g. aunts and uncles, cousins) accounting for between one in five and more than one in four (20% in Scotland, 21% in Wales, 22% in Northern Ireland and 27% in England).

The children living in kinship care

Age, gender, ethnicity

Although children of all ages live in kinship care arrangements, census data indicates an over-representation of older children (age 13+) compared to children in the general population, and an under-representation of those under five years old.⁶ However, other research suggests many children will have entered kinship care at a young age⁷, with several studies recording the longevity of many placements.⁸

² Wijedasa, D. (2015-2018)

³ Selwyn, J. & Nandy, S. (2014)

⁴ Ashley, C. & Braun, D. (2019); Aziz, R., et al. (2012); Murphy-Jack, O. & Smethers, R. (2009); Selwyn, J., et al. (2013)

⁵ Wijedasa, D. (2015-2018)

⁶ Wijedasa, D. (2015-2018)

⁷ Selwyn, J. et al. (2013); Harwin, J. et al. (2019); Hunt, J. et al. (2008), Wade, J. (2014)

⁸ Farmer, E. & Moyers, S. (2008); Gautier, A. et al. (2013); Wellard, S. (2011)

In terms of gender, there are slightly more males⁹ in kinship care in all four countries, although analysis of the 2001 census¹⁰ indicated that young men from some BAME backgrounds were disproportionately over-represented. Overall, in all four countries there were more children of minority ethnicity in kinship care in 2001 than would be expected from the proportion in the general child population. This imbalance was confirmed in analysis of the 2011 census¹¹ which found that 32% of children in households in England headed by a non-parent relative were non-white. One in 37 black children and one in 55 children of Asian or mixed ethnicity were in kinship care, compared to one in 83 white children. When these broad ethnic groups were examined in more detail, it was found that children of Black Caribbean ethnicity were the most likely to be in kinship care.

Prior adversities and current challenges

Valuable as the census data is in giving a snapshot of kinship care arrangements, it cannot reveal much about the backgrounds of the children concerned. Research across a variety of samples, however, shows that most children are living with kinship carers because their parents cannot look after them adequately.¹² While there may be different reasons for this – for example, parental substance misuse, mental or physical incapacity, domestic violence, imprisonment, teenage parenthood, parental separation or death – a notable feature is the prevalence of child protection concerns. Even in a sample which explicitly excluded children in kinship foster care¹³ only 10% of carers thought that the child had not been maltreated, with 60% citing known or suspected abuse and 82% neglect. This profile is very similar to that of children in local authority care placed with unrelated foster carers.¹⁴ Not surprisingly, many are already manifesting difficulties at the point they come to live with their relatives.¹⁵ While these may ameliorate to some degree over time¹⁶ many children continue to have problems akin to those experienced by children in unrelated care¹⁷, which present considerable challenges to their carers.

The carers

While the children entering kinship care tend to have needs as great as those in other forms of substitute care, and greater than those in the general child population, the circumstances of the carers taking on such a challenging task are, in general, much less advantageous than either the general population of parents or unrelated foster carers.

Analysis of the 2011 census¹⁸ indicates that compared to parents who are living with their children, relative carers are more likely to report a greater number of health problems, have a lower income, be in social grades D and E, be living in social housing, and have more caring responsibilities. In both England and Wales¹⁹ kinship households are more likely to be located in the poorest areas and to be categorised as experiencing deprivation on one or more of the indicators considered (employment, education, housing or disability). In Wales, for example, 78% of the children in kinship care were living in such a household, compared to less than 46% of children living with a parent. Using administrative data, McCartan et al. (2018) found a strong, statistically significant correlation between deprivation

⁹ Wijedasa, D. (2015-2018)

¹⁰ Nandy, S., et al. (2011)

¹¹ Wijedasa, D. (2015)

¹² See for example: Aldgate, J. & McIntosh, M. (2006); Ashley, C. & Braun, D. (2019); Broad, B. (2010); Davey, J. (2016); Farmer, E. & Moyers, S. (2008); Gautier, A. & Wellard, S. (2014); Grandparents Plus (2019); Hunt, J., et al. (2008); Hunt, J. & Waterhouse, S. (2012); Ince, L. (2009); Selwyn, J., et al. (2013); Wade, J. et al. (2014)

¹³ Selwyn, J. et al. (2013)

¹⁴ Farmer, E. & Moyers, S. (2008); Lernihan, U. & Kelly, G. (2006); Wade, J., et al. (2014)

¹⁵ Gautier, A. et al. (2013); Hunt, J. et al. (2008); Hunt, J. & Waterhouse, S. (2012)

¹⁶ Hunt, J. et al. (2008); Hunt, J. & Waterhouse, S. (2012)

¹⁷ Farmer, E. & Moyers, S. (2008)

¹⁸ Wijedasa, D. (2015-2018)

¹⁹ Similar data is not available for Scotland or Northern Ireland

and kinship foster care in all UK countries.²⁰

Farmer and Moyers (2008) report that kinship carers in their study were significantly more disadvantaged than unrelated foster carers.²¹ At the time the arrangement started, 27% were lone carers (compared with 14% of unrelated foster carers), 75% were experiencing financial difficulties (compared with 13% of unrelated foster carers), 35% were living in overcrowded conditions (as were just 4% of unrelated carers), and 31% had a disability or chronic health condition (17% of unrelated carers). Sykes et al. (2002) found that although kinship foster carers were just as likely to have a partner as unrelated foster carers, their partners were more likely to be unemployed and fewer kinship carers were educated to GCSE level or beyond.²²

Many studies have revealed the difficult circumstances in which kinship carers are undertaking the complex task of bringing up children whose early lives have often been subject to significant adversity. But those studies also highlight the commitment and persistence kinship carers show, the sacrifices they make and the impact this has on them and their families. For the most part, these efforts pay off – as the sections below on child wellbeing outcomes and children’s perspectives demonstrate. Research also highlights, however, the strain many carers are under and the urgent need for better support for both carers and children – support that is responsive to need and not determined, as it tends to be, by the legal status of the kinship arrangement.²³

Outcomes

Emotional and behavioural outcomes

Nineteen UK studies²⁴ report on the emotional and behavioural outcomes for children in kinship care (an additional study²⁵ provides data on young adults). Overall, findings indicate many children are doing well, but a substantial minority are not. As a group, children growing up in kinship care seem to be doing at least as well as those in unrelated foster care, but on the whole they fare worse than children in the general population.

Nine studies report data from standardised tests, typically the Strengths and Difficulties Questionnaire (SDQ). SDQ scores indicate that between 24% and 35% of children in kinship care are likely to have emotional and behavioural difficulties (compared to 10% expected in the general child population). However, in all but one study (which reported equivalence) the proportion was smaller than in unrelated foster care. The young adults’ study, using the General Health Questionnaire, reported a rate of 22% having a ‘probable mental health disorder’, compared to 18% in the general population and 25% for care leavers. Other standardised tests indicate that when compared to children in unrelated foster care, children in kinship care are more likely to have a positive self-evaluation and less likely to have a depressive disorder or attachment problems.

All the studies based on other sources of data (case files, carer reports) indicate that at least 20% of children are affected by some degree of emotional and behavioural difficulties. Indeed one of the studies²⁶ based on case file data reports that 27% of children had problems serious enough to require some help or remedial action, and 25% needed specialist input (similar to the children in the researchers’ unrelated foster care group).

²⁰ McCartan, C. et al. (2018)

²¹ Farmer, E. & Moyers, S. (2008)

²² Sykes, J. et al. (2002)

²³ Hunt, J. & Waterhouse, S. (2013).

²⁴ Aldgate, J. & McIntosh, M. (2006); Barnard, M. (2007); Broad, B. (2004); Brown, R. et al. (2016); Burch, K. et al. (2018); Cusworth, L. et al. (2019); Farmer, E. & Moyers, S. (2008); Gautier, A. et al. (2013); Harwin, J. et al. (2019a); Hunt, J. et al. (2008); Hunt, J. & Waterhouse, S. (2013); McSherry, D. et al. (2015, 2016); Mulcahy, G. et al. (2014); Murphy-Jack, O. & Smethers, R. (2009); Pratchett, R. (2018); Selwyn, J. et al. (2013); Wade, J. et al. (2010; 2014)

²⁵ Wellard, S. et al. (2017)

²⁶ Farmer, E. and Moyers, S. (2008)

Of the six studies that report on whether individual children's emotional or behavioural problems had ameliorated since living in kinship care, only one (based on file data on children subject to special guardianship orders) reports that the proportion of children with such difficulties actually increased.²⁷ All the others report an overall reduction, although a couple present a more nuanced picture. Farmer and Moyers²⁸ report that the behaviour of 77% of children had improved but for 8% it had deteriorated, while the behaviour of 15% had got better and worse. They also found that the overall improvement rate was the same for children in kinship and unrelated foster care. In contrast, Mulcahy and colleagues²⁹ report that children in kinship care made significantly more improvement in adjustment than those in unrelated foster placements.

Educational outcomes

Eleven UK studies³⁰ contain at least some data on educational outcomes, variously based on child or carer reports, examination results and, in one small study³¹, the application of standardised tests. They include children across the spectrum of legal arrangements (apart from adoption). One factor to bear in mind is that seven studies³² report that a high proportion of the children in kinship care had special educational needs, much higher than children in the general population and comparable to those in the care system. As Pratchett and Rees³³ note, deciding on an appropriate comparator is difficult: should it be the general child population, children in the care system, children from the same socio-economic background, or children with the same level of cognitive functioning? All these measures have been used in the reported research.

Overall, the findings of research to date indicate that children in kinship care are doing at least as well educationally as those in unrelated foster care, and some are doing very well. However, educational or academic outcomes (variously measured by performance at GCSE, SATS levels and scores on standardised tests) for children in kinship care as a group are not as good as those of children in the general population – and for a minority, they are poor. Selwyn et al.³⁴ point out that the proportion of kin children achieving five good GCSE results (43%) was higher than for children in receipt of free school meals (35%), which they argue might be a more appropriate comparison given the low incomes of many kinship families.

The evidence comparing the school achievements of kin children with those in local authority care is more mixed. Most studies indicate equivalence, but a couple³⁵ (both based on GCSE results) suggest that the former are doing somewhat better. Department for Education data is also reported to have shown³⁶ that children on special guardianship orders, most of which are made to kin carers, have better educational outcomes at key stages 2 and 4 than children who are looked after. Notably, none of the studies indicate that the kin children are doing worse.

Reports from both kinship carers and children suggest that many children in kinship care are doing well in school. However, sizeable proportions (commonly between a quarter and a third, although one study reports 52%) are reported to be underachieving. Analysis of standardised tests³⁷ indicated

²⁷ Harwin, J. et al. (2019a) (24% at beginning of care proceedings; 30% at follow-up)

²⁸ Farmer, E. and Moyers, S. (2008)

²⁹ Mulcahy, G. et al. (2014)

³⁰ Aldgate, J. & McIntosh, M. (2006); Ashley, C. & Braun, D., (2019); Brown, R. et al. (2016); Farmer, E. & Moyers, S. (2008); Gautier, A. et al. (2013); Harwin, J. et al. (2019a); Pratchett, R. & Rees, P. (2019); Sebba, J. et al. (2015); Selwyn, J. et al. (2013); Wade, J. et al. (2014); Wellard, S. et al. (2017)

³¹ Pratchett, R. & Rees, P. (2019)

³² Farmer, E. & Moyers, S. (2008); Hunt, J. et al. (2008); Pratchett, R. & Rees, P. (2019); Selwyn, J. et al. (2013); Wade, J. et al. (2014); Wellard, S. (2011); Wellard, S. et al. (2017)

³³ Pratchett, R. & Rees, P. (2019)

³⁴ Selwyn, J. et al. (2013)

³⁵ Selwyn, J. et al. (2013); Wellard, S. et al. (2017)

³⁶ Harwin, J. et al. (2019b)

³⁷ Pratchett, R. & Rees, P. (2019)

that in terms of literacy, children's performance was in line with their cognitive abilities, but in numeracy 77% were underachieving to some extent.

There is limited data on whether children had made progress educationally since starting to live with kinship carers. Wade et al.³⁸ report that carers described many children as making good progress at school and for some children their 'improvement had been marked', while Sebba and colleagues³⁹ note that, controlling for all factors, children living with kinship carers made as much educational progress as those with unrelated carers.

Only a minority of children are reported to actively dislike school. Rates for poor school attendance vary across the studies (from 9% to 21%), although in the young adults study⁴⁰ more than half of kin children admitted to truanting and a quarter said they had missed a lot of school. However, the attendance of many kin children is reported to have improved since coming to live with their kinship carers⁴¹ and more so than for children in unrelated foster care.⁴² Rates for school exclusions also vary.⁴³

Only one study⁴⁴ has substantial data on young people's lives after leaving compulsory education. This reports that all but six (of 51) went on to further education and training, including most of those who had not done well at GCSE. Of those who were 18 or over at the time of the study, 44% (19 of 43) had gained A levels or equivalent, including four who had already obtained a university degree (one of whom had obtained a Masters, a second was undertaking a Masters) and a further six were still studying. The proportion of those aged 18 and above who went to university (16%) is much higher than that for care leavers (6%) though lower than the general population (a third). Similarly, Selwyn et al. (2013) report that of the 10 young people who had left school, seven were in further education. In both studies, however, a substantial minority (28%) were not in education, training or employment. Again, this compares well with the proportion of care leavers (41%) though, not surprisingly, it is lower than the general population (15%).

Children and young people's views and experiences of kinship care

Eighteen UK research studies report information from interviews with children and young people about living in kinship care.⁴⁵ A few of these also include young adults (aged 16 and above) and an additional study⁴⁶ focuses exclusively on this group. Although the number of kin-placed children included in a particular study is sometimes extremely small, in total data is drawn from at least 341 informants, spanning a wide range of legal statuses. It should be noted that most studies are almost entirely based on extant arrangements, and most of the kinship families taking part have had some contact with children's services.

The findings indicate that in the main children and young people are overwhelmingly positive about kinship care, which is often seen as an improvement on the care they had received from their parents and a better option than unrelated care. That does not mean it is unproblematic, however.

³⁸ Wade, J. et al. (2014)

³⁹ Sebba, J. et al. (2015)

⁴⁰ Wellard, S. et al. (2017)

⁴¹ Hunt et al. (2008) report improvement for 61% of children, and Farmer & Moyers (2008) 48% although the latter found it had deteriorated for 6%.

⁴² Farmer, E. & Moyers, S. (2008)

⁴³ Hunt et al. (2008) report that only 13% had ever been excluded, most temporarily, while 30% of the young adults in Wellard et al., (2017) had been.

⁴⁴ Wellard, S. et al. (2017)

⁴⁵ Aldgate, J. & McIntosh, M. (2006); Broad, B. (2004); Brown, R. et al. (2016); Burgess, C. et al. (2010); Davies McCardle, S. (2013); Doolan, M. et al. (2004); Farmer, E. & Moyers, S. (2008); Fry, J. (2010); Grant, M. et al. (2019); Hunt, J. et al. (2008); Ince, L. (2009); McSherry, D. et al. (2015); Pratchett, R. (2018); Pitcher, D. (2002); Saunders, H. & Selwyn, J. (2008); Selwyn, J. et al. (2013); Wade, J. et al. (2010, 2014)

⁴⁶ Wellard, S. et al. (2017)

The vast majority of participants in these studies expressed very positive views about their experiences of kinship care. For instance, in the largest study⁴⁷ 97% said that living with their kinship carer was a good thing and 73% said that, given a choice, they would choose to live with them. Indeed, as an article based on this study puts it⁴⁸, *'it was clear that most of the children were happy and relieved to be with their kinship carers'*.

A variety of themes emerge from the research as to why most children are so positive. Reasons given include: feeling safe, secure, loved, cared for and valued; having close, warm and affectionate relationships with their carers, to whom they are securely attached; feeling they belong and can stay as long as they need to; and seeing their carers as someone they can trust, depend on and turn to if worried, who will listen, understand, support and encourage them. One study, which interviewed young people of African or African-Caribbean heritage, also reports that they valued kinship care for keeping them in touch with their cultural roots.⁴⁹

Several studies report that kinship care was seen by kin children (both with and without personal experience of unrelated foster care also) as the preferred form of substitute care, whether for fear of being moved around, living with strangers, not being loved, feeling different or stigmatised. Thirty of those interviewed in the young adults study (out of 36 who indicated where they might otherwise be living), thought they would probably have gone into stranger care if their carers had not been able to look after them. None thought this would have been a better option.⁵⁰

Some children are also reported to see kinship care as an improvement on the life they had led with their parents: one that is safer, less chaotic, more normal, child-centred and a 'sanctuary' where, as Aldgate and McIntosh report⁵¹, they *'regained the everyday experience of childhood'* – i.e. got fed, sent to school on time, and engaged in activities. Indeed it was unusual for children to report that they wanted to return home, even if they carried within them a sense of loss.

Despite the positive views voiced by most children and young people, it will be apparent that there were some exceptions. Research also reveals a number of difficulties and issues for kin children, including those who were happy to be in kinship care. Many of these issues could arise in any form of kinship care: feelings of being different, stigmatised or actively bullied; confusion about the events that had led to them being in kinship care, and reluctance to ask questions of their carers; feelings of shame and embarrassment, and consequent wariness about being open about their situation with peers; unresolved feelings of anger or loss; adjusting to different rules and parenting styles; the consequences for them of their carers' financial difficulties; conflict of loyalties and issues relating to parental contact; and separation from siblings. Some issues are more likely when children are being brought up by grandparents – e.g. worries about their carer's health and what would happen to them if the carers couldn't carry on, or anxieties about the generation gap.

The advice young adults proffered to children in, or about to enter, kinship care⁵² is a telling reminder that even when kinship care works for children, it still has its challenges: accept your situation, don't feel sorry for yourself, abnormal or deprived; appreciate how lucky you are living with your family rather than with strangers; be patient and positive, things may seem bad at first but it gets easier; recognise that your carers have your interest at heart and are always there for you; make an effort to form a relationship and don't escalate conflict; be open, don't bottle things up; don't give your carers a hard time.

⁴⁷ Selwyn, J. et al. (2013)

⁴⁸ Farmer, E. et al. (2013, p.28)

⁴⁹ Ince, L. (2009)

⁵⁰ Wellard, S. et al. (2017)

⁵¹ Aldgate, J. & McIntosh, M. (2006, p.43)

⁵² Wellard, S. et al. (2017)

References

- Aldgate, J. and McIntosh, M. (2006) *Looking after the family: A study of children looked after in kinship care in Scotland*. Edinburgh: Social Work Inspection Agency. <https://www.gov.scot/publications/looking-family-study-children-looked-kinship-care-scotland/>
- Ashley, C. and Braun, D. (2019) *The highs and lows of kinship care: Analysis of a comprehensive survey of kinship carers 2019*. London: Family Rights Group. https://www.frg.org.uk/images/e-publications/Kinship_carers_survey_analysis.pdf
- Aziz, R., Roth, D. and Lindley, B. (Ed. Ashley, C.) (2012) *Understanding family and friends care: The largest UK survey*. London: Family Rights Group. <https://www.frg.org.uk/images/e-publications/ffc-report-3.pdf>
- Barnard, M. (2007) 'Stepping into the breach: When the extended family takes on the care of children'. Chapter 7 in *Drug addiction and families*. London: Jessica Kingsley Publishers.
- Broad, B. (2004) 'Kinship care for children in the UK: Messages from research, lessons for policy and practice'. *European Journal of Social Work*, 7(2), pp.211-227.
- Broad, B. (2010) *Grandparents' voices: A research study of the views of grandparents who face up to challenging family situations*. London, Grandparents Association.
- Brown, R., Ward, H., Blackmore, J., Thomas, C. and Hyde-Dryden, G. (2016) *Eight-year-olds identified in infancy as at risk of harm: Report of a prospective longitudinal study* (Research report DFE-RR543). London, Department for Education. <https://www.gov.uk/government/publications/8-year-olds-identified-in-infancy-as-at-risk-of-harm>
- Burch, K., Daru, J. and Taylor, V. (2018) *Analysis of outcomes for children and young people 4 to 5 years after a final care order* (GSR report 29/2018, 15 May). Cardiff: Welsh Government. <https://gov.wales/analysis-outcomes-children-and-young-people-4-5-years-after-final-care-order-0>
- Burgess, C., Rossvoll, F., Wallace, B. and Daniel, B. (2010) "'It's just like another home, just another family, so it's nae different" Children's voices in kinship care: A research study about the experience of children in kinship care in Scotland'. *Child and Family Social Work*, 15(3), pp.297-306.
- Cusworth, L., Biehal, N., Whincup, H., Grant, M. and Hennessey, A. (2019) *Children looked after away from home aged five and under in Scotland: Experiences, pathways and outcomes*. University of Stirling. <https://dspace.stir.ac.uk/handle/1893/30234>
- Davey, J. (2016) *The care of kin: A case study approach to kinship care in the South of England and Zululand, South Africa* [Doctorate thesis, Bournemouth University]. <http://eprints.bournemouth.ac.uk/25573/>
- Davies McCardle, S. (2013) *The benefits of attending a young person's kinship care support group* [Unpublished dissertation].
- Doolan, M., Nixon, P. and Lawrence, P. (2004) *Growing up in the care of relatives or friends: Delivering best practice for children in family and friends care*. London: Family Rights Group.
- Farmer, E. and Moyers, S. (2008) *Kinship care: Fostering effective family and friends placements*. London, Jessica Kingsley Publishers.
- Farmer, E., Selwyn, J. and Meakings, S. (2013) "'Other children say you're not normal because you don't live with your parents". Children's views of living with informal kinship carers: social networks, stigma and attachment to carers'. *Child and Family Social Work*, 18(1), pp.25-34.
- Fry, J. (Ed.) (2010) *Children's voices: The stories of children raised by their grandparents*. Harlow: The Grandparents' Association.

Gautier, A. and Wellard, S. (2014) *Disadvantage, discrimination, resilience: The lives of kinship families*. London, Grandparents Plus. <https://www.grandparentsplus.org.uk/report/disadvantage-discrimination-resilience-the-lives-of-kinship-families/>

Gautier, A., Wellard, S. and Cardy, S. (2013) *Forgotten children: Children growing up in kinship care*. London, Grandparents Plus. <https://www.grandparentsplus.org.uk/wp-content/uploads/2020/02/Forgotten-Children.pdf>

Grandparents Plus (2019) *Kinship care: State of the Nation Survey 2019*. London, Grandparents Plus. <https://www.grandparentsplus.org.uk/report/state-of-the-nation-2019-survey-report/>

Grant, M., Whincup, H., and Burgess, C. (2019) *Perspectives on kinship care, foster care and adoption: The voices of children, carers and adoptive parents*. University of Stirling. <https://www.stir.ac.uk/research/hub/publication/1400864>

Harwin, J., Alrouh, B., Golding, L., McQuarrie, T., Broadhurst, K. and Cusworth, L. (2019a) *The contribution of supervision orders and special guardianship to children's lives and family justice*. Lancaster University. <https://www.nuffieldfoundation.org/news/new-study-calls-for-supervision-orders-to-have-a-C2%80%C2%98more-teetha%C2%80%C2%99>

Harwin, J., Simmonds, J., Broadhurst, K. and Brown, R. (2019b) *Special guardianship: A review of the English research studies*. London: Nuffield Family Justice Observatory. <https://www.nuffieldfjo.org.uk/resource/special-guardianship-a-review-of-the-evidence>

Hunt, J. and Waterhouse, S. (2012) *Understanding family and friends care: The relationship between need, support and legal status*. London: Family Rights Group. <https://www.frg.org.uk/images/e-publications/ffc-summary-1.pdf>

Hunt, J. and Waterhouse, S. (2013) *It's just not fair! Support, need and legal status in family and friends care*. London: Family Rights Group.

Hunt, J., Waterhouse, S. and Lutman, E. (2008) *Keeping them in the family: Outcomes for children placed in kinship care through care proceedings*. London: BAAF British Association for Adoption and Fostering.

Ince, L. (2009) *Kinship care: An Afrocentric perspective* [Doctorate thesis, University of Birmingham]. <https://etheses.bham.ac.uk/id/eprint/492/>

Lernihan, U. and Kelly, G. (2006) 'Kinship care as a route to permanent placement'. In D. Iwaniec (Ed.), *The child's journey through care: Placement stability, care planning and achieving permanency* (pp. 99-112). Chichester: Wiley.

McCartan, C., Bunting, L., Bywaters, P., Davidson, G., Elliott, M. and Hooper, J. (2018) 'A four-nation comparison of kinship care in the UK: The relationship between formal kinship care and deprivation'. *Social Policy and Society*, 17(4), pp.619-635

McSherry D., Fargas Malet, M. and Weatherall K. (2015) *The Care Pathways and Outcomes Study: The children's perspective: summary report*. Institute of Child Care Research, Queen's University Belfast. <https://pure.qub.ac.uk/en/publications/the-care-pathways-and-outcomes-study-the-childrens-perspective-su>

McSherry, D., Fargas Malet, M. and Weatherall, K. (2016) 'Comparing long-term placements for young children in care: Does placement type really matter?' *Children and Youth Services Review*, 69, pp.56-66.

Mulcahy, G., Badger, J., Wright, H. & Erskine, C. (2014) "'What happened next": a study of outcomes for maltreated children following care proceedings'. *Adoption and Fostering*, 38(4), pp.314-330.

Murphy-Jack, O. and Smethers, R. (2009) *Recognition, respect, reward*. London: Grandparents Plus. <https://www.grandparentsplus.org.uk/report/recognition-respect-reward/>

Nandy, S, Selwyn, J., Farmer, E. and Vaisey, P. (2011) *Spotlight on kinship care: Using Census microdata to examine the extent and nature of kinship care in the UK at the turn of the twentieth century*. University of Bristol. <http://www.bris.ac.uk/media-library/sites/sps/migrated/documents/finalkinship.pdf>

Pitcher, D. (2002) 'Placement with grandparents: The issues for grandparents who care for their grandchildren'. *Adoption and Fostering*, 26(1), pp.6-14.

Pratchett, R. (2018) *Exploring outcomes of children and young people in kinship care in South Wales* [Doctoral thesis]. Swansea University. <https://core.ac.uk/download/pdf/162910021.pdf>

Pratchett, R. and Rees, P. (2019) 'Exploring the educational attainment and achievement of children who are "looked after" in formal kinship care'. In D. Mannay, A. Rees, & L. Roberts (Eds.), *Children and young people 'looked after'? Education, intervention and the everyday culture of care in Wales* (pp. 43-55). University of Wales Press.

Saunders, H. and Selwyn, J. (2008) 'Supporting informal kinship care'. *Adoption and Fostering*, 32(2), pp.31-42.

Sebba, J., Berridge, D., Luke, N., Fletcher, J., Bell, K., Strand, S., Thomas, S., Sinclair, I. and O'Higgins, A. (2015). *The educational progress of looked after children in England: Linking care and educational data*. Oxford: Rees Centre, University of Oxford. <http://www.education.ox.ac.uk/wp-content/uploads/2019/05/Linking-Care-and-Educational-Data-Overview-Report-Nov-2015.pdf>

Selwyn, J. and Nandy, S. (2014) 'Kinship care in the UK: Using census data to estimate the extent of formal and informal care by relatives'. *Child and Family Social Work*, 19(1), pp.44-54.

Selwyn, J., Farmer, E., Meakings, S. and Vaisey, P. (2013) *The poor relations? Children and informal kinship carers speak out*. Bristol, University of Bristol and Buttle UK. <http://www.bristol.ac.uk/media-library/sites/sps/migrated/documents/report.pdf>

Sykes, J., Sinclair, I., Gibbs, I. and Wilson, K. (2002) 'Kinship and stranger foster carers: How do they compare?' *Adoption & Fostering*, 26(2), pp.38-48.

Wade, J., Dixon, J. and Richards, A. (2010) *Special guardianship in practice*. London: BAAF British Association for Adoption and Fostering.

Wade, J., Sinclair, I., Stuttard, J. and Simmonds, J. (2014) *Investigating special guardianship: Experiences, challenges and outcomes* (Research report: DFE-RR372). London: Department for Education. <https://www.york.ac.uk/inst/spru/research/pdf/SpecialG2014.pdf>

Wellard, S. (2011) *Too old to care? The experiences of older grandparents raising their grandchildren*. London: Grandparents Plus. <https://www.grandparentsplus.org.uk/report/too-old-to-care>

Wellard, S., Meakings, S., Farmer, E. and Hunt, J. (2017) *Growing up in kinship care: Experiences as adolescents and outcomes in young adulthood*. London: Grandparents Plus. https://www.grandparentsplus.org.uk/wp-content/uploads/2020/02/GUIKC_Full_Report_FINAL.pdf

Wijedasa, D. (2015) *The prevalence and characteristics of children growing up with relatives in the UK. Briefing paper 001: Characteristics of children living with relatives in England.* Hadley Centre for Adoption and Foster Care Studies, University of Bristol. https://www.bristol.ac.uk/media-library/sites/sps/documents/kinship/Kinstat_%20Briefing%20Paper%20001_V2.pdf

Wijedasa, D. (2017a) *The prevalence and characteristics of children growing up with relatives in the UK. Briefing paper 002: Characteristics of children living with relatives in Wales.* Bristol, Hadley Centre for Adoption and Foster Care Studies, University of Bristol. <https://www.bristol.ac.uk/media-library/sites/sps/documents/kinship/wales-kinstast-briefing-paper.pdf>

Wijedasa, D. (2017b) *The prevalence and characteristics of children growing up with relatives in the UK. Briefing paper 003: Characteristics of children living with relatives in Scotland.* Hadley Centre for Adoption and Foster Care Studies, University of Bristol. <https://www.bristol.ac.uk/media-library/sites/sps/documents/kinship/scotland-kinstast-briefing-paper.pdf>

Wijedasa, D. (2017c) *Children Growing up in the care of relatives in the UK.* Hadley Centre for Adoption and Foster Care Studies, University of Bristol. <https://www.bristol.ac.uk/media-library/sites/sps/documents/kinship/policy-bristol-report.pdf>

Wijedasa, D. (2018) *The prevalence and characteristics of children growing up with relatives in the UK. Briefing paper 004: Characteristics of children living with relatives in Northern Ireland.* Hadley Centre for Adoption and Foster Care Studies, University of Bristol. https://research-information.bris.ac.uk/ws/portalfiles/portal/215836190/Northern_Ireland_Kinstat_Briefing_Paper_004.pdf

4 Kinship care: legal context and frameworks

The legal framework in England and Wales places an overarching duty on the state (delegated to local authorities) to provide support to promote the upbringing of children within their family. Underpinning the legislation is the principle of working in partnership with children and families.⁵³ In order for a person or organisation to make significant decisions about how a child is raised, they must hold parental responsibility for the child. The legislation defines parental responsibility (see Box) as ‘*all the rights, duties, powers, responsibility and authority that, by law, a parent has in relation to their child*’.

In England, statutory family and friends care guidance⁵⁴ requires local authorities to publish an up-to-date family and friends care policy. This should set out their approach to meeting the needs of children being raised in kinship care. The guidance requires local authorities to have a designated, named senior manager with responsibility for implementing the policy.

The guidance further sets out a framework for the provision of support services for kinship carers and the children in their care. This does not mean that all kinship carers and children have a right to specific support and services, however. The nature and level of support that a kinship carer is entitled to largely depends on the type of legal arrangement in place.

This chapter highlights the different legal arrangements under which children are raised in kinship care and explains the legal duties, processes and entitlements to support associated with each type of arrangement.

⁵³ *The Children Act 1989 guidance and regulations: Volume 2: Care planning, placement and case review* (2015, para. 1.7). In Wales, the Social Services and Well-being (Wales) Act 2014 provides for this through the principle of co-production. <https://www.legislation.gov.uk/anaw/2014/4>

⁵⁴ *Family and friends care: Statutory guidance for local authorities* (2011) https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/288483/family-and-friends-care.pdf

The following is an explanation of some key terms that are not otherwise explained, or fully explained, in Chapter 4 and which will support a full understanding of the legal context and frameworks.

Adoption Support Fund: The Adoption Support Fund pays for a range of therapeutic support for previously looked after children who are adopted or raised by special guardians.⁵⁵ It can also be used to provide funding for therapeutic support for the whole family.

Care order: A care order places a child in the care of children’s services. The local authority will initiate care proceedings, and it is for the court to determine whether a care order, another type of order or no order at all should be made.

When a care order is made, children’s services share parental responsibility for the child with the parents. Parents retain their parental responsibility, but children’s services have overriding parental responsibility, which can be used to the exclusion of the parents. The local authority should consult the parents in respect of decisions about the child, however.

⁵⁵ For more information about the Adoption Support Fund, including eligibility, see: <https://www.frg.org.uk/need-help-or-advice/family-and-friends-carers/the-adoption-support-fund-and-special-guardians>

A court cannot make a final care order unless the child is ‘suffering or is likely to suffer significant harm’⁵⁶ either because: the care being given to the child is not that which it could reasonably expect a parent to give, or the child is beyond parental control.⁵⁷ A court can make an interim care order if there is reasonable cause to believe that this threshold is met.

Child in need: Section 17 of the Children Act 1989 puts a general duty on children’s services to ‘safeguard and promote the welfare of children within their area who are in need; and so far as 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’.⁵⁸

A child will be considered in need if: ‘they are unlikely to achieve or maintain or to have the opportunity to achieve or maintain a reasonable standard of health or development without provision of services from the Local Authority; their health or development is likely to be significantly impaired, or further impaired, without the provision of services from the Local Authority; they have a disability’.⁵⁹

Section 17 sits in Part III of the Children Act 1989, which is titled ‘Support for Children and Families Provided by Local Authorities in England’. Families (including kinship carers) can request an assessment under section 17 to identify the needs of the child and ensure that the family are given the appropriate support.

Connected person: A connected person is a ‘relative, friend or other person connected with a child’. ‘Other person connected with the child’ refers to people who have a pre-existing relationship with the child, for example, a teacher or former foster carer. A relative, for the purposes of family and friends foster care, is defined as a ‘grandparent, brother, sister, uncle or aunt (whether full blood or half blood or by marriage or civil partnership) or step-parent’.⁶⁰

Family group conference: A family group conference is a voluntary process led by family members to plan and make decisions for a child who is at risk. Families, including extended family members and the child (subject to their age and understanding, and usually supported by an advocate) are assisted by an independent family group conference co-ordinator to prepare for and take part in the meeting.

Key features of a successful family group conference include:

- Having an independent coordinator to facilitate the involvement of the child, family network and professionals in the family group conference process
- Allowing the family private time at the family group conference to produce their plans for the child or young person
- The local authority (and other public agencies) agreeing and resourcing the family’s plan unless it places the child at risk of significant harm.

The use of family group conferences ensures that wider family members understand at an early stage the seriousness of the situation and have the opportunity to make contingency plans for alternative care within the family if the parents do not satisfactorily resolve their problems within the child’s timescale.

Looked after child: A ‘looked after’ child is any child in local authority ‘accommodation’. There are two different groups of looked after children:

- Children ‘looked after’ under a care order and for whom the local authority shares parental responsibility. These children are looked after because a court has decided it is in their best interests for that to happen.

⁵⁶ ‘Significant harm’ is not defined in the legislation, but harm is defined as ‘ill-treatment or impairment of health or development’. Children Act 1989, section 31(9) <https://www.legislation.gov.uk/ukpga/1989/41/section/31>; case law has interpreted ‘significant’ as harm that is regarded as considerable, noteworthy or important, B (a Child), Re [2013] UKSC 33 - <https://www.bailii.org/uk/cases/UKSC/2013/33.html>

⁵⁷ Children Act 1989, section 31 <https://www.legislation.gov.uk/ukpga/1989/41/section/31>

⁵⁸ Children Act 1989, section 17(1) <https://www.legislation.gov.uk/ukpga/1989/41/section/17>

⁵⁹ Children Act 1989, section 17(10) <https://www.legislation.gov.uk/ukpga/1989/41/section/17>

⁶⁰ Children Act 1989, section 105 <https://www.legislation.gov.uk/ukpga/1989/41/section/105>

- Children for whom the local authority provides accommodation but does not share parental responsibility.⁶¹ These children will often have become looked after without any court scrutiny or oversight. They are often referred to as being provided with accommodation by children's services under a 'voluntary arrangement'. Children looked after in this way may be in a range of different placements, including unrelated foster care and kinship care.

When children's services are looking to place a child outside of their parents' care, they need to consider what the 'most appropriate placement' will be. In considering which placement is the 'most appropriate', the Children Act 1989 sets the priority list as:

- parents or others with parental responsibility if they are considered suitable after an assessment, and if not, then:
- a relative, friend or other person connected with the child who is also an approved local authority foster carer (this is considered to be anyone else who has a prior connection or relationship with the child).

If the placement is outside the family and friends network, then the prioritisation is:

- with another unrelated foster carer; then
- in a children's home.

Parental responsibility: This is defined in law as '*all the rights, duties, powers, responsibility and authority that, by law, a parent has in relation to their child and their child's property*'.⁶² In practical terms, it means the responsibility to care for a child and the right to make important decisions about the child – for example, agreeing to medical treatment. All birth mothers have parental responsibility for the child, unless the child is subsequently adopted. A father may have, or obtain, parental responsibility for the child depending on the circumstances.⁶³ Whether a kinship carer has parental responsibility for a child will depend on the type of kinship care arrangement in place.

Welfare (and welfare principle): 'Welfare' is not defined in the Children Act 1989, but the legislation does provide the welfare checklist of factors the court must have regard to when deciding what order, if any, to make.⁶⁴ The checklist includes (among other matters) the ascertainable wishes and feelings of the child concerned (considered in the light of his age and understanding), and the likely effect on the child of any change in his circumstances.

The welfare principle provides that when the court determines any question with respect to the upbringing of the child, the child's welfare shall be the court's paramount consideration.⁶⁵

⁶¹ Children Act 1989, section 22 - <http://www.legislation.gov.uk/ukpga/1989/41/section/22> The duties owed to this group of children in England are set out in section 20. In Wales, the corresponding provision is section 76 of the Social Services and Well-being (Wales) Act 2014. <https://www.legislation.gov.uk/anaw/2014/4/section/76>

⁶² Children Act 1989, section 3 (1) - <https://www.legislation.gov.uk/ukpga/1989/41/section/3>

⁶³ A father will have parental responsibility for the child if he is married to the mother, or named on the child's birth certificate. A father can obtain parental responsibility by entering into a parental responsibility agreement or obtaining a parental responsibility order.

⁶⁴ Children Act 1989, section 1(3). <https://www.legislation.gov.uk/ukpga/1989/41/section/1>

⁶⁵ Children Act 1989, section 1(1). <https://www.legislation.gov.uk/ukpga/1989/41/section/1>

Types of kinship care arrangement

There are different legal frameworks under which a kinship care arrangement may occur. Which framework is used will affect whether and how the kinship carer is assessed and both the child's and carer's right to support. In some cases, children's services will not have any *specific* duty to assess or support the kinship carer and the child they are raising.

Set out below is a summary of the legal frameworks that may apply to a child in kinship care.

Informal kinship care – private family arrangements

Some kinship carers step in and take of the care of a family member's child without the prior involvement of children's services and without matters being considered by the family court. When a close family member takes on the care of a child in this way, it is known as a 'private family arrangement'.

In this scenario, there will be no assessment of the carer or the child. Even when an informal kinship carer has been caring for the child for some time they will not have parental responsibility for the child. This means that although the kinship carer may be making day-to-day decisions on behalf of the parents, they are not able to make important decisions, such as those relating to medical treatment or to travel abroad. A parent or other person with parental responsibility can at any point remove the child from the carer.

Without an order or the prior involvement of children's services, there is no duty on the local authority to provide the child or kinship carer with any specific support, save for the general duties that all local authorities in England have under section 17 of the Children Act 1989 to safeguard and promote the welfare of 'children in need' in their area.

Private fostering

A private fostering arrangement arises where someone who is *not* a close relative of the child⁶⁶, and is not already approved as a local authority foster carer, looks after a child for 28 days or more. Under such an arrangement the carer becomes a 'private foster carer'.⁶⁷

Children's services have specific duties to assess a private foster carer and to visit the child. They should be informed of any private foster care arrangement at least six weeks before it is due to start (or immediately if the arrangement is due to happen sooner).⁶⁸ Once informed, children's services then have a duty to visit and speak to the child, their parents, the private foster carer and anyone else living in the foster carer's household. Suitability checks (including DBS checks⁶⁹) must be done on everyone in the household over the age of 16. Children's services must visit the child every six weeks for the duration of the placement.

Kinship care under private law orders

The court orders through which kinship care arrangements are most often formalised are private law orders – i.e. 'lives with' child arrangements orders (previously known as residence orders), and special guardianship orders. The making of either of these orders grants parental responsibility to the kinship carer (although a special guardianship order provides the kinship carer with 'enhanced' parental responsibility, which in some circumstances can be used to the exclusion of the parent).

⁶⁶ Closed relative is defined in the Children Act 1989, section 105 as a *grandparent, brother, sister, uncle or aunt (whether full blood or half blood or by marriage or civil partnership) or step-parent* <https://www.legislation.gov.uk/ukpga/1989/41/section/105>

⁶⁷ Children Act 1989, section 105. <http://www.legislation.gov.uk/ukpga/1989/41/section/105>

⁶⁸ The Children (Private Arrangements for Fostering) Regulations 2005, Regulation 3. <http://www.legislation.gov.uk/uksi/2005/1533/made>

⁶⁹ Disclosure and Barring Service – see <https://www.gov.uk/government/organisations/disclosure-and-barring-service/about>

Special guardianship

A special guardianship order secures a child's long-term home with someone who is not their parent. It lasts until the child turns 18. The order is often seen as having similarities to adoption, but a distinctive feature of a special guardianship order is that (unlike an adoption order) it restricts the birth parents' rights but does not permanently end them. It is therefore particularly appropriate for kinship care arrangements, as the legal link to the birth family is retained.

Special guardians gain an enhanced form of parental responsibility for the child, which they can use to the exclusion of all others.⁷⁰ They should still consult parents and others with parental responsibility about important decisions relating to the child, but ultimately they can make final decision themselves about most things.⁷¹

A court cannot make a special guardianship order unless it has received a report from children's services confirming that the applicant would be a suitable special guardian.⁷² A prospective special guardian must give at least three months' notice to children's services of their intention to apply for an order. This is to allow enough time for an assessment and report to be prepared. The court also has power to make a special guardianship order without an application and without the notice period. This is permitted where there are already family court proceedings (including care proceedings) and the court considers the order should be made. The Special Guardianship Regulations 2005⁷³ set out what should be addressed during the special guardianship assessment. This includes detailed background information about the prospective special guardian, exploration as to the implications for the child of making an order, and consideration of support needs.

There is a general duty on local authorities to make provision in their area for a range of special guardianship support services.⁷⁴ These are prescribed in the Special Guardianship Regulations 2005 and include counselling, advice and information, as well as financial help and help with contact arrangements. However, not all special guardians and children are entitled to have their support needs assessed. And in any given case, whether (and what) support is offered will be at the discretion of children's services. Therefore the level of support that a child or their special guardian receives can vary significantly.

Children's services *must* assess the need for support services, including financial help, only if a child was 'looked after' in the care system *immediately prior* to a special guardianship order being made. In all other cases, undertaking an assessment of need for support services is discretionary. The decision to provide financial help is also discretionary and the level of support is means tested, although regulations do direct local authorities to have regard to how much fostering allowance would have been paid had the child been fostered.

Children for whom a special guardianship order is in place and who were looked after immediately before the order was made are now eligible (since April 2016) to apply for funding for therapeutic support under the Adoption Support Fund. They are also entitled to additional educational support⁷⁵, including priority school admissions, and their school can claim Pupil Premium Plus.⁷⁶

⁷⁰ Children Act 1989, section 14C. <https://www.legislation.gov.uk/ukpga/1989/41/part/II/crossheading/special-guardianship>

⁷¹ A special guardian may not, however, change the child's surname or take the child out of the country for more than three months without the written consent of all others with parental responsibility.

⁷² Children Act 1989, section 14A(11). <https://www.legislation.gov.uk/ukpga/1989/41/section/14A>

⁷³ The Special Guardianship Regulations 2005: <http://www.legislation.gov.uk/uksi/2005/1109/contents/made> The Special Guardianship (Wales) Regulations 2005: <https://www.legislation.gov.uk/wsi/2005/1513/contents/made>

⁷⁴ Children Act 1989, section 14F. <https://www.legislation.gov.uk/ukpga/1989/41/section/14F>

⁷⁵ Children Act 1989 section 23ZZA. <https://www.legislation.gov.uk/ukpga/1989/41/section/23ZZA>

Local authorities have a duty under section 23ZZA of the Children Act 1989 (inserted by section 4 of the Children and Social Work Act 2017) to promote the educational achievement of previously looked-after children in their area.

⁷⁶ Pupil Premium Plus is funding allocated by government to state-funded schools for previously looked after children. Since April 2020, a rate of £2,345 is available per every pupil who was previously looked after. The funding is to be used by schools to support a child's Personal Education Plan (PEP). All looked-after children should have a PEP as part of their care plan.

The child should also be supported by a designated teacher, whose role is to ensure the child's Personal Education Plan is developed, and the child is adequately supported at school. Children who were not looked after immediately before the order was made are not eligible for this support.

Child arrangements orders

A 'lives with' child arrangements order will state that the child is to live with the kinship carer named in the order. The carer will share parental responsibility for the child though there are limitations as to how they may use this. For example, the kinship carer may not change the child's surname or take the child out of the country for more than one month unless others with parental responsibility consent.

If a kinship carer asks the court to make a child arrangements order specifying that a child lives with them, the court will ask children's services (if they are involved) or Cafcass (if children's services are not involved) to prepare a section 7 report.⁷⁷ This will make recommendations to the court as to where it would be best for the child to live.

When making a child arrangements order, the court must presume, unless it is proved otherwise, that the involvement of the child's parents in their life will further their welfare.⁷⁸

The parents remain financially responsible for their child for as long as a 'lives with' child arrangements order is in force. Kinship carers can seek support through the Child Support Agency and can also claim child benefit once the child has been living with them for three weeks. They may also be eligible for Child Tax Credit or Universal Credit and other benefits, depending on household income. A kinship carer with a child arrangements order may receive a child arrangements order allowance from children's services. Children's services have a discretionary power (not a duty) to pay a means tested child arrangements allowance.⁷⁹

A child raised in kinship care under a child arrangements order is entitled to some additional educational support if they were looked after in the care system immediately before the child arrangements order was made. This mirrors the educational support that previously looked after children who are subject of special guardianship orders are entitled to (see above).

Kinship foster care

If children's services have a role in placing a child with a relative or friend, then that person should be assessed as a family and friends foster carer – also known as a kinship foster carer. For example, if in an emergency situation a social worker asks a family member to collect the child from school and look after them, then children's services would have been instrumental (i.e. have had a role) in making that placement. A kinship carer does *not* acquire parental responsibility when they become a foster carer for a child in their family and friends' network, but the child is a 'looked after' child and therefore entitled to certain support services, including leaving care services.

⁷⁷ Children Act 1989, section 7. <https://www.legislation.gov.uk/ukpga/1989/41/section/7>

⁷⁸ Children Act 1989, section 1(2A), 1(2B). <https://www.legislation.gov.uk/ukpga/1989/41/section/1>

⁷⁹ Children Act 1989, Schedule 1, para. 15(1). <https://www.legislation.gov.uk/ukpga/1989/41/schedule/1>

A kinship carer can be approved as a foster carer on a temporary basis once basic checks have been undertaken. This allows a child to be placed in their care immediately, rather than having to spend time in unrelated local authority care first. A full assessment of the kinship carer must be conducted within 16 weeks of the child moving to their care (this may be extended for a further eight weeks in exceptional circumstances).

Anyone who is approved as a kinship foster carer should receive a fostering allowance for the looked after child in their care. This applies equally to carers who have temporary approval and those who are fully approved. Kinship carers are entitled to be paid at the same rate as unrelated foster carers.⁸⁰

Children looked after in kinship foster care (like those in unrelated foster care) are entitled to leaving care support. This includes children's services maintaining a former fostering arrangement after the young person has reached age 18 and access to ongoing support from a personal adviser.⁸¹

Adoption

Adoption is a possible mechanism for achieving a kinship care arrangement for a child. It is rare, however, and in the vast majority of cases it will not be the most appropriate legal arrangement for the child or family. The making of an adoption order severs the legal link between a child and their birth family; the birth parents no longer have parental responsibility for the child and legal parenthood passes to the adoptive parents. Such a potentially 'skewing' or 'distorting' of family relationships must be specifically considered if adoption is being proposed for a kinship care arrangement.⁸²

For adoptive parents, there is a much clearer route to post-placement support than there is for most kinship carers. Access to support for adoptive parents is 'based on the recognition that adoptive children and their families are likely to have a range of additional needs'⁸³, and is underpinned throughout primary legislation, regulations and statutory guidance. For example: adoptive parents are entitled to 52 weeks' statutory adoption leave; they can get paid time off work to attend five adoption appointments after they have been matched with a child; and financially, adoption pay is comparable to statutory maternity pay.⁸⁴ Many employers also have an adoption pay scheme, but the same generally cannot be said in respect of specific arrangements for kinship carers.

Importantly, when children are placed for adoption, birth parents are entitled to counselling and information services, an entitlement that is underpinned in law.⁸⁵ Regulations provide for birth parents to receive help and support to work through their concerns (through counselling if they wish), to understand what is proposed for their child, and to understand how their child can benefit if they (as the birth parents) take an active part in the child's adoption. Specific provision is also made for prospective adopters to access counselling.⁸⁶ Adoptive children who were previously looked after can also apply through the Adoption Support Fund for funding to access therapeutic support.

⁸⁰ Manchester City Council – V – F (2002) 1FLR 43; R (on the application of x) v LB Tower Hamlets [2013] EWHC 480(Admin); Paras 4.49 and 4.50 FFSG

⁸¹ Personal advisers provide practical and emotional support to help young people make a successful transition to adulthood. *Extending Personal Adviser support to all care leavers to age 25: Statutory guidance for local authorities*. <https://www.gov.uk/government/publications/extending-personal-adviser-support-to-age-25>

⁸² Re S (Adoption Order or Special Guardianship Order) [2007] EWCA Civ 54, [2007] 1 FCR 271, [2007] 1 FLR 819.

⁸³ *Statutory Guidance on Adoption* (July 2013) https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/270100/adoption_statutory_guidance_2013.pdf

⁸⁴ Statutory adoption pay and leave guidance: <https://www.gov.uk/adoption-pay-leave>

⁸⁵ The Adoption Agencies Regulations 2005, Regulation 14 (Requirement to provide counselling and information for, and ascertain wishes and feelings of, the parent or guardian of the child and others). <http://www.legislation.gov.uk/uksi/2005/389/regulation/14/made>

⁸⁶ The Adoption Agencies Regulations 2005, Regulation 21 (Requirement to provide counselling and information) <http://www.legislation.gov.uk/uksi/2005/389/regulation/21/made>

Legal aid and help with legal costs

Kinship carers need access to legal advice and representation from the outset so that they understand how best to secure the child's future with them, and as circumstances change. Without legal advice, many carers simply do not understand the legal ramifications of the order that they are entering into and so cannot make the best decision for the child and their family.

Under the Legal Aid Sentencing and Punishment of Offenders Act 2012⁸⁷, virtually all private family law issues were removed from the scope of legal aid. There are limited exceptions to this, including where the applicant for legal aid has evidence of either domestic abuse, or child abuse by the person who will be the respondent in the case. This 'gateway evidence' (see below) will bring the case back into scope for legal aid. However, the applicant for legal aid still then needs to pass a means test⁸⁸ and a merits test.⁸⁹

Where a kinship carer or prospective kinship carer is seeking a special guardianship order or a 'lives with' child arrangements order in private law proceedings (not care proceedings), they must be able to provide evidence that the child has suffered abuse at home. Gateway evidence would include evidence that the child is on a child protection plan, or a letter from children's services confirming the concerns and reasons why they may support the child going to live with the kinship carer. However, many prospective kinship carers will not have the relevant gateway evidence and so cannot secure legal aid. This may be because the local authority has, for example, decided that as long as the child is living with them, then the child does not meet the threshold for a child protection plan.

In the context of care proceedings, if a kinship carer is joined as a party to the proceedings⁹⁰, then they can apply for legal aid to be represented in the proceedings. However, many kinship carers are not parties to proceedings, or do not have access to early legal advice such that they know that this may be an option.

Outside of court proceedings, legal aid for kinship carers is similarly limited. When children's services are contemplating care proceedings and initiate the formal 'pre-proceedings' process in accordance with the Public Law Outline⁹¹, parents will be eligible for legal advice via non-means and non-merits tested Legal Help.⁹² But where a kinship carer is already caring for a child in this scenario, or is being assessed pre-proceedings as a prospective carer for the child, they would not have similar access to Legal Help advice pre-proceedings.

Because prospective kinship carers commonly cannot access legal aid, many local authorities make some funding available for kinship carers to obtain legal advice. However, as Chapter 6 explores, whether or how much legal help a local authority is prepared to fund varies and is often not made public. Typically, advice is made available only to prospective carers who the local authority is proposing as a long-term care option for the child. This model of funding is also limited and may constitute no more than a one-off meeting with a solicitor.

⁸⁷ <https://www.legislation.gov.uk/ukpga/2012/10/contents/enacted>

⁸⁸ The legal aid applicant's capital and income must be below a certain threshold.

⁸⁹ The merits test assesses the strengths and weaknesses of the legal aid applicant's case, and considers whether a reasonable person who could afford to pay their own legal fees would use their own money to pay for the case.

⁹⁰ A 'party' to court proceedings is a person or organisation who is subject to litigation. This means that they are centrally involved in the case. A witness is not a party, for example.

⁹¹ The pre-proceedings process refers to the procedures that children's services must follow when thinking about starting care proceedings. These procedures are set out in the Public Law Outline. https://www.justice.gov.uk/courts/procedure-rules/family/practice_directions/pd_part_12a

⁹² Under the Legal Help scheme, a solicitor can advise the client and negotiate with the other parties but cannot represent them at court.

Legal framework during the COVID-19 pandemic

'The pandemic caused a break in contact but it was the local authority's failure to comply with their own instructions with the contact centre that stopped the first visit for five months. I was then forced to offer contact at my home as the only solution. That should never have happened.'

Following the outbreak of COVID-19 in the UK in spring 2020, a range of new challenges arose for children and families involved with, or on the edge of, the child welfare system, and for those working with families. The government laid new regulations⁹³ and guidance⁹⁴, permitting children's services to change the ways in which they discharged some of their duties towards children in need and those in (or formerly in) care.⁹⁵ The changes included: visits and assessments by social workers could now take place remotely; a looked after child could now be placed temporarily with an unconnected person who was not an approved foster carer (local authorities could previously only approve family or friends or other 'connected' persons as temporary foster carers); adoption and fostering panels became discretionary; and the requirement for looked after children reviews to take place every six months was relaxed (other than the first two reviews, these could take place when 'reasonably practicable').

The regulations were in force from 24 April to 25 September, but in June 2020 the government launched a consultation on its plans to maintain some of the changes until March 2021⁹⁶ including, for example, the continuation of 'virtual visits' where a local lockdown was in place or a household was having to self-isolate, and allowing adoption and fostering processes to advance when medical reports have been delayed. From the outset, questions and concerns were raised by a number of organisations and campaigners about the necessity for the changes, their evolution and their likely impact on children and families.⁹⁷

As a result of these changes, potential and current kinship carers found themselves being assessed by social workers remotely, and other assessments were paused.

The impact of remote meetings was one of the issues addressed by Family Rights Group in an online survey (open for five days in April 2020) of how kinship carers had been affected by the pandemic. Many kinship carers said they had not heard from a social worker, or that meetings had been cancelled or postponed. Where meetings had gone ahead, almost all had been by phone or video conference. Kinship carers' experience of these new ways of working were mixed. A few were complimentary about the efforts made by children's services, but others said that they or the child had not been able to participate in meetings effectively, especially when they had been by phone. Where meetings concerned assessment as to whether or not a prospective kinship carer may take on the long-term care of a child within their family and friends network, the impact of not being able to participate effectively could be significant.

⁹³ The Adoption and Children (Coronavirus) (Amendment) Regulations 2020. <https://www.legislation.gov.uk/uksi/2020/445/regulation/8/made>
Following a consultation

⁹⁴ Coronavirus (COVID-19): Guidance for children's social care services. <https://www.gov.uk/government/publications/coronavirus-covid-19-guidance-for-childrens-social-care-services>

⁹⁵ For an overview of the legislative events, see the House of Commons Library briefing paper (No. 8934, 2 September 2020): <https://commonslibrary.parliament.uk/research-briefings/cbp-8934/>

⁹⁶ The original regulations came into force on 24 April; following a consultation, the government confirmed that most amendments would lapse on 25 September. However, the government made clear its intention to retain some of the changes until March 2021 and laid new regulations to that effect on 28 August: The Adoption and Children (Coronavirus) (Amendment) (No.2) Regulations 2020 <https://www.legislation.gov.uk/uksi/2020/909/contents/made>

⁹⁷ Members of the Kinship Care Alliance reported concerns as to the effect that the new regulations may have on children and their families, in a system already struggling and characterised by significant variations in local authority practice. At the end of July, the children's rights charity Article 39 was granted the right to appeal against a High Court ruling (<https://www.bailii.org/ew/cases/EWHC/Admin/2020/2184.html>) that the Department for Education had not acted unlawfully in introducing the changes. The hearing was set for early September in the Court of Appeal.

As the pandemic unfolded, the family justice system also had to meet the challenge of remote justice. Within days of the Prime Minister's announcement of stringent social distancing measures, hearings in family courts across the country moved to take place via telephone or video conference platform. In response to this shift, Mr Justice MacDonald (a High Court judge) produced a guide to remote family justice for practitioners and litigants.⁹⁸

There has been some evaluation of practitioners' and families' experiences of the remote access family court. On 14 April 2020, the President of the Family Division announced that he had asked the Nuffield Family Justice Observatory (FJO) to conduct a rapid (two-week) consultation on the use of remote hearings in the family justice system. Evidence was gathered both from professionals and families, including input from Family Rights Group's parents and kinship panels. Although the Nuffield FJO's report found that most respondents thought remote hearings were justified for some cases during the pandemic, it also recorded that: '*Significant concerns were raised about the fairness of remote hearings in certain cases and circumstances, and there were some worrying descriptions of the way some cases had been conducted to date.*'⁹⁹ Further evaluation of practitioners' and families' experience of the family court during the pandemic is anticipated.

It is clear that remote justice will continue to be a feature of the family justice system for some time. On 9 June 2020, the President of the Family Division, Sir Andrew McFarlane, published *The family court and COVID-19: The road ahead*¹⁰⁰ which seeks to establish a broad framework for the family court by attempting to chart the road ahead over the next six months or more. The President envisaged that remote justice may continue until spring 2021.

In terms of education, as part of the response to the pandemic the Department for Education issued guidance (that applied to England) asking educational settings to provide places for a limited number of children who were 'vulnerable' or whose parents or carers were critical workers in the coronavirus response. Children falling within the 'vulnerable' category were:

- Children assessed as being in need under section 17 of the Children Act 1989, including children who have a child in need plan, a child protection plan or who are a looked after child
- Children who have an Education, Health and Care (EHC) plan and whose needs could not be met safely in the home environment
- Children otherwise assessed as vulnerable by educational providers or local authorities, and who were therefore in need of continued education provision.¹⁰¹

There was therefore no automatic eligibility for all children in kinship placements to be given a school place although some schools applied flexibility in offering places to kinship care households. The guidance was withdrawn on 4 August.

⁹⁸ *The remote access family court*. A first version of the guidance was published in March 2020; updated guidance was published on 26 June. <https://www.judiciary.uk/wp-content/uploads/2020/06/The-Remote-Access-Family-Court-Version-5-Final-Version-26.06.2020.pdf>

⁹⁹ Ryan, M, Harker, L & Rothera, S. (2020) *Remote hearings in the family justice system: A rapid consultation*. https://www.nuffieldfjo.org.uk/app/nuffield/files-module/local/documents/nfjo_remote_hearings_20200507-2-.pdf

¹⁰⁰ <https://www.judiciary.uk/announcements/the-family-court-and-covid-19-the-road-ahead/>

¹⁰¹ <https://www.gov.uk/government/publications/coronavirus-covid-19-guidance-on-vulnerable-children-and-young-people>

CASE STUDY: Grandparents caring for their two grandchildren

‘We are special guardians to two of our five grandchildren. They’re eight and nine years old and have been in our care since 2013 when their mum suffered from severe postnatal depression and was diagnosed with a borderline personality disorder.

Our lives have been completely turned upside down over the past seven years. The first two years were full of tension. We were trying to manage contact with their mum, the gruelling assessment process with children’s services to see if we were suitable to become special guardians and the court process. All of this whilst caring for two young children whose whole lives had changed.

The next five years were thankfully quite stable. The children were used to living with us and we had good systems in place to support and care for them. As in any home there were occasional interruptions, like when their mum met a new partner or went through a crisis. At these times we remained their stability, as much as possible, and as a family we got through it.

It only took seven weeks of lockdown and home schooling to bring all that we had achieved in seven years crashing down around us.

By week seven we were utterly exhausted and seriously considering if it was too much to cope with. Our eight-year-old struggled to accept any form of learning and it was becoming impossible to manage his behaviour. I had to deal with a majority of this on my own as my husband works for the NHS and had been re-deployed onto the ‘Bring staff back’ campaign, so in theory he was a keyworker.

Like so many children, ours couldn’t understand why they couldn’t see either of their parents.

We agreed to extra Skype contact with their mum and half-brother. This meant supervising one-hour contact calls twice each week. We thought it would help the children but in fact it caused more emotional pressure for them as they saw their four-year-old brother with their mum who understandably kept saying how much he missed them.

We desperately needed some help. I approached their school and had a meeting with the school support worker and the headmaster and just told them what we had been dealing with, it just all came out. They told me the children would be going back for three days a week. It really does not matter how much you love them, you do need a break sometimes.

Our story highlights how fast special guardians can go from a well-balanced life to almost complete breakdown when our normal support mechanisms fall away. It is so frightening to think of what would have happened without their school’s intervention. I really doubt we would have managed!

5 The Taskforce's activities and research methodology

The Taskforce engaged in multiple evidence-gathering activities involving a wide range of stakeholders with direct experience of kinship care. The main evidence-gathering phase took place between December 2018 (when the Taskforce was launched) and September 2019. The original plan was to launch the report in November 2019, but this was postponed, first because a general election was called (for December 2019) and then as a result of the COVID-19 pandemic. In order to assess the impact of the pandemic on kinship carers and the children they are raising, and to ensure that the findings are current, additional evidence-gathering activities were undertaken after the onset of the pandemic (see below).

The Taskforce's overall approach to evidence gathering has enabled kinship carers, children and families, professionals, organisations and others with an insight into kinship care to contribute in whatever way best suited them. This ensured that the Taskforce heard a range of viewpoints and from a spectrum of different people and organisations.

- **Regional discussion meetings for kinship carers** took place across England and Wales, chaired mainly by MPs who sit on the Taskforce. There were nine meetings in all, co-hosted by different kinship organisations, with Family Rights Group overseeing the coordination. Open invitations were issued to kinship carers to attend. Discussions were designed to seek the experiences, views and insights of kinship carers, and to explore their perspectives on what recommendations would improve the lives of kinship families. The number of kinship carers attending individual meetings varied from 15 to more than 40. Notes from the meetings were taken by the event organisers and shared with the Taskforce.
- **Local kinship support groups** in England and Wales held specific meetings to feed their views into the Taskforce. Meetings were focused around a list of questions and themes prepared by the Taskforce to encourage kinship carer groups to discuss and feed back evidence. Seven local kinship support groups organised Taskforce discussion meetings, and notes from those meetings were provided to the Taskforce.
- The Taskforce held **oral evidence sessions in Parliament** involving witnesses with a special interest or expertise of relevance to the Taskforce. The Taskforce took oral evidence from:
 - Children and young people with experience of kinship care who are involved with Kinship Carers Liverpool and Kinship Carers UK
 - Lawyers on behalf of the Association of Lawyers for Children, Family Law Bar Association and Family Rights Group
 - Social workers
 - Local Government Association
 - Kinship Care Alliance, and voluntary organisations involved in the Alliance (including CoramBAAF, Adfam, Children and Families Across Borders, and Grandparents Plus)
 - Directors of Children's Services at Leeds City Council and London Borough of Southwark
 - Ofsted, Cafcass and the Local Government and Social Care Ombudsman
 - Kinship carers who are members of Family Rights Group's kinship carers' panel.

- **Kinship carers sent letters to their local MPs** across England and Wales setting out the biggest issues and challenges they face, and inviting their local MP to join the Taskforce. Some carers forwarded copies of their letters to the Taskforce.
- The Taskforce issued a **call for written evidence** from organisations working with children and families. Twenty organisations within the child welfare and family justice sector (and one individual) made written submissions. Issues covered included sharing information about policy, financial and practice challenges, effective ways of working and recommendations for change. The submissions can be read on the Taskforce webpage.¹⁰²

Notes from all the events and meetings, along with submissions of evidence and forwarded letters, were analysed by the Taskforce secretariat assisted by staff in the office of Stephen Twigg (prior to his standing down in the 2019 general election). A thematic analysis was undertaken by the Taskforce secretariat. This identified:

- Commonly cited experiences
- Policy and practice constraints or facilitators
- Quotes or examples that amplify the themes
- Hopes for the future
- Recommendations.

In addition:

- In February 2019, on behalf of the Taskforce, Family Rights Group sent a **Freedom of Information (FOI) to all 152 local authorities in England to gather and collect up-to-date data on local kinship policies and practice.**¹⁰³ (Appendix 1 sets out the FOI questions asked.) In total, 130 local authorities responded to all or part of the FOI request. The responses or links to policies were transferred by the Taskforce secretariat onto an Excel spreadsheet and analysed. Where appropriate, a statistical analysis was undertaken of data provided, as well as a qualitative content analysis.
- The Taskforce developed an **online survey, which was sent to Directors of Children's Services** at all 152 local authorities in England. The questionnaire asked authorities to identify both what is working well at a local level and gaps in provision, and to say what changes at national level would help. (SurveyMonkey was used to host the survey; paper copies of the survey were sent out to accompany the online survey on request.) Although 78 local authorities responded to at least one survey question, unfortunately the quality of the responses were not sufficiently complete to enable any quantitative analysis of the results.
- Members of the Taskforce asked written Parliamentary Questions to ministers in respect of data on children in kinship care. Responses, where relevant have been analysed.

The Taskforce's report is also informed by evidence from the following sources:

- Responses to **Family Rights Group's annual online kinship care survey** for 2019, which was completed by over 850 kinship carers in England, Scotland and Wales. The survey was designed in partnership with kinship carers, who helped focus the questions on the key concerns affecting their lives. The SurveyMonkey online platform was used to host the survey in order to make it accessible to as many kinship carers as possible, and for ease of analysis. Respondents could choose to answer all or just some of the questions. The survey was widely promoted through Family Rights Group's website, newsletter and social media feeds, to members of kinship care Facebook groups, via Taskforce MPs and through organisations in the Kinship Care Alliance.

¹⁰² <https://www.frg.org.uk/involving-families/family-and-friends-carers/cross-party-parliamentary-taskforce-on-kinship-care#call-for-written-evidence>

¹⁰³ Local authorities must respond to an FOI request within 20 working days, although they can refuse to respond to part or all of the request in some circumstances – for example, on cost grounds or if the information would identify a child or isn't held by the authority.

The survey was open from April to June 2019. Excel and SurveyMonkey software were used to analyse results. Findings were published in a report by Family Rights Group in September 2019.¹⁰⁴ A separate analysis, specifically of the responses to the survey from Scottish kinship carers, has been undertaken by Emma Young and Dr Louise Hill at the Centre for Excellence for Children's Care and Protection in Scotland (CELCIS), Strathclyde University.¹⁰⁵

- Data visualisation by Calum Webb, University of Sheffield, based upon analysis of Department for Education published data including interrogation of the Child Welfare Inequalities App Version 2 constructed by Calum Webb.

The Taskforce has also taken account of and been influenced by other reviews that have taken place either shortly before the Taskforce was set up or while the Taskforce has been meeting and gathering its evidence. The following have been of particular significance:

- A **review of UK research findings** relating to kinship care was undertaken by Professor Joan Hunt for Family Rights Group, funded by the John Ellerman Foundation. The full report entitled An overview of the last two decades of UK research on kinship care. London, Family Rights Group is due to be published in November 2020, but extracts from the research review form part of the Taskforce's report.
- The **Care Crisis Review**¹⁰⁶ directly influenced the creation of the Taskforce. The child welfare and family justice sector-led review was facilitated by Family Rights Group in 2018. It concluded '*that there is currently a significant untapped resource that exists for some children in and on the edge of care, namely, their wider family and community*'. If there were more focus on exploring and supporting this resource, then more children could be safely averted from needing to enter care in the first place or could be helped to thrive in the care system. The Review proposed 20 options for change, which focus primarily on addressing this challenge. The Review also published a report by academic Caroline Thomas which explored the factors that have contributed to the care crisis.¹⁰⁷
- In October 2016, after meeting with and listening to children and young people in care, Scotland's First Minister announced 'an independent, *root and branch review of the care system*' in Scotland to look at 'the underpinning legislation, practices, culture and ethos'. The review began work in February 2017 and reported in February 2020, having listened to more than 5,500 'experiences' – over half of which were from care-experienced children, young people and adults, and their families. Its report¹⁰⁸ focuses on building and maintaining life-long relationships and concludes: 'Families must be kept together wherever it is safe to do so. Families must get the support that is right for them at the earliest opportunity and it must be flexible, consistent, patient and free from stigma. This will mean that more children can live a safe, happy life at home with their families.' The review recommended 80 specific changes.

¹⁰⁴ Ashley, C. & Braun, D. (2019) *The highs and lows of kinship care: analysis of a comprehensive survey of kinship carers 2019*. Family Rights Group. https://www.frg.org.uk/images/e-publications/Kinship_carers_survey_analysis.pdf

¹⁰⁵ Young, E. & Hill, L. (2020) *The highs and lows of kinship care: supplementary analysis of a comprehensive survey of kinship carers in Scotland 2019*. CELCIS and Family Rights Group. https://www.frg.org.uk/images/The_highs_and_lows_of_kinship_care_report_Scotland.pdf

¹⁰⁶ Care Crisis Review: Options for change (2018) London: Family Rights Group. https://www.frg.org.uk/images/Care_Crisis/CCR-FINAL.pdf

¹⁰⁷ Thomas, C. (2018) *Factors contributing to national increases in numbers of looked after children and applications for care orders*. London: Family Rights Group. https://www.frg.org.uk/images/Care_Crisis/Care-Crisis-Review-Factors-report-FINAL.pdf

¹⁰⁸ <https://www.carereview.scot/conclusions/independent-care-review-reports/>

COVID-19 and kinship care

In order to assess the impact of the COVID-19 pandemic on kinship carers and the children they are raising, and to ensure currency of the Taskforce's findings, the Taskforce has undertaken additional evidence gathering since the onset of the pandemic.

- An online **survey of kinship carers** was constructed by Family Rights Group to enable the Taskforce to have a better understanding of the experiences faced by kinship care households as a result of the pandemic. The survey was designed in partnership with kinship carers, who helped to focus the questions on the key concerns affecting their lives. (The SurveyMonkey online platform was used to host the survey.) It was open for five days over the Easter holidays, during which time more than 660 kinship carers responded. The survey was promoted on the social media feeds of Taskforce members, through Family Rights Group and other organisations within the Kinship Care Alliance and was posted on a number of kinship care Facebook groups. The survey comprised more than 30 questions and Excel and Survey Monkey software were used to analyse results. The findings were published in a report in May 2020.¹⁰⁹
- Family Rights Group examined published information from small-scale surveys undertaken during the pandemic by organisations involved with the Kinship Care Alliance.

¹⁰⁹ Ashley, C., Johnston, J. & Hall, J. (2020) *Kinship carers' experiences during the coronavirus crisis: Report produced by the Parliamentary Taskforce on Kinship Care*. https://www.frg.org.uk/images/Cross_party_PT_on_KC/Kinship_carers_experiences_report.pdf

6 The evidence – life in kinship care now, and challenges to be addressed

This chapter summarises findings from the evidence gathered by and on behalf of the Taskforce (through the activities and methodology described in Chapter 5). Any quotes from carers that are not explicitly referenced are taken from responses to Family Rights Group surveys or evidence submitted to the Taskforce.

Chapter 3 (by Professor Joan Hunt) sets out some key findings and extracts from the review of UK research.

‘The most difficult thing about being a kinship carer is the developmental trauma that my kinship daughter has and the huge problems this gives her. Some days are just unbearable for her and in turn us, who see her struggling to come to terms with her issues. I sometimes can’t see an end to the challenges that she has. But thankfully other days are fine. She can be a beautiful little girl who hasn’t got any emotional problems.’

‘The most difficult thing about being a sibling carer is the change in our family dynamics. Our mother’s actions have resulted in my little brother calling me mum. I thought my life was hectic enough struggling to be mum, carer and sister. Lockdown forced me to be all those things as well as a teacher, dinner lady and playground assistant. Will I ever just be me again?’

‘Caring for my granddaughter has given me the satisfaction of supporting her to turn her life around. She now has returned to studying, has a baby of her own and is even volunteering to help others in our community. I am so proud of what we both have achieved.’

1 Children in kinship care: numbers and demographics

Analysis of census data¹¹⁰ indicates that in 2011 there were 180,040 children in the UK living with members of their extended families (i.e. without either parent being present), the majority (152,910; 84.9%) in England. This was a 4% increase since the 2001 census (7% in England), with the South East and South West regions of England having experienced the highest percentage increase. It is likely that the number of children living in kinship arrangements will have continued to rise since 2011. Census data does not enable us to know how many additional children are living with family friends or others known to the family.

Children who are living in kinship care are likely to be older and to be living in a more deprived area of the UK than the rest of the child population, according to the census analysis. There is significant variation in the proportion of children in kinship care between regions and localities. Analysis of UK census data found that London and the North East of England were the regions with the highest prevalence (1.7%) of children in kinship care. At local authority level, the range is more dramatic, ranging from 2.8% in Blaenau Gwent to 0.3% in St Albans.¹¹¹

¹¹⁰ Wijedasa, D. (2015-2018) *The prevalence and characteristics of children growing up with relatives in the UK: Briefing paper 001: Characteristics of children living with relatives in England; Briefing paper 002: Characteristics of children living with relatives in Wales; Briefing paper 003: Characteristics of children living with relatives in Scotland; Briefing paper 004: Characteristics of children living with relatives in Northern Ireland; Policy report 18: Children Growing up in the care of relatives in the UK.* Hadley Centre for Adoption and Foster Care Studies, University of Bristol. <http://www.bristol.ac.uk/sps/kinship/papers-reports/>

¹¹¹ Wijedasa, D. *Briefing paper 001; Briefing paper 002.*

Ethnicity

Wijedasa's analysis of the 2011 census found that one in three (32%) children in households in England headed by a kinship carer were non-white. In England, one in 37 black children and one in 55 children of Asian or mixed ethnicity were in kinship care, compared to one in 83 white children. In Wales one in every 32 black children was in kinship care.¹¹² The pattern is different in Scotland, where kinship care was most prevalent among the Asian ethnic groups, with one in every 48 Asian/Asian British children growing up in the care of relatives.¹¹³

When these broad ethnic groups were examined in more detail in England, it was found that children of Black Caribbean ethnicity were the most likely to be in kinship care.

Special educational needs and disabilities

Children in kinship care are likely to have greater levels of additional needs than the wider child population. Census analysis found that children in kinship care in the UK were twice as likely to have a long-term health problem or disability that limited their day-to-day activities than children living with at least one parent.¹¹⁴ This is reinforced by the survey of kinship carers conducted by the Taskforce during the COVID-19 pandemic¹¹⁵, which found that:

- 54% (337) of respondents said that at least one or more of the kinship children they were raising had special needs or a disability.
- One in three respondents (33%) said that the child had an Education, Health and Care (EHC) plan.¹¹⁶ This compares to one in every 50 (2.1%) of all 0-24 year olds in England having an EHC plan.

Joan Hunt's research review¹¹⁷ sets out the multiple reasons why children may be living in a kinship care arrangement. In Family Rights Group's 2019 survey of kinship carers¹¹⁸ the main reasons given for a child being in kinship care were parents' mental health problems, parental substance misuse and domestic abuse, or parents being unable to cope. Other reasons commonly cited included the death of a parent, or a parent's illness, disability or imprisonment.

2 Children in kinship care and their legal arrangements

There are official data on the numbers of children living in kinship care under certain specific legal arrangements, such as those who are looked after and being raised by a kinship foster carer. However, there are no data that set out the legal arrangements for *all* children living in kinship care. We do not know, for example, how many children who have never been in the care system are being raised under a child arrangements order by kinship carers.

The data set out below are drawn from various sources (including the Department for Education and Ministry of Justice) and provide some information on the numbers of children in kinship foster care or subject to a special guardianship order, or who left the care system under a child arrangements order (or residence order).

¹¹² Wijedasa, D. *Briefing paper 001; Briefing paper 002.*

¹¹³ Wijedasa, D. *Briefing paper 003.*

¹¹⁴ Wijedasa, D. *Policy report 18.*

¹¹⁵ Ashley, C., Johnston, J. & Hall, J. (2020) *Kinship carers' experiences during the coronavirus crisis: Report produced on behalf of the Parliamentary Taskforce on Kinship Care*, Family Rights Group https://www.frg.org.uk/images/Cross_party_PT_on_KC/Kinship_carers_experiences_report.pdf

¹¹⁶ EHC plans are for children and young people whose special educational needs require more help than would normally be provided in a mainstream education setting (a college, school, nursery).

¹¹⁷ Hunt, J. (2020) *An overview of the last two decades of UK research on kinship care*. Family Rights Group.

¹¹⁸ Ashley, C. & Braun, D. (2019) *The highs and lows of kinship care: Analysis of a comprehensive survey of kinship carers*, Family Rights Group https://www.frg.org.uk/images/e-publications/Kinship_carers_survey_analysis.pdf

Figure 6.1: Percentage of foster placements placed/not placed with relatives/friends 2010-19



Data visualisation by Calum Webb @cjrwebb. Data from Department for Education 'Looked-after children statistics'.

As of 31 March 2019, 10,450 of the 78,150 looked after children in the care system were being raised by kinship foster carers.¹¹⁹ Recent data published by the Department for Education in response to a Parliamentary Question (Table 6.1)¹²⁰ shows that there is significant variation between local authorities, and across regions, in the proportion of children in care who are being raised by kinship foster carers. In 9 of the 11 authorities in the East of England region, 10% or less of children in their care are being raised by kinship foster carers, with the average across the region only 8%. In Yorkshire in Humber, 18% of looked after children across the region are being raised by kinship foster carers. This includes seven authorities where 20% or more of their looked after children are in kinship foster care and two authorities where less than 5% of looked after children are in kinship foster care.

If 20% of looked after children across England were being raised by kinship foster carers rather than in unconnected placements, that would amount to 15,628 children – i.e. 5,000 more than are currently living with kinship foster carers.

¹¹⁹ Source: National Statistics (England) <https://www.gov.uk/government/statistics/children-looked-after-in-england-including-adoption-2018-to-2019>; and Statistics for Wales <https://gov.wales/sites/default/files/statistics-and-research/2019-10/children-looked-after-local-authorities-april-2018-march-2019-964.pdf>

¹²⁰ Source: Response (1 September 2020) to a written Parliamentary Question from Helen Hayes MP. <https://questions-statements.parliament.uk/written-questions/detail/2020-07-22/78768>

Table 6.1: Number and proportion of looked after children in England living with kinship foster carers (as of 31 March 2019) by region¹²¹

Region	Number of children in kinship foster care	% of looked after children who are in kinship foster care	Number of authorities in the region where 10% or less of looked after children are in kinship foster care	Number of authorities in the region where 20% or more of looked after children are in kinship foster care
North East	880	16%	1 (of 12)	4 (of 12)
North West	2,380	16%	4 (of 23)	6 (of 23)
Yorkshire and the Humber	1,540	18%	4 (of 15)	7 (of 15)
East Midlands	730	13%	3 (of 9)	2 (of 9)
West Midlands	1,570	15%	1 (of 14)	4 (of 14)
East of England	540	8%	9 (of 11)	0 (of 11)
Inner London	380	9%	7 (of 14)	1 (of 14)
Outer London	570	10%	8 (of 19)	0 (of 19)
South East	1,180	11%	7 (of 19)	2 (of 19)
South West	680	11%	6 (of 16)	1
Total	10,450	13%	50 (of 152)	27 (of 152)

Age of children in kinship foster care

Newly published official figures (see Table 6.2) show that children in kinship foster care are more likely to be younger than other children in the care system. This is in sharp contrast to Wijedasa’s earlier analysis of 2011 census data¹²², which found that older children (i.e. aged 13+) accounted for a much larger share of the overall kinship child population than for the child population as a whole. There are likely to be two main explanations for this:

- Younger children who have been in kinship foster care will often subsequently be raised by the kinship carer under a special guardianship order or child arrangements order.
- Many older children who are being raised by a kinship carer never enter the care system at all. Rather, they are living with the carer under no order or a child arrangements or special guardianship order.

It is important to note that children raised in kinship care who have not formally been in the care system have far fewer entitlements to support.

¹²¹ Source: Response (1 September 2020) to a written Parliamentary Question from Helen Hayes MP. <https://questions-statements.parliament.uk/written-questions/detail/2020-07-22/78768> (NB: Any minor differences in the total numbers of children shown to be in kinship foster care in Tables 6.1 to 6.3 are due to rounding.)

¹²² The analysis was of all children being raised by a kinship carer who was related to them; it did not include non-related kinship carers, such as family friends

Table 6.2: Age of children in kinship foster care compared to all children in the care system (England), 31 March 2019¹²³

Age	Number of looked after children in kinship foster care	% of all looked after children in kinship foster care by age group	% of all looked after children by age group
Under 1	500	5%	5%
1 to 4	2,320	22%	13%
5 to 9	2,950	28%	18%
10 to 15	3,570	34%	39%
16 and over	1,120	11%	24%

Ethnicity of children in kinship foster care

Recently published official figures¹²⁴ (see Table 6.3) also show that children in kinship foster care are more likely than all looked after children to be white British and less likely to be black or Black British. Again, this is in sharp contrast to Wijedasa’s 2011 census analysis¹²⁵ of all children being raised in kinship care, which found that black children were significantly more likely to be raised in kinship care than white children. And it leads to concerns that many black children being raised in kinship care may not be entitled to support because they are not, or have never have been, in the care system. These concerns have influenced the Taskforce’s recommendations that access to support should reflect each child’s needs, rather than being determined primarily by whether or not the child is or has been in the care system.

¹²³ Source: Response (1 September 2020) to a written Parliamentary Question from Helen Hayes MP. <https://questions-statements.parliament.uk/written-questions/detail/2020-07-22/78768>

¹²⁴ Source: Response (1 September 2020) to a written Parliamentary Question from Helen Hayes MP. <https://questions-statements.parliament.uk/written-questions/detail/2020-07-22/78768>

¹²⁵ The analysis was of all children being raised by a kinship carer who was related to them; it did not include non-related kinship carers, such as family friends

Table 6.3 Ethnicity of children in kinship foster care compared to all children in the care system (England), 31 March 2019

Ethnic group	Number of children in kinship foster care	% of looked after children in kinship foster care by ethnic group	% of all looked after children by ethnic group
White	8,420	81%	74%
White British	8,130	78%	69%
White Irish	30	-	-
Traveller or Irish heritage	20	-	-
Gypsy/Roma	20	-	1%
Any other White background	220	2%	4%
Mixed	1,200	11%	10%
White and Black Caribbean	420	4%	3%
White and Black African	150	1%	1%
White and Asian	260	2%	2%
Any other mixed background	370	4%	3%
Asian or Asian British	270	3%	4%
Indian	30	-	-
Pakistan	130	1%	1%
Bangladeshi	30	-	1%
Any other Asian background	80	1%	2%
Black or Black British	400	4%	8%
Caribbean	150	1%	2%
African	120	1%	4%
Any other Black background	130	1%	2%
Other	90	1%	4%
Not known	90	1%	1%

Children previously placed in unconnected placements

Published official figures show that a third (32%) of all looked after children in England who were living with kinship foster carers (as of March 2018) had previously been placed in an unrelated foster care placement and 2% had previously been placed in a residential children’s home.¹²⁶ If earlier work had taken place with the child’s family network to identify, assess and support the potential kinship carer, then some of those children may not have had to live temporarily with a stranger or experience multiple moves. (The Department for Education has not provided updated figures for 2019, despite subsequent written parliamentary questions being submitted.)

The Taskforce’s Freedom of Information request to English local authorities asked them to provide equivalent data for their local area: 60% of local authorities supplied information about the numbers of children in family and friends foster care who had previously been placed in unrelated foster care, and 55% provided data relating to children previously placed in residential children’s home settings (Table 6.4). (Reasons given for the slightly lower response rate with regard to children’s home data included that the information was not kept, and concern that the small number of children involved could lead to individual children being identified.)

It is worth noting that based upon the FOI responses (Table 6.4), the average proportion of children in kinship foster care previously placed with an unrelated foster carer was lower than the 32% figure reported across England by the Department for Education. This would suggest that some authorities who did not respond to the FOI request have a higher proportion of children in kinship foster care who were previously in an unrelated foster care placement.

Table 6.4: The proportion of looked after children in England living with kinship foster carers (as of 31 March 2018) who were previously placed by the local authority with a) unrelated carers and b) in a residential children’s home setting

Region	% of looked after children in kinship foster care who were previously placed with unrelated carers	% of looked after children in kinship foster care who were previously placed in a residential children’s home
North East	18%	1%
North West	28%	2%
Yorkshire and the Humber	27%	1%
East Midlands	22%	2%
West Midlands	14%	0%
East of England	23%	2%
Inner London	11%	1%
Outer London	23%	2%
South East	28%	1%
South West	21%	1%
Total respondents	91 local authorities	83 local authorities

¹²⁶ Source: Response (22 January 2019) to a written Parliamentary Question from Stephen Twigg MP. <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/commons/2019-01-17/209733/>

Our analysis of the FOI data found significant regional and local variations:

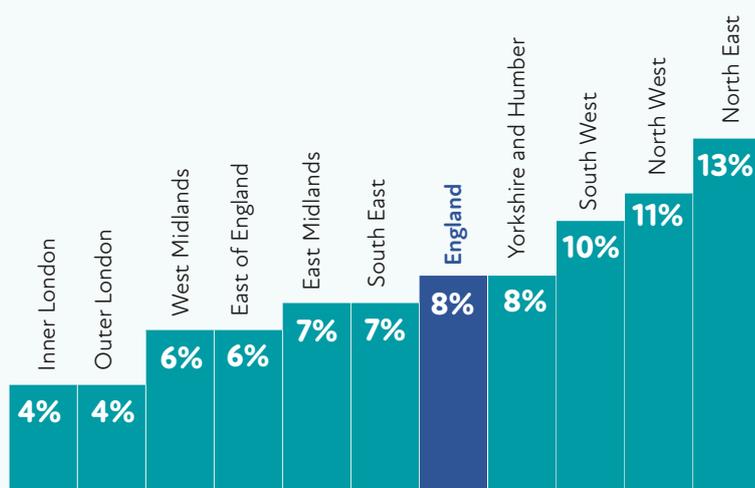
- Only 11% of looked after children placed with kinship foster carers in Inner London were previously placed with unrelated foster carers, while in the North West of England and the South East of England, this figure was considerably higher at 28%.
- There is significantly more variation at local authority level – in one local authority in Yorkshire and the Humber only 2% of looked after children living with kinship foster carers were previously in a foster placement with unrelated carers, whereas in two other local authorities (also in Yorkshire and the Humber) 71% of looked after children living with kinship foster carers had previously been placed with unrelated carers.
- The proportion of looked after children living with kinship foster carers who were previously placed by the local authority in residential children’s homes ranged from no children in the West Midlands, to 2% in the North West of England, the East Midlands, the East of England and in Outer London.

Children under a special guardianship order

Between 2005 (when the special guardianship order was introduced) and 31 March 2019, 33,200¹²⁷ children in England and 2,145 children in Wales¹²⁸ have ceased to be in care due to a special guardianship order being granted. In addition, 18,100 children in England and Wales were made subject to a special guardianship order in private law proceedings since 2011.¹²⁹

On average, 8% of children ceasing to be looked after in England in 2018-19 ended their time in care through a special guardianship order made to former foster carers who were relatives or friends. This use of special guardianship orders varied across regions, however. Figure 6.2 shows the percentage of children (by region) who ceased to be looked after through a special guardianship order made to former foster carers who were relatives or friends.

Figure 6.2: Percentage of children (by region) who ceased to be looked after during 2018-19 through a special guardianship order made to former foster carers who were relatives or friends



On average, 8% of children ceasing to be ‘looked after’ in 2018-19 ended their time in care through a special guardianship order made to former foster carer(s) who were relatives or friends. This use of SGOs varied a lot across regions.

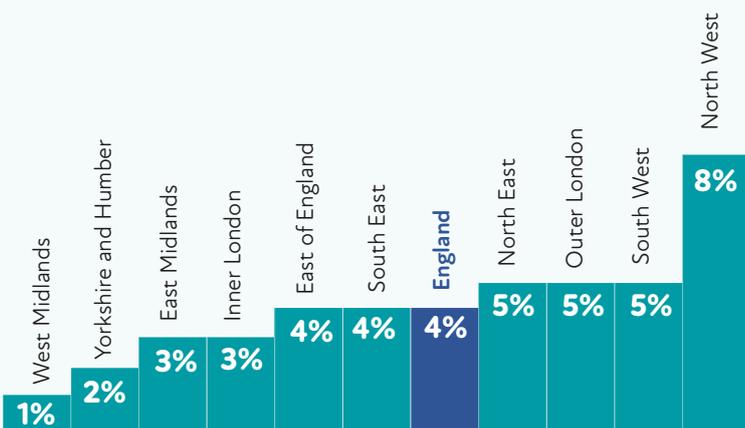
Data from Department for Education Looked after children statistics 2019

¹²⁷ <https://www.gov.uk/government/statistics/children-looked-after-in-england-including-adoption-2018-to-2019>

¹²⁸ <https://stats.wales.gov.wales/Catalogue/Health-and-Social-Care/Social-Services/Childrens-Services/Children-Looked-After/episodesfinishingforchildrenlookedafterduringyearto31march-by-localauthority-reasonforfinishing>

¹²⁹ <https://www.gov.uk/government/statistics/family-court-statistics-quarterly-january-to-march-2020>

Figure 6.3: Percentage of children (by region) who ceased to be looked after during 2018-19 through a special guardianship order made to relatives or friends who were not former foster carers



A further 4% of children in England ceasing to be 'looked after' in 2018-2019 ended their time in care through an SGO made to carer(s) other than former foster carer(s) who were or are relatives or friends.

Data from Department for Education Looked after children statistics 2019

Child arrangements or residence orders

Since 2005, around 17,000 children in England have ceased to be in care due to becoming subject to a residence order or 'lives with' child arrangements order.¹³⁰ Some of these young people may now be young adults, but equally there will be some under-18 year olds living with a kinship carer under a residence order made prior to 2005. Data for Wales is unavailable.

There is no official published data on the numbers of kinship children in England or Wales who were never looked after and who are not subject to a special guardianship order.

An examination of data from a survey conducted in 2019 by Family Rights Group of 845 kinship carers raising at least 1,252 kinship children¹³¹ found that 58% of children who were not or had not been in the care system and/or under a special guardianship order, had however been subject to a child protection plan at some point.

3 An overview of local authorities' family and friends care policies

Since 2011, statutory guidance has required all local authorities in England to publish a policy setting out their approach to promoting and supporting the needs of children living with family and friends carers (i.e. kinship carers).¹³² Local authorities must ensure that the policy is made widely available and publicised, including through leaflets and online. The guidance sets out clear requirements as to what information a policy should contain and who a local authority must consult when drawing up their policy – this includes children and young people, family and friends carers, and parents. The policy should:

- Be based on a clearly stated set of values and principles
- Be based on evidence of what works in supporting family and friends carers

¹³⁰ <https://www.gov.uk/government/statistics/children-looked-after-in-england-including-adoption-2018-to-2019>

¹³¹ Ashley, C. & Braun, D. (2019) *The highs and lows of kinship care* (NB: The figure quoted is based on a post-publication analysis of the survey data.)

¹³² Department for Education (2011) *Family and friends care: Statutory guidance for local authorities*. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/288483/family-and-friends-care.pdf

- Include up-to-date data about the family and friends carers in the local population
- Make clear how the policy has been informed by the views of children and young people, family and friends carers, and parents
- Provide information about relevant services and support in the local area
- Set out details of the financial assistance and support available to family and friends carers, including eligibility criteria.

The impact of becoming a kinship carer is considerable. Moreover, kinship care often happens in a crisis or emergency situation. So it is important that kinship carers and those considering becoming a kinship carer have easy access to clear information that helps them understand what support is available in their community (from their local authority and other agencies) and how they can access it.

In February 2019, Family Rights Group sent a Freedom of Information (FOI) request to all 152 local authorities in England for up-to-date data on local family and friends care policies and practice. Full or partial responses were received from 130 local authorities. (The FOI request is reproduced in Appendix 1. Where local authorities did not respond to the FOI request, a web search was carried out to see if the policy was published online and publicly available; if the policy was found, it was included in the analysis. This resulted in an additional 18 policies.)

Our analysis found that:

- 84% of local authorities in England have a local family and friends care policy that has been updated within the past five years.
- 16% of local authorities either did not have a family and friends care policy at all, or had a very outdated policy (i.e. it had not been updated since significant legislative changes were made to the child welfare and family justice system in April 2014).
- All local authorities in the East Midlands have published a family and friends care policy in the last five years, compared to only 64% of authorities in the West Midlands (see Table 6.5).

According to Wijedasa's microdata analysis of the 2011 census, the regions with the highest prevalence of kinship carers are the North East and Greater London.¹³³ Yet the proportion of local authorities with an up-to-date family and friends care policy in the North East is just 67%. (The proportion in London stands at 85% for Inner London and 95% for Outer London.)

The quality and consistency of the policies themselves are extremely variable, and indicate a failure by a significant number of authorities to comply fully with the statutory guidance. Some policies omit entire sections of information that statutory guidance has stated should be included – for example, what financial support is available to kinship carers raising children under different legal orders, or the support available locally in relation to managing contact, or even what universal services are available to kinship carers and the children they are raising. Few local authorities appear to have developed their policy in consultation with local kinship families, despite this being a specific expectation set out in the statutory guidance. Some authorities have chosen to use standard template online policies – such as those drafted by consultants tri.x – but have not even adapted these to reflect local circumstances or procedures, resulting in policies that are confusing and of poor quality.

¹³³ Wijedasa, D (2015) *Briefing paper 001: Characteristics of children living with relatives in England*.

Table 6.5: Local authorities with a published family and friends care policy that has been updated since April 2014¹³⁴

Region	Percentage of local authorities with a published family and friends care policy updated since April 2014
North East	67%
North West	78%
Yorkshire and The Humber	87%
East Midlands	100%
West Midlands	64%
East of England	91%
Inner London	85%
Outer London	95%
South East	88%
South West	93%
Nationally	84%
Total number of local authorities who responded to FOI request (or whose policy was found online)	148

4 Identification and assessment of kinship carers

An underlying principle of the Children Act 1989 is that the best place for most children to be brought up is within their own family, with reasonable support from the state where needed.¹³⁵

The Taskforce found that it is often relatives who first raise concerns with a local authority about a child’s safety and wellbeing. Nevertheless, local authorities are not consistently working early enough to identify and assess the child’s wider family members and friends as kinship carers when a child may not be able to remain at home safely.

Barriers to early identification of potential kinship carers

Local authorities, lawyers and kinship carers described to the Taskforce some of the impediments to early identification of potential kinship carers:

- Parents do not always disclose their difficulties or the severity of their situation, or may even choose to keep family members at bay, especially if they fear relatives would inform children’s services.
- Family members sometimes worry that putting themselves forward as potential carers may be interpreted by the parents as undermining the parents’ own chances of keeping the child.
- Local authorities do not consistently recognise the family network as potential partners in safeguarding the child, and so do not identify and work with the family network early enough. Some prospective kinship carers were only approached (for assessment) when care proceedings were contemplated or, in some cases, after proceedings had already commenced.

¹³⁴ Family Rights Group has published links to the local family and friends policies on its website. <https://www.frg.org.uk/involving-families/family-and-friends-carers/local-policies-and-contacts>

¹³⁵ *The Children Act 1989 guidance and regulations: Volume 2: Care planning, placement and case review* (2015, para. 1.5). <https://www.gov.uk/government/publications/children-act-1989-care-planning-placement-and-case-review>

- Local authorities often focus exclusively on the mother's immediate family and do not explore the child's paternal family.
- Once a case is in care proceedings, the 26-week timetable can make it harder to identify and conduct effective assessments of potentially suitable relatives – the Taskforce heard of some cases where it had even prevented the assessment of a potentially suitable kinship carer

Family group conferences

The Director of Children's Services at Leeds City Council described for the Taskforce the approach taken in Leeds, where families at different stages of the child welfare system are offered the option of a family group conference. This allows the family (including the wider network) to be identified and prepared and to take the lead in developing a safe plan for the child. It also enables contingency planning, so that family members can set out how they could help the child to live with their parents (as long as that is safe) but also who would consider taking on the child's care (in the short or longer term) if that doesn't work. More than one family member can put themselves forward to be assessed as a potential kinship carer for the child. The Leeds approach engages the child (where old enough, normally with the help of an advocate) and so ensures their views are heard, and it safely involves both the child's maternal and paternal relatives.

TACT the fostering and adoption charity highlighted that in Peterborough, early steps are taken to ensure the wider family and friends' network is properly engaged from the outset:

*'Family group conferences are undertaken in every case referred for potentially permanent care to ensure that extended family options are identified as early as possible and that assessments are started as early as practicable.'*¹³⁶

The value of family group conferences was also stressed in one of the regional focus groups, with one kinship carer commenting:

'Families have a lot to offer in those meetings, in that they have a keen understanding of family dynamics and potential difficulties that may arise.'

However, despite statutory guidance on court and pre-proceedings¹³⁷ strongly promoting the use of family group conferences prior to a child entering care (except in an emergency), a 2018 survey¹³⁸ by Family Rights Group found that only 33 local family group conference services reported that it is written within their local authority/agency's procedures that all families will be offered a family group conference prior to care proceedings (except emergency situations).

A mapping exercise by Family Rights Group in England in 2019 found that 78% of local authorities ran or commissioned a family group conference service, only marginally higher than in 2017 (75%).¹³⁹ However, some of these services operate only on a small scale.

Assessment of potential kinship carers

The Taskforce heard directly from kinship carers about significant variation and shortcomings in the assessment process. For example, some described receiving a phone call from a social worker, without notice and without being told that they were being 'assessed'. Some even described being called at work by the social worker, only to find out later that the conversation was an initial assessment.

¹³⁷ Court orders and pre-proceedings for local authorities (2014) <https://www.gov.uk/government/publications/children-act-1989-court-orders--2>

¹³⁸ Unpublished

¹³⁹ Unpublished

However, a few carers described being well prepared for a face-to-face meeting, with the process having been explained to them in advance.

Some kinship carers told the Taskforce of other issues that had made the assessment process particularly difficult for them. Some said the assessment had taken place very soon after a crisis, such as the death of the child's parent (who may have been the potential carer's own son or daughter), when they had not had time to process what had occurred. Others felt negatively judged, especially if the child's parent was a close relative such as a sibling, and that they were made to feel responsible for the parent's actions or addictions. And others spoke about having had no time to prepare or to consider the implications of taking on the care of a child.

In its evidence to the Taskforce, the Association of Directors of Children's Services commented:

*'Assessing the wider family's strengths and harnessing their own resources is a complex process that requires time to build relationships between social workers and family members, and to ensure that all family members supporting the stability of the placement are involved. The need to complete special guardianship order assessments in the 26 week timetable, balancing the need to ensure a timely assessment to avoid delay for the child, with the need to give the family the time to engage in and understand the new responsibilities they are undertaking, can be a challenge.'*¹⁴⁰

Our analysis of evidence submitted to the Taskforce found that:

- When kinship carer assessments are being conducted within the context of care proceedings, the statutory time limits¹⁴¹ can result in these vital assessments being rushed if family members or friends are only identified or engaged late in the process. This in turn leads to inadequate or poorly thought-through support plans for kinship carers.
- A number of kinship carers and organisations representing their interests raised the fact that kinship carers are ill prepared for the assessment process. Crucially, carers may not understand what their rights or means of challenge are if they do not agree with the resulting assessment report (which includes any proposed support arrangements). In its written evidence, Coram Children's Legal Centre highlighted that:

*'It is not uncommon for prospective carers to have a poor understanding of what is being proposed, what is being assessed, what the process entails, what it is that is being asked of them – how long the placement is intended to last, why personal and/or intimate questions are being asked, including the family history and background information.'*¹⁴²

- Kinship carers emphasised in particular the importance of the assessing social worker(s) having a good understanding of kinship care and having the time needed to undertake the assessment and know the child.
- Some local authorities are following the initial family and friends care best practice guidance¹⁴³ drawn up by Family Rights Group and which is endorsed by the Association of Directors of Children's Services and the Family Justice Council.

¹⁴⁰ Evidence from ADCS. https://www.frg.org.uk/images/Cross_party_PT_on_KC/Association_of_Directors_of_Childrens_Services.pdf

¹⁴¹ The Children and Families Act 2014 introduced a 26-week time limit within which care proceedings must be completed.

¹⁴² Evidence from Coram Children's Legal Centre. https://www.frg.org.uk/images/Cross_party_PT_on_KC/Coram_Childrens_Legal_Centre_and_Coram_BAAF.pdf

¹⁴³ Family Rights Group (2017) *Initial family and friends care assessment: A good practice guide*. https://www.frg.org.uk/images/Viability_Assessments/VIABILITY-MASTER-COPY-WHOLE-GUIDE.pdf

Potential kinship carers living overseas

Due to various jurisdictional and immigration issues, the process of assessing potential kinship carers is necessarily more complex and time-consuming when the family member or friend lives abroad. The Taskforce received evidence that suggests there may be loving family members or friends living abroad who are not being identified or assessed as prospective kinship carers, which means children may be entering long-term local authority care (or even being adopted) unnecessarily. Children and Families Across Borders (CFAB) estimate that there are up to 18,000 children currently in care who have family members abroad who could, potentially, care for them.¹⁴⁴ CFAB report there is often limited awareness or understanding within local authorities of how to go about investigating overseas kinship placements, despite CFAB research indicating that such placements can be viable.

Impact of the COVID-19 pandemic

Variations and shortcomings in the quality of assessments and practice appear to have amplified during the pandemic.¹⁴⁵ One grandparent, for example, described the impact on her grandson who was born during the pandemic and was subject to an interim care order, having been abandoned by his parents.

‘The baby was with an unrelated foster carer far away, instead of coming home directly from the hospital because of the interpretation of ‘essential travel’ by children’s services. To me it is essential as he would be getting brought home and attachments can be started, which is extremely important as he spent his first two weeks in hospital.’

In response, Family Rights Group and CoramBAAF (with an expert reference group) have published an appendix¹⁴⁶ to their best practice guide on conducting initial assessments of family and friends carers, specifically in the context of the challenges presented by the COVID-19 pandemic.

5 Access to legal advice and representation

Three-quarters (74%) of respondents to Family Rights Group’s 2019 survey of kinship carers¹⁴⁷ felt they had not had sufficient information about legal options to make an informed decision when they took on the care of their kinship child. In addition:

- Six in ten (58%) respondents said they had incurred legal costs associated with the kinship children. Four in ten of those kinship carers said they had received no financial help with legal costs.
- 196 respondents who had paid all or part of their own legal costs (i.e. from their own savings or borrowing the money) specified how much they had contributed – on average, £5,446 (ranging from just under £100 to more than £50,000). Nineteen kinship carers had each paid £10,000 or more in legal fees.
- More than one in two (55%) respondents felt that their kinship child was subject to the most appropriate legal order, but nearly one in three (30%) felt they were not. This typically related to an earlier lack of advice and understanding as to what the legal order was likely to mean in terms of support, including financial allowance and provisions to meet a child’s therapeutic needs.

¹⁴⁴ Evidence from CFAB. https://www.frg.org.uk/images/Cross_party_PT_on_KC/Children_and_Families_Across_Borders.pdf

¹⁴⁵ Ashley, C. et al. (2020) *Kinship carers’ experiences during the coronavirus crisis*.

¹⁴⁶ *Delivering good practice initial assessments of family and friends carers in the context of COVID-19 (June, 2020)* <https://www.frg.org.uk/involving-families/family-and-friends-carers/assessment-tool>

¹⁴⁷ Ashley, C. & Braun, D. (2019) *The highs and lows of kinship care*.

These findings reflect the comments many carers expressed in the regional discussion groups hosted by the Taskforce. Those carers felt they had needed more information to make the right decision, as these comments show:

'It was never explained to me which might be the best type of order. I didn't get any legal advice around this.'

'Not being allowed to be party to proceedings so couldn't find out more. The process was complicated in the family court.'

'Legal support about the whole process, step by step in a way that isn't overwhelming.'

Some kinship carers (who had formerly been kinship foster carers) told the Taskforce they had felt pressured into agreeing to the making of a special guardianship order, despite it having led to a drop in support for them and the child. A number of special guardians in this situation said that had they better understood their legal options before the order was made, they would have done things differently – such as pushing harder in relation to the support plan before the order was made, or even preferring for the child to have remained looked after (if that's what it took for the child to get the help they needed).

The key point made repeatedly to the Taskforce was that had these carers had access to legal advice before the orders were made, they would have been able to weigh up the pros and cons of all types of order and related support. In particular, where a support package for a kinship carer is considered inadequate, legal advice would assist them in being able to negotiate and challenge a local authority about the terms of the support provided in the short and long term. Without legal advice, many carers simply do not understand the legal ramifications of the order that they are entering into, and cannot make the best decision for the child and their family.

Professor Joan Hunt's research review¹⁴⁸ confirms that kinship carers need more information and advice about the implications of different legal statuses before they enter into legal arrangements or agree to an order being made. Harwin et al.'s qualitative study of carers' first-hand experience of caring for a child on a special guardianship order found that *'only a minority of special guardians felt they were well informed in relation to the court process and what the special guardianship order would mean for them and their family'*.¹⁴⁹ One grandmother had so little information about the legal implications of the arrangement she was being asked to enter into that she had to rely on her own online research:

'I looked into special guardianship orders and I Googled it and I read up as much info as I could about it 'cos I wasn't getting any information.'

It was only through her own research that she learnt she was entitled to a care package and financial support from the local authority. She then had to advocate for this for herself.

Asked what support they would have found most helpful when becoming a kinship carer, one Taskforce focus group participant said:

'Knowing what my legal rights were and what support is available throughout. It would have been invaluable to have someone there to ring up and ask these questions.'

¹⁴⁸ Hunt, J. (2020) *An overview of the last two decades of UK research on kinship care*. Family Rights Group

¹⁴⁹ Harwin, J. et al. (2019) *The contribution of supervision orders and special guardianship to children's lives and family justice: Final report (March 2019)*. Centre for Child and Family Justice Research, Lancaster University. https://www.cjf-lancaster.org.uk/app/nuffield/files-module/local/documents/HARWIN_SO_SGO_FinalReport_V2.1_19Mar2019.pdf

Kinship care, legal aid and legal advice

As described in Chapter 4, there is currently very limited legal aid provision for kinship carers. In certain limited situations a local authority may provide some funding to a (potential) kinship carer to enable them to obtain legal advice. But if the kinship carer falls within a category of someone who is eligible for legal aid, the authority would expect them to make a legal aid application. And as those applications are means and merits tested, the Legal Aid Agency will then take a number of weeks to assess whether or not to grant legal aid to the kinship carer – and ultimately may not approve the application.

It is reasonable to expect each local authority to at least have guidelines setting out a basic offer of what they may provide to a prospective kinship carer in terms of funding for legal advice, but the Taskforce found there is little or no consistency between and sometimes even within local authorities.

The Taskforce FOI request

In February 2019 a Taskforce Freedom of Information (FOI) request to local authorities (see Appendix 1) asked:

- a) Does the authority have a written policy about how kinship carers can access legal advice including how this is funded? If yes, please provide this.
- b) If you do not have a written policy, what guidelines do you use in determining whether to pay for independent legal advice or representation for a kinship carer or potential kinship carer? e.g. an initial consultation for £x.

The great majority of authorities who responded stated that they had a written policy or procedure about funding legal costs for kinship carers or potential carers. However, only four in ten had a policy or procedure that was public. In other words, in most authorities the information about who might get help was not publicly available to families. There were also significant regional variations. For example, three in four authorities in Yorkshire and the Humber had not made this information public, whereas two-thirds of those in the North East had published a written legal policy or procedure about legal costs.

Table 6.6: Number of local authorities who responded to the FOI request asking whether they had a written policy on funding kinship carers' access to legal advice

	Number of LAs who responded	Number of LAs who failed to respond	% of LAs that responded
North East	11	1	92%
North West	20	3	87%
Yorkshire & Humber	15	0	100%
East Midlands	7	2	78%
West Midlands	8	6	57%
East of England	7	4	64%
Inner London	11	3	79%
Outer London	18	1	95%
South East	16	3	84%
South West	8	8	50%
Total	121	31	80%

Table 6.7 Number of authorities (who responded to FOI request) who said they did have a written policy (or procedure) on funding kinship carers' legal costs

	Yes	No	%
North East	11	0	100%
North West	16	4	80%
Yorkshire & Humber	14	1	93%
East Midlands	7	0	100%
West Midlands	7	1	88%
East of England	6	1	86%
Inner London	11	0	100%
Outer London	13	5	72%
South East	12	4	75%
South West	6	2	75%
Total	103	18	85%

Table 6.8 Number of local authorities who said their policy on funding legal costs was publicly available

	Yes	No	partly	% where info all or part is public
North East	6	4	1	64%
North West	10	10		50%
Yorkshire & Humber	3	11	1	27%
East Midlands	2	5		29%
West Midlands	4	4		50%
East of England	3	4		43%
Inner London	5	6		45%
Outer London	6	12		33%
South East	6	10		38%
South West	2	5	1	38%
Total	47	71	3	41%

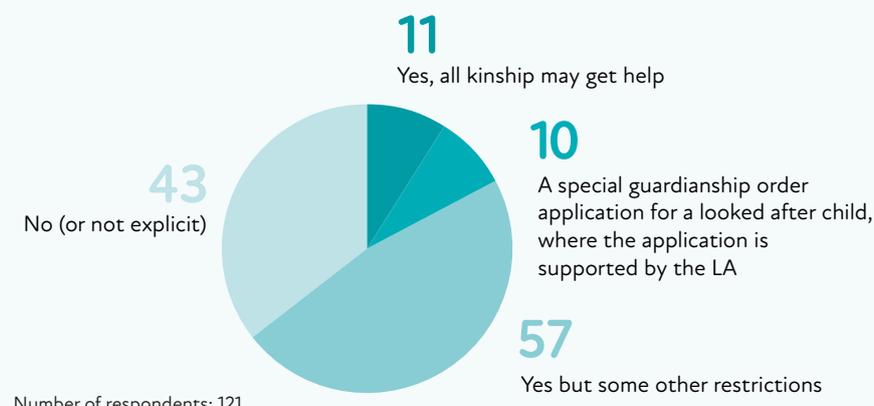
Our analysis of policies, procedures and written replies sent in response to the FOI request found that:

- 58% of local authorities provided no information as to how many hours of legal advice they would fund or what amount of costs.
- Where authorities did specify how many hours of advice they would fund, this ranged from a few who said they would only pay for one hour of legal advice to two authorities who would pay for up to five hours of advice.
- Where authorities specified a maximum amount they would fund, this ranged from £150 to £1,500.

In their written evidence to the Taskforce, Coram Children’s Legal Centre said that this type of restriction set by some local authorities ‘poses real difficulties as it may mean that only very basic legal advice can be provided which may be fairly generic in nature.’¹⁵⁰

Figure 6.4:
Number of local authorities whose policies specify who is entitled to help with legal advice

Does policy or procedure state who will be helped with legal advice?



¹⁵⁰ Evidence from Coram Children’s Legal Centre. https://www.frg.org.uk/images/Cross_party_PT_on_KC/Coram_Childrens_Legal_Centre_and_Coram_BAAF.pdf

Most authorities' policies or procedures set restrictive criteria for which kinship carers or potential carers might be able to get help with funding for legal costs. Criteria generally focused on:

- The child's existing legal status – typically, whether the child was in care or was subject to care proceedings or proceedings were being considered
- Whether the (prospective) kinship carer had been positively assessed by the local authority
- Whether the (prospective) kinship carer was applying or considering agreeing to the child being subject to a legal order (usually a special guardianship order) which would mean the child ceased to be in care or did not enter care.

In some cases, the final decision appeared to rest with an individual service manager or social worker, or sometimes with a resource panel, but in the majority of cases it was unclear. Thus it was usually very difficult for (potential) kinship carers to understand what help they might be able to get with legal costs.

These two examples are indicative of the responses received:

'We do not have a written policy however, if the children would benefit from an alternative form of legal order (special guardianship order or child arrangements order) and this would have ramifications for the carer (who would cease to become a local authority foster carer) then at that point the provision of independent legal advice is considered. This is usually provided based upon 2 hours of legal aid rates.'

'If a long term foster carer wishes to make application for a special guardianship order and is supported by the local authority; [and/or] the special guardianship order is a direct alternative to care/care proceedings the local authority will contribute to legal fees associated with the application if the child is looked after under Section 20 and the person with existing parental responsibility is in agreement or apply for discharge of the Care Order if the child is subject to a Section 31 Care Order with a recommendation of substitution of a special guardianship order.'

Table 6.9: Does the local authority's policy (or procedure) cover legal advice, costs of court application and representation?

	Advice only	Advice & court application	Advice, court application and representation (all)	None	Unclear	% all covered
North East	2	3	3		3	27%
North West	7	2	5	5	1	25%
Yorkshire & Humber	6	2	3	2	2	20%
East Midlands	3		2		2	29%
West Midlands	3		4	1		50%
East of England	1		2	1	3	29%
Inner London	5		4		2	36%
Outer London	6	1	2	5	4	11%
South East	4	3	3	4	2	19%
South West	3		1	2	2	13%
Total	40	11	29	20	21	24%

Only one in four policies (or procedures) indicated a willingness to consider covering some or all of the costs of the (prospective) kinship carer getting legal advice and help with costs of the court application, including court fee and legal representation in court. There were significant regional variations – only 13% of local authorities in the South West would consider covering these costs, but half of local authorities in the West Midlands would.

Not covering the costs of representation can have significant implications for kinship carers who do not qualify for legal aid. It can result in carers not being represented, having to self-represent or getting into significant debt in order to have legal representation in court. The Taskforce heard from a number of kinship carers at regional events about the horrors of having to represent themselves in court to secure the future of the child. This could be particularly traumatic in contested proceedings.

A significant number of the kinship carers who contributed to the Taskforce focus groups had been identified to care for a child in the context of care proceedings. Some said that despite the local authority having put them forward to the court as the person with whom the child should live, they had very limited understanding of what was going on in the proceedings, or what the assessments of the parents or child had said or recommended. Many did not understand that in the context of care proceedings, they might be entitled to apply for disclosure of key documents, or to apply to become a party to proceedings.

‘We were told nothing! It was six hour court session and a ‘here you are, there’s the baby at the end of it!’ In the beginning there was not enough information to what we were entitled to and exactly what a special guardian is.’¹⁵¹

Even if granted party status, many kinship carers did not have legal representation and so their ability to participate was severely limited (there were various reasons for this, including the carer’s capital exceeding means-testing limits). This could adversely affect what support package was agreed in court or constrain the carer’s ability to influence arrangements for court-ordered contact with the child’s parents or other family members.

Legal advice and COVID-19

In the context of the COVID-19 pandemic, a number of kinship carers who responded to the Taskforce’s survey¹⁵² (in April 2020) reported difficulties engaging with remote access to the family court. Those who had experience of court processes expressed frustration and concerns about their ability to participate meaningfully, often linked to not being a party to proceedings or not having access to independent legal advice:

‘Care proceedings started by video link. I was not party to proceedings and no paperwork (was provided) to clarify arrangements made.’

‘We were unable to be part of the final court hearing for the special guardianship order as we didn’t have internet access.’

While these difficulties in accessing remote hearings are not exclusive to kinship carers, kinship carers have very limited access to legal aid and legal advice. Their ability to understand how to participate in remote family proceedings is therefore restricted, and they may be left out of key discussions in court concerning the child’s placement with them, and what support will be offered.

¹⁵¹ Ashley, C. & Braun, D. (2019) *The highs and lows of kinship care*.

¹⁵² Ashley, C. et al. (2020) *Kinship carers’ experiences during the coronavirus crisis*

6 Kinship carers and the labour market

'I was told by the social worker to give up work and that I couldn't put the child in a nursery – so I was forced to give up work but it's adversely affected my pension.'

'I had to give up my job. My nephew was placed with me in July but by the November I had had to give up work. I had very little information about his behaviour difficulties before he came to live with me, and I could not juggle a demanding job and managing his behaviour and educational needs at the same time.'

Nearly all of the written evidence to the Taskforce touched on matters relating to financial hardship, and financial hardship was also a key discussion point across the focus groups.

Most kinship carers who were in employment found that once they took on the care of a kinship child or additional children, their employment position was affected by the change in their circumstances. In fact, a potential carer's employment situation is often adversely affected even before the child is placed with them. Regular meetings with children's services during the assessment process or involvement in court proceedings are very time consuming, for example.

In 2019 a Family Rights Group survey of kinship carers found that over half (54%) of those in a job had to give up work when they took on care of the kinship children, and a further 24% had to reduce their hours.¹⁵³ Kinship carers have no equivalent entitlement to adoption leave or paid adjustment leave. The transition period – when a child who has been through tragedy or trauma is moving to live with their kinship carer – can be particularly challenging, and difficulties are only exacerbated when there are also financial concerns and employment issues.

Kinship carers at regional events told the Taskforce about the long-term impact on their employment prospects and finances as a result of taking on the kinship children. Some sibling carers had to give up college courses, which affected their ability to get a job later in life, while some grandmothers described how they had to give up work and subsequently (given their age) were unable to get back into the labour market. A number of kinship carers described how giving up work or going part-time had also detrimentally affected their pension, which meant they continued to struggle with financial hardship as they and the children got older.

The charity Adfam, which supports families affected by drug and alcohol use, said that a number of kinship carers that they work with highlighted 'a lack of flexibility or understanding from employers'¹⁵⁴, which again links to the Taskforce's overall concern about a lack of public awareness of the role and needs of kinship carers.

Professor Joan Hunt's review of the UK research on kinship care accords with the Taskforce's finding that kinship carers often struggle financially. Indeed, the review highlights that the need for better financial support emerges from virtually every study.

These concerns have only become more pronounced during the COVID-19 pandemic. A significant number of respondents to Family Rights Group's April 2020 survey into the impact of the pandemic on kinship carers reported concerns around their employment and financial situation.

*'My partner is furloughed on 80% and I'd already given up work to be full time [kinship] carer to the twins.'*¹⁵⁵

¹⁵³ Ashley, C. & Braun, D. (2019, p.7) *The highs and lows of kinship care*.

¹⁵⁴ Evidence from Adfam. https://www.frg.org.uk/images/Cross_party_PT_on_KC/Adfam.pdf

7 Financial support for kinship carers

*'I am worse off now that I have the child ... we've been thrown into poverty.'*¹⁵⁶

*'No maternity leave - not even a day's parental leave. I have to take unpaid leave to attend training. Cost of nursery part time is not covered by the special guardianship allowance. I was told I had to go part time to prove my commitment.'*¹⁵⁷

Financial hardship

The Taskforce found there is very little clarity or transparency in terms of what financial support kinship carers can expect to receive generally from local authorities. This was particularly apparent when analysing local authority responses to the Freedom of Information (FOI) request for details of local kinship policies and practice (Appendix 1).

In terms of financial policies, allowances for children in family and friends care (under different legal orders) and the total local authority spend on family and friends care, information was generally either not provided or was vague and inconsistent. These gaps in response to the questions on finance and financial support mean it has not been possible to analyse or provide evidence as to what local authorities are spending on kinship care – and, crucially, what kinship carers may expect to receive by way of financial allowance.

In its evidence to the Taskforce, the Association of Lawyers for Children (ALC) also highlighted that:

*'... kinship carers can sometimes be made to feel that by asking for support and services, they are indicating ... that they are looking to gain (financially or otherwise) from the request for support rather than genuinely wanting to care for the child.'*¹⁵⁸

It is important to emphasise this issue of the pressure kinship carers can feel under in the context of inadequate support. When compounded by insufficient advice and tight timescales within proceedings, this perception (as described by ALC) can leave kinship carers feeling pressured to accept proposals for support and services from the local authority that, in truth, they do not believe are sufficient. This may then cause significant difficulties for the child in the months and years ahead.

Kinship carers told the Taskforce that even when they were in receipt of a child arrangements or special guardianship allowance, they were often having to live with significant uncertainty in terms of how long that support would last and how much they would receive. Kinship carers described having their allowances regularly reviewed, with local authorities sometimes changing their policies and reducing allowances as a result of their own financial pressures.

Kinship carers – at Taskforce events and in response to separate surveys run by Grandparents Plus¹⁵⁹ and Family Rights Group in 2019¹⁶⁰ – described the financial hardship they were facing as a result of becoming a kinship carer. Grandparents Plus found that three-quarters (74%) of kinship carers had not received the financial support they needed when the child had moved in, and six in ten (61%) were still not getting the financial support they felt they needed at the time of the survey.

Given that at least half of kinship carers have to give up work to take on the children, many are forced to become reliant on the benefits system. Some kinship carers described how they were

¹⁵⁶ Ashley, C. & Braun, D. (2019) *The highs and lows of kinship care*.

¹⁵⁷ Unpublished response to Family Rights Group's 2019 survey of kinship carers

¹⁵⁸ Evidence from ALC. https://www.frg.org.uk/images/Cross_party_PT_on_KC/Association_of_Lawyers_for_Children.pdf

¹⁵⁹ Grandparents Plus (2019) *Kinship care: State of the nation survey 2019*. <https://www.grandparentsplus.org.uk/report/state-of-the-nation-2019-survey-report/>

¹⁶⁰ Ashley, C. & Braun, D. (2019) *The highs and lows of kinship care*.

adversely affected by the Benefit Cap. Others described being penalised by the ‘bedroom tax’, despite the kin child needing their own room.

‘I was told (by the social worker) I had to move house as he had to have a room of his own and could not share with any of my children. Had to give up my council house and take a private one but benefits section said that because of ages of my youngest and kinship child, they had to share and not have rooms of their own.’¹⁶¹

Kinship carers described missing meals, forgoing holidays, turning to foodbanks, and getting into severe debt and even having their home repossessed as a consequences of losing employment income and facing higher costs when taking on the kinship child.

‘We were relying on food banks and quite often having to decide whether to put money on gas or electric.’

‘We were living in a three bed but were made homeless because I couldn’t go to work to pay the rent. We are now in temporary accommodation.’

‘The decision to become a kinship carer has cost me £180,000 plus in terms of pension benefits etc. I would do it again, my grandson is worth every penny. He has promised to pay me back when he grows up, my rewards will be a happy, productive young man able to embrace his role in our community.’¹⁶²

Financial hardship and COVID-19

The Taskforce found that a quarter of kinship carers surveyed in April 2020 reported that the financial hardship that they faced had worsened during the COVID-19 pandemic.¹⁶³ Kinship carers reported that their shopping and utility bills had risen, while in many cases household income had fallen further. Some of the kinship carers described being left abandoned with their worries, including fears of what should happen to the child if they fell ill.

Housing

Adequate housing is another issue that was raised consistently across the evidence submitted to the Taskforce. Eight in ten (79%) kinship carers who responded to Family Rights Group’s survey¹⁶⁴ said they had had to make changes to their accommodation when a kinship child or children came to live with them – and only 14% of those respondents received any help from the local authority to make the necessary changes. Kinship carers also described some very difficult and challenging situations, including severe overcrowding or having to live in temporary accommodation.

In focus groups, the Taskforce heard of kinship carers having to sleep on sofa beds for years at a time, and one kinship carer explained that ‘we have nine of us living in a three-bedroom house’.

‘We fall through the cracks of housing policies, they don’t even know what kinship care is when you talk to them.’

Nearly one in eight (13%) respondents to the Taskforce’s April 2020 survey reported that they were living in a home that is overcrowded.¹⁶⁵ Clearly, issues of overcrowding became much more problematic for kinship carers during the COVID-19 pandemic if family members became ill and had to self-isolate. Respondents were also asked whether their household was having to self-isolate during the crisis. Half of the kinship carers who responded to this question said they were having

¹⁶³ Ashley, C. et al. (2020) *Kinship carers’ experiences during the coronavirus crisis*

¹⁶⁴ Ashley, C. & Braun, D. (2019) *The highs and lows of kinship care*.

¹⁶⁵ Ashley, C. et al. (2020) *Kinship carers’ experiences during the coronavirus crisis*.

to self-isolate due to the carer or someone else in their household having an underlying health condition. Had these families been given proper support to secure housing to fit their needs when the kinship children were placed with them, they may not have been in this position.

8 Kinship care – accessing practical, emotional and therapeutic support

‘(Taking on the children) caused my marriage to break down, so I lost my house and now rent. My three boys had to move out before they were financially stable to give the kids their bedrooms.’¹⁶⁶

Evidence submitted to the Taskforce by kinship carers (and those representing them) raised concerns that support available to kinship families is generally dependent solely on the child’s legal status (particularly whether or not they had been in the care system) or how the local authority’s processes are organised, rather than the severity of the child’s needs. In its evidence, the NSPCC said:

‘The lack of clarity with kinship care means that professionals working with kinship carers have to navigate the inconsistency of rights, entitlements and support that children in kinship care arrangements receive. This is due to inconsistencies in the types of legal status children may be looked after under and the support made available to kinship carers by the local authority.’¹⁶⁷

Professor Hunt’s research review also highlighted the specific difficulty that kinship carers face in a scenario where two local authorities are involved – one in placing the child, and then the one in which the kinship carer lives.¹⁶⁸ Professor Hunt’s review confirmed that a further impact of significant variation across local authorities is not only that families in different local authority areas get different levels and forms of support, but that when children move to live at a distance from their placing authority it can be more difficult to ensure that their long-term support needs continue to be met.

Contact/managing relationships

‘Many [kinship carers] need immediate help with managing contact arrangements with birth parents, and complex family relationships that are suddenly in flux.’¹⁶⁹

Kinship carers are placed in a uniquely challenging situation in managing contact arrangements for children and young people in that they simultaneously have to maintain interfamilial relationships or friendships, while often making difficult and stressful decisions about whether spending time with a parent continues to be right for the child. Facilitating family relationships, including with siblings and relatives more widely, is generally of huge benefit to children as it helps to maintain and develop their identity, sense of security and stability. But the burden of managing these arrangements typically falls (heavily) on the kinship carer, who (as described above) may not have been given a full understanding of the local authority’s concerns and assessment of possible risk.

‘I don’t know what the level of risk is from some family members, so how am I just left to decide how much contact is the right amount?’

¹⁶⁶ Ashley, C. & Braun, D. (2019) *The highs and lows of kinship care*.

¹⁶⁷ Evidence from NSPCC. https://www.frg.org.uk/images/Cross_party_PT_on_KC/NSPCC.pdf

¹⁶⁸ The Special Guardianship Regulations 2005 provide that the assessment and provision of services for the child, the special guardian and any children of the special guardian all remain the responsibility of the local authority where the child was last looked after for three years from the date of the order. When the three year period from the making of the special guardianship order has expired, the local authority where the special guardian lives then becomes responsible.

¹⁶⁹ Evidence from Grandparents Plus. https://www.frg.org.uk/images/Cross_party_PT_on_KC/Grandparents_Plus.pdf

Kinship carers will typically have ongoing relationships with the child's parents. This is in contrast to an adoptive placement, where any face-to-face contact between the child and birth parents is rare and indirect (e.g. letterbox) contact is typically supported by a social worker. The situation is also unlike unrelated long-term foster care placements, where support is usually provided for contact, which may even be supervised.

Despite these significant challenges, a good deal of evidence to the Taskforce described situations in which the local authority appeared not to provide guidance or support around managing these relationships. Kinship carers were left unclear about what their legal obligations were in relation to contact. This continued to be the case during the COVID-19 pandemic. Despite most local authorities advising birth parents that they could not have direct contact with their children in care during lockdown, kinship carers were, on the whole, provided with no specific guidance. Three-quarters (78%) of kinship carers who responded to Family Rights Group's survey about the impact of the pandemic said they had no support with maintaining the child's relationships with their parents or other family members.¹⁷⁰ Kinship carers reported that they could not even maintain remote contact (for example via FaceTime) if parents did not have access to adequate technology. The impact on children is significant, particularly for those who spend regular time with their parents or siblings. Families who did have access to the right technology described the benefit to children of being reassured that their parents were safe:

*'Yes it's important for my grandson to FaceTime and speak to his parents. No one supports us, we initiated this. He worries about his mother so to try to ease that concern for him so he can FaceTime or phone her and his father.'*¹⁷¹

Contact can be a contentious issue between parents and kinship carers, and there should be the option of support from the local authority where needed – especially if there are specific or ongoing child protection concerns in relation to a parent. When one focus group was asked what might have made matters easier for them, a kinship carer commented:

'Dedicated family and friends support staff for each authority (doesn't always have to be a social worker), with staff who can help around contact and family relationships, and who have knowledge about all the support that's available and are real experts.'

Support in managing contact between siblings (regardless of whether they are full, half or step-siblings) who are not living together was an issue raised by some kinship carers. Although statutory guidance highlights the importance of sibling contact – *'sibling contact can help a child maintain their identity...and promote self-esteem and emotional support'*¹⁷² – a number of kinship carers in the Taskforce's focus groups felt that this was an issue that social workers often overlooked. The Taskforce welcomes the commitment made by the Parliamentary Under Secretary of State for Children and Families, in answer to a written parliamentary question on 28 February 2020, to undertake a review of the regulations to provide for sibling contact.¹⁷³

¹⁷⁰ Ashley, C. et al. (2020) *Kinship carers' experiences during the coronavirus crisis*

¹⁷² *The Children Act 1989 guidance and regulations: Volume 2: Care planning, placement and case review* (2015, para. 2.85)

¹⁷³ Response (28 February 2020) to a written Parliamentary Question from Catherine McKinnell MP. <https://questions-statements.parliament.uk/written-questions/detail/2020-02-21/18831>

Trauma experienced by children

To a large extent, the needs of children in kinship care will be met by their carers. Research shows, however, that some children will also need additional direct help. Masson and colleagues¹⁷⁴ provide a useful summary of the types of support children who have been through care proceedings are likely to need:

‘Children who have been through care proceedings, wherever they are placed, are likely to need considerable help given their experiences of abuse and neglect, environments of drug or alcohol abuse, domestic violence and parental mental ill health. They may also have genetic conditions and high-level health needs. Help is likely to be needed in the key domains of physical and mental health, education, behaviour, emotional wellbeing, relationships and social skills; and also, help with understanding family contact, their background and their current situation.’

While that study focused exclusively on children who have been through care proceedings, the support needs identified – and the reasons for them – chime with the findings of many studies of children in kinship care, whatever the route they travelled to get there.

There needs to be greater recognition and support for children being cared for by kinship carers. Although these placements have generally arisen out of situations marked by tragedy or trauma, kinship care placements are not met with the same degree of focused and targeted support provided for looked after children who are in long-term foster care or those who are placed in adoptive placements.

‘You’re not told the whole story about the child, and about what could happen to their behaviour and development given some of the experiences they may have been through.’

During the COVID-19 pandemic, the concern most commonly expressed by kinship carers in response to the Taskforce survey was about the impact of the crisis on the child’s behaviour, emotional development and mental health. This was raised by 22% of the kinship carers who responded to the survey.¹⁷⁵

Where children are placed under care or placement orders, the local authority are required to put a care plan in place, which should set out clearly how to manage any identified needs arising out of a child’s experiences. But a comparable analysis is not always provided in relation to other kinship care placements. Many carers report facing barriers to accessing the right services, especially in cases of special guardianship or child arrangements orders where ongoing local authority involvement is generally limited.

¹⁷⁴ Masson, J. & Dickens, J. et al. (2019) Child protection in court: Outcomes for children. Establishing outcomes of care proceedings for children before and after care proceedings reform (p.209). University of Bristol and the Centre for Research on Children and Families, University of East Anglia. <https://research-information.bris.ac.uk/en/publications/child-protection-in-court-outcomes-for-children>.

¹⁷⁵ Ashley, C. et al. (2020) *Kinship carers’ experiences during the coronavirus crisis*

Access to the Adoption Support Fund (ASF)

‘Accessing the ASF is so difficult – you either won’t qualify or it’s hard to get the local authority to complete the assessment.’

The Adoption Support Fund (ASF) provides funding for therapeutic services for eligible adoptive and special guardianship order families, in recognition of the fact that many of the children will have experienced previous trauma. The ASF operates only in England, and funding is distributed to families via local authorities and regional adoption agencies. On its inception in 2015 the ASF was available only to adoptive families, but in April 2016 it was extended to children who had previously been in the care system and were now subject to a special guardianship order.¹⁷⁶ However, there is still no access to the ASF for children who were not previously looked after. This disadvantages some children placed in kinship care arrangements, even though in many cases their needs will be the same as previously looked after children who do have access to the ASF.

Moreover, in its report¹⁷⁷ on the ASF in July 2019, the All-Party Parliamentary Group (APPG) for Adoption and Permanence identified that awareness and understanding of the fund is far lower among special guardians than among adoptive parents.

Between April 2016 and the end of December 2019, there were 38,493 approved applications to the ASF, of which only 3,619 (9.4%) were for children subject to a special guardianship order.¹⁷⁸ Whilst the number of applications for children under a special guardianship order did increase each year from 2016-17 to 2018-19, in the first nine months of 2019-20 (i.e. 1 April 2019 to 31 December 2019) there were still only 11.6% of awards made to children subject to a special guardianship order, at an average of £3,286 per SGO application. Particularly shocking is that there are 10 local authorities who between them received a total of 1,744 ASF applications between April 2016 and December 2019, but only one application in each local authority was in respect of a child subject to a special guardianship order (i.e. only 0.6% of all the ASF applications received by those local authorities were in respect of children subject to a special guardianship order).

There are a number of factors that may help explain why there are so few applications to the ASF from special guardianship order families:

- All domestically adopted children are eligible but not all children under a special guardianship order are. This means it is harder to raise awareness among special guardians about the fund.
- The name of the support fund will itself deter some kinship carers, who will presume it is not applicable to the children they are raising.
- Most regional adoption agencies have the infrastructure in place and the know-how to make an application, and adopters know who to approach. However, most special guardians would need to apply via their local authority. The local authority may have no designated social worker for special guardians to approach and may have little experience in making such applications.
- Special guardians are less likely than adopters to be part of organised support networks, so raising awareness about the fund is more challenging.

In its report the APPG made a clear recommendation that the fund should be extended to children subject to a special guardianship order, regardless of whether not the child was previously in the care

¹⁷⁶ Eligibility criteria were further updated in 2019 to provide that if a child left care under a child arrangements order for the purpose of assessing a special guardian, then the child is eligible to be assessed for therapeutic services paid for by the ASF while that child arrangements order is in force, and they will remain eligible if a special guardianship order is subsequently made.

¹⁷⁷ *Investing in families: The Adoption Support Fund beyond 2020*. <https://www.adoptionuk.org/appg>

¹⁷⁸ Response (13 February 2020) to a written Parliamentary Question from Steve Reed MP. <https://questions-statements.parliament.uk/written-questions/detail/2020-02-10/14702>

system. The APPG also recommended that the fund should be renamed, in consultation with children and families, so that it accurately expresses its broadened remit to include special guardianship families.

Kinship carers' access to training

In 2018, one respondent to the annual survey of kinship carers undertaken by Grandparents Plus said they wanted children's services to:

*'... recognise that although the children are living with kin, they have been traumatised and need supporting. Also carers need to be made aware of the likelihood that the children will need support specific to their needs and given the correct training and support the parenting styles they may need to be using.'*¹⁷⁹

At Taskforce regional events, some kinship carers reported that very little attention was paid during the assessment process to the potential benefit they might gain from specific training. While it is not helpful in all cases to draw comparison between kinship carers and prospective adopters and local authority foster carers, the lack of parity in terms of training options for these types of carers seems illogical. There is a vast range of training materials for prospective adopters – covering a number of different issues such as attachment, how to help children manage their transition to new situations, identity, heritage and life story work – yet kinship carers find very little that relates to their specific circumstances.

Professor Hunt's review highlights that much of the research identified that kinship carers require more support to help children understand and cope with their situation, and explain it to others. The following quotes are from two different carers (in the same study) reflecting on what type of support would have made a difference to them:

'What I should have done [earlier] was the (training) I did recently on foster caring, that would have been the most helpful thing ... It teaches me about how to react, what children are feeling when they've been left from home and coming into another home. Maybe in the beginning when you handle certain behaviours, don't react so quickly or just take the time to think about the way you do things really.'

*'What would have made a difference would have been] training, I've got it on my head now, more training. Attachment, conscientious parenting. Those two are the keys for any grandparent bringing up a grandchild that's come through trauma.'*¹⁸⁰

One way forward, which was identified in Professor Hunt's research review and is worth considering, is to incorporate 'training' into support groups. As one of the local authorities in a recent study¹⁸¹ had concluded:

'... what we have learnt over the time that we have been supporting special guardianship order carers is that, because they are grandparents and aunts and uncles, they don't want to go through the mainstream sort of parenting courses [offered to prospective adopters], they feel that they are over and above that level and they don't want that. So we have to re-think that. So what we have put together is a training programme through the support group. People will generally go to support groups with those orders, they like the support from their peers, but we have also made it sort of educational too

¹⁷⁹ Grandparents Plus (2019) *Kinship care: State of the nation survey 2019*.

¹⁸⁰ Wellard, S. et al. (2017) *Growing up in kinship care: Experiences as adolescents and outcomes in young adulthood*, Grandparents Plus. <https://www.grandparentsplus.org.uk/report/growing-up-in-kinship-care-experiences-as-adolescents-and-outcomes-in-young-adulthood/>

¹⁸¹ Masson, J. & Dickens, J. et al. (2019) *Child protection in court: Outcomes for children*.

– so putting in things like child behaviour, education, looking at the support and services out there that they could gain, the sorts of things that often people who haven't parented for some time won't have, they won't be in touch with.'

Emotional support, including peer support

Less tangibly, many kinship carers have also identified a need for emotional support. In one study¹⁸² carers rated emotional support as the second most important form of support need, after financial support. The need for emotional support became clearer still during the difficult early months of the COVID-19 pandemic. Kinship carers told the Taskforce that they would have benefitted greatly from someone 'checking in' on their family to see whether any particular support was needed. Half of the kinship carers who responded to Family Rights Group's survey in April 2020 had received no support during the crisis.¹⁸³ Many expressed a wish either to receive a phone call from their local authority to check up on how they are or to be given clear information about what help is available.

'I've had no support at all and none offered either. I am on my own and have no family support.'

One way of providing emotional support for kinship carers is to facilitate links to others in the same position. The research review identified that support groups are the most frequently referenced way of doing this.¹⁸⁴ In their written evidence to the Taskforce, Grandparents Plus said:

*'Kinship carers say they feel isolated, and many describe a loss of connection with friends and family, and a lack of understanding from those close to them, on becoming a parent again. They also feel invisible as a group, and don't have the training and support structures that bring foster carers and adopters together.'*¹⁸⁵

Currently there is uneven provision of local support groups for kinship carers: some localities offer no provision, some commission groups that are restricted to kinship carers who have children living with them subject to certain legal orders, while in some parts of the country local support groups are peer-led and open to all. Professor Hunt's review raised a suggestion made in a report by Selwyn and colleagues in 2013 – that young carers (who will often be sibling carers) may benefit from online 'virtual' support groups.¹⁸⁶

Lockdown and social distancing measures in place as a result of the pandemic have meant that we have all had to find ways not only of working differently, but also socialising differently. Across the country, kinship care support groups have moved to holding their regular meetings virtually. The Taskforce has heard that in some more sparsely populated parts of England and Wales, this development has actually improved accessibility to support groups, because some kinship carers who could not always attend meetings in person can now access support more easily with their peers online.

*'Had weekly phone calls from kinship support group leader. She has been my lifeline.'*¹⁸⁷

¹⁸² Wellard, S. et al.(2017) *Growing up in kinship care*.

¹⁸³ Ashley, C. et al. (2020) *Kinship carers' experiences during the coronavirus crisis*

¹⁸⁴ Hunt, J. (2020) *An overview of the last two decades of UK research on kinship care*. Family Rights Group

¹⁸⁶ Selwyn, J. et al. (2013) *The poor relations? Children and informal kinship carers speak out*. University of Bristol and Buttle UK. <https://research-information.bris.ac.uk/en/publications/the-poor-relations-children-and-informal-kinship-carers-speak-out>

Breaks or respite

'I get no respite care – even now I need an operation.'

'Honestly, I feel exhausted and so alone – all my friends are retired and are off living their retirement dreams. My relationship with my partner is suffering because of the pressure because of the finances look horrendous. We often question whether we're even doing the right thing, which makes me feel so guilty because I love my granddaughter to bits and she's a star. The main thing for me is just having some respite, so that my husband and I can take a breath and remember who we are again.'

The need to occasionally be able to have a break was raised by a number of kinship carers in the focus groups. Professor Hunt's research review also found that the need for some break from 24/7 childcare is a common theme across the evidence, whether in the form of day care, occasional relief, baby-sitting, holiday clubs/activities or short breaks. Indeed among carers in one study¹⁸⁸ this was ranked the highest support need, yet it is rarely available to kinship carers. Other family members are sometimes able to offer this, but the availability of such support cannot be assumed: Selwyn and colleagues¹⁸⁹ report that in their study 29% of carers doubted that they could find anyone to look after the children in the day, and 26% overnight.

Peer support for children and young people

There is also currently very little provision for children in kinship care to meet other children and families in a similar position to themselves. Kinship Carers Liverpool and Kinship Carers UK (see Chapter 7) offer examples of how other areas could progress in setting up such support groups. One point that came across clearly in the meeting at Parliament, which young people from Kinship Carers Liverpool attended, was that some children had faced bullying as a result of being raised in kinship care. So it is important to ensure that 'kin kids' have assistance to access and build their own support networks. When asked what they find important about their kin children support groups, young people at the evidence session said:

'Knowing others were in the same boat.'

'It makes us feel that we are not judged.'

'It makes us feel normal.'

'It should be available to everyone.'

Hunt et al. (2008)¹⁹⁰ report that while none of the children in their follow-up study had attended such a (peer support) group, 24% of carers (n=37) thought it would have been helpful.

Three studies report on the views of young people and young adults on this. The first, which focused specifically on the experiences of young people attending a peer support group, reports very positive findings:

¹⁸⁸ Robson, S. & Conqueror, K. (2011) *Breaking the vicious circle: Addressing the barriers and difficulties faced by grandparent kinship carers in Sunderland where the birth parents are involved in substance abuse*. Sunderland Carers Centre.

¹⁸⁹ Selwyn, J. et al. (2013) *The poor relations? Children and informal kinship carers speak out*.

¹⁹⁰ Hunt, J., Waterhouse, S. & Lutman, E. (2008) *Keeping them in the family: Outcomes for children placed in kinship care through care proceedings*. London: BAAF.

*'The results found the support group to be of great importance and benefit to the participants, who experienced isolation, feelings of fear and unhappiness as a result of kinship issues. Through participation in the kinship care young people's group, they experienced happiness, respect and support and developed resilience factors such as coping strategies, improved relationships and self-worth. These findings highlight the importance of such support for young people in kinship care.'*¹⁹¹

In the second, while the few young people who did attend a support group said they enjoyed it, they also commented that they did not often discuss what it was like being in kinship care. Three others, however, expressed an interest in joining such a group precisely in order to share feelings and experiences.

*'Probably be good to make new friends, cause I like to meet new folk and they'd be mair understanding cause they've been through the same thing.'*¹⁹²

In the third study, when young adults brought up in kinship care were asked what might help other young people, several thought they needed the opportunity to meet with their peers. This included both those who had had this chance, as well as those who had not:

*'I feel like there should be more groups like this over the country and stuff like that, so they feel supported. Maybe be nice to meet other people, like have meet ups, because it would be nice to see other people my age, because I think when you do speak about it with someone who is going through the same thing as you are it's a bit uplifting.'*¹⁹³

Education and schooling

Chapter 3 includes recent research findings on the educational outcomes of kinship children compared to their peers in the looked after system and wider population.

The Taskforce heard positive reports from kinship carers about the child's nursery or school proving a key source of support and advice, including during the COVID-19 crisis. This was particularly so for kin children of primary school age. Some carers praised the trauma-informed approach of individual schools or individual staff.

*'Daily texts from school and weekly phone calls offering help and support as well as the offer of attending school as a vulnerable child.'*¹⁹⁴

This was not a universal experience, however. Some carers reported that they were dealing with teachers or schools (and education bureaucracy) who had little understanding of kinship care. For example, some carers reported schools not accepting the kinship child despite the carer's own birth child attending the school. Some described their kinship child being excluded from school and the impact this had on both the child and household. Responses to Family Rights Group's 2019 survey¹⁹⁵ of kinship carers found that 20% of kinship children of school age had been temporarily excluded (and 5% excluded permanently). By contrast, the rate of fixed-term exclusions in 2017-18 for all children at state-funded primary, secondary and special schools in England was 5%.¹⁹⁶

¹⁹¹ Davies McCardle, S. (2013) *The benefits of attending a young person's kinship care support group* [unpublished dissertation]

¹⁹² Burgess, C. et al. (2010) "It's just like another home, just another family, so it's nae different" Children's voices in kinship care: A research study about the experience of children in kinship care in Scotland'. *Child and Family Social Work*, 15(3), pp.297-306.

¹⁹³ Wellard, S. et al. (2017) *Growing up in kinship care*

¹⁹⁴ Ashley, C. et al. (2020) *Kinship carers' experiences during the coronavirus crisis*.

¹⁹⁵ Ashley, C. & Braun, D. (2019) *The highs and lows of kinship care*.

¹⁹⁶ Department for Education (July 2019) *Permanent and fixed period exclusions in England: 2017 to 2018*. <https://www.gov.uk/government/statistics/permanent-and-fixed-period-exclusions-in-england-2017-to-2018>

Findings from the Taskforce survey¹⁹⁷ conducted in April 2020 during the early stages of the COVID-19 crisis highlight the significant numbers of children raised in kinship care who have additional needs or disabilities. More than half (54%) of the kinship children being cared for by survey respondents have additional educational needs or disabilities.

An Education, Health and Care (EHC) plan is a legal document that describes a child or young person's special educational, health and social care needs, and how those needs will be met. Although the plan can include health or social care needs, the child will not get an EHC plan if they have only health or social care needs that do not affect their education. In 2019, 2% of 0-24 year olds in England had an EHC Plan¹⁹⁸, or one in every fifty children. One in three (33%) kinship children covered by the Taskforce survey has an EHC plan.

Yet despite such a clear level of need, only a minority of kinship children fell into the definition of 'vulnerable' as set by government during the early months of the crisis. This meant the majority of kinship children were not offered a school place during the spring and summer terms of 2020, although some individual schools did show flexibility to some carers who were struggling. In some cases, the underlying health conditions of the child, carer or another member of the household meant that even where an offer was made, it was not taken up.¹⁹⁹

'Despite our children being highlighted as special educational need and vulnerable by their school (due to child behavioural issues and my disabilities) and both husband and youngest daughter (who lives here) being keyworkers our local education authority decided the children do not qualify for a place.'

Digital poverty, including a lack of access to computers or being unable to afford WiFi, was also raised by kinship carers in the survey. Some reported struggling to home-school children as a result.

*'We are struggling with home schooling because we do not have enough computers for all the online work the schools and college are sending.'*²⁰⁰

Pupil Premium Plus

In 2013 the Department for Education introduced Pupil Premium Plus for looked after and previously looked after children who are adopted or who have left care under a special guardianship order or child arrangements order (or an earlier residence order). This was an acknowledgement by the Department of the enduring impact of trauma and loss in children's lives and the key role of schools in supporting children who have had a difficult start in life.²⁰¹

In the 2020 January school census in England there were 56,196 previously looked after children counted for Pupil Premium Plus, of whom:

- 58% (32,473) are adopted children
- 33% (18,342) are children subject to a special guardianship order
- 5% (2,980) are children under a child arrangements order; and 4% (2,401) are children under a residence order.²⁰²

¹⁹⁷ Ashley, C. et al. (2020) *Kinship carers' experiences during the coronavirus crisis*.

¹⁹⁸ Department for Education Statements of SEN and EHC Plans 2019 <https://www.gov.uk/government/statistics/statements-of-sen-and-ehc-plans-england-2019>

¹⁹⁹ Ashley, C. et al. (2020) *Kinship carers' experiences during the coronavirus crisis*.

²⁰⁰ Ashley, C. et al. (2020) *Kinship carers' experiences during the coronavirus crisis*.

²⁰¹ Schools get additional funding of £2,345 (financial year 2020-21) per year for each eligible child who has left care. Local authorities get the same amount for each child they are looking after, and must work with the school to decide how the money is used to support the child's Personal Educational Plan.

²⁰² Source: Response (1 September 2020) to a written Parliamentary Question from Catherine McKinnell MP. <https://questions-statements.parliament.uk/written-questions/detail/2020-07-20/76702>

CASE STUDY: Aunt raising her nephews

'My two sisters and I were middle-aged women who had successful careers and no children. Our other sister had two adult children and four younger children. We are a close family and recognised she had difficulties and tried to be as supportive as we could, but she was secretive at times and wouldn't let us help her.

Then she met a man who we never knew who soon distanced her from us completely. We subsequently discovered that he was controlling and violent to her but she never told us the full extent of what had happened. We discovered more information when children's services removed her children for neglect.

The local authority wanted the family to be assessed to care for the four youngest children, my two nephews and two nieces. My sisters and I were honest from the beginning, we worked full time and had never had any experience of caring for children. But we agreed we would do whatever we could to ensure that the children remained within the family. We did, however, stress that to be able to do this we really needed a lot of support, financial and otherwise, which we were promised would be provided.

As a family we discussed the situation and decided that I would apply for the two boys and my sister would apply for the girls, as children's services had already separated the siblings, we felt it best for them to remain together. My other siblings said that they would do what they could to support us.

My sister and I had to go through the stressful assessments process. I had to step down from my team manager's position with the same local authority that was now assessing me to be a carer, but I kept working.

My sister and I obtained special guardianship orders for the four children in 2013. My boys were aged six and seven at the time.

My youngest nephew whilst undiagnosed clearly has underlying medical issues. He has been referred to CAMHS on numerous occasions in the past, and is presently waiting to be assessed, so as yet we have no diagnosis. He can become angry and violent towards his brother and me. I am now 55 years old and am afraid what will happen if he does not get the help he needs as he grows in strength and body size.

Being a kinship carer has been such a drastic change to my life and I do struggle sometimes, especially as I am doing it by myself. The help that the local authority promised would be available never materialised, and I often reflect on what would I have done if I had known the true picture at the start?

Financially I am in a much worse position. I worked consistently for 25 years to achieve my position and the salary it attracted. Now, not only am I not able to prioritise work because of caring for the boys, I fear that because of my age, I may never be. But even though it has been a difficult path, I love my boys and am pleased that my commitment to them has meant that they have remained in our family.

Things were strained enough before COVID-19 came along but the lockdown brought our placement to breaking point. The older child is more settled but his younger brother was unable to accept any type of home schooling. He was aggressive and even violent. His school accepted him back for three days a week to help, but he was excluded. The older boy who was doing quite well then decided he did not need to comply with my discipline when his brother did exactly what he wanted.

My home became a battlefield and I genuinely feared that the placement would have to be brought to an end. I tried to get some help from children's services but when I managed to speak to someone, there was little help because of the lockdown. They just expected me to get on with it, find a way to cope.

The one good thing that the local authority did for my sister and I when we obtained our orders was to refer us to their special guardianship support group, which I regularly attend. The group meets bi-monthly and we have the opportunity to do some training and discuss issues. But most of all, the members of the group have become friends and we support each other as much as possible, which has been a lifeline for me.

In the past seven years I have gone from being a member of management for my local authority to not be able to manage my life, all because I decided to prevent my sister's children from entering the care system.

The children deserve the very best and I can only hope and pray that I have the strength to keep giving it to them.'

Given that since 2005, 33,200 children in England have left care under a special guardianship order and around 17,000 have left care under a residence or child arrangements order, it appears there are tens of thousands of previously looked after children who are now being raised in kinship care for whom Pupil Premium Plus is not currently being claimed. In the main this is likely to reflect a lack of awareness among carers about Pupil Premium Plus, particularly in authorities where there is little in the way of post-order information or advice for such carers. It may also be that the school is unaware of the child's circumstances.

9. The 'invisibility' of kinship families

*'Kinship carers provide a vital service to society, stepping in to provide love and care for children who are no longer able to live with their birth parents.'*²⁰³

The consistent message from kinship carers to the Taskforce was that for far too long, they have been between insufficiently acknowledged, understood or supported within central and local government and other public services and even amongst businesses and the general public. The importance of rectifying this is a very clear message emanating from much of the evidence we have heard and received.

²⁰³ Evidence from Local Government Association. https://www.frg.org.uk/images/Cross_party_PT_on_KC/Local_Government_Association.pdf

7 Our vision and recommendations

'I have never felt valued, trusted or appreciated as a kinship carer by my family, the local authority or the government. I am so grateful that I never looked for any of this, I just do it for the love of my kids.'

'Even though there have been really difficult times, I feel privileged that I was able to turn my life upside down and care for my nephews. We are learning things together and our bond is growing stronger every day. They have enriched my life in more ways than I would ever have imagined.'

'Lockdown was dreadful for most but it gave us the opportunity to become a tighter unit.'

Kinship carers and the children they are raising are at the heart of our inquiry and this report is a reflection of their worries, dreams and aspirations.

This is the first-ever parliamentary inquiry into kinship care and the first time parliamentarians have taken extensive evidence from kinship carers and children who have been raised in kinship care. Our regional discussion events were an opportunity for kinship carers in every region of England and Wales to share their experiences and their ideas. We have also worked closely with the network of professionals working with families on the frontline of our children's social care and family justice system.

Our vision

Our vision is for a children's social care and family justice system where family is always explored as a first point of call.

We believe no child should have to live outside of their family, if there is a safe and loving home available within their family and friends network. The number of children in the care system is at the highest level since 1985. The child welfare and family justice system has been described as being in crisis. Yet for children in and on the edge of care, the wider family and community is often an untapped resource. Greater focus on exploring and supporting families could safely avert more children needing to come into care, which is in the interests of children, society and the taxpayer.

Kinship carers are doing right by their families, and we believe the state needs to do the right thing by them.

The kinship carers who are raising more than 180,000 children across the UK are ensuring children can remain within their loving family. The reasons why each child is living with a kinship carer may vary, but the demands and pressures of raising a child who has suffered loss, tragedy or trauma are almost always substantial. The Coronavirus pandemic has both exacerbated existing challenges and created new ones. The Taskforce heard from many kinship carers who have stepped in to prevent the child from having to enter or remain in the care system. We envisage a society where the contribution of kinship carers is recognised, valued and the support needs of them and their kin children are met. Such a society would, where a family requires it, offer a good quality standard of support.

Priorities Code: We have categorised our proposals based on the ease with which they could be delivered. Some of our proposals fit into multiple categories:

Short term measures which could be achieved relatively easily, for example through a change to statutory guidance. Some may require additional funding to support their delivery.

Medium term measures requiring a change in primary or secondary legislation and additional funding. We propose to include them in a Kinship Care Bill.

A note on priorities and funding

As the first parliamentary inquiry on kinship care, this report represents a vision for what a good quality system of support for kinship care could look like.

There are some fantastic initiatives and innovations happening at a local and national level. However, it's a postcode lottery for many kinship care families and we want to see a more consistent approach.

Our recommendations are wide ranging and are intended to set a direction of travel for how kinship care support can be improved. Some of them require improvements to statutory guidance to ensure more consistency. Others require existing schemes to be expanded. Some would need legislative change and so we have proposed a Kinship Care Bill.

We believe some initial measures to improve the lives of kinship carers and facilitate more kinship care placements would not only be better for the wellbeing of the children but also save the taxpayer from more expensive interventions in the longer term. The state already recognises that adoptive parents and foster carers require a level of state support to raise children who have experienced tragedy or trauma and we are seeking the same recognition for kinship care.

We estimate that for every child placed in a residential local authority placement there is an average cost to the state of £181,293 per child. For every child in a foster care placement, there is an average cost of £33,623 per child.²⁰⁴

This does not include the costs associated with care proceedings, or subsequent events once the child is looked after, such as reviews and placement changes.

The current financial climate, exacerbated by the Coronavirus pandemic, has placed serious pressures on services, especially at a local authority level. The rising number of looked after children, which since 2010-11 has increased at a rate almost three times greater than the growth in the overall child population, is one of the greatest pressures on local authority expenditure.²⁰⁵ Ministers have indicated they anticipate that the number of children entering the care system will continue to rise.²⁰⁶

According to assessments by the National Audit Office, although looked after children make up only a minority of the total number of children in need, in 2018-19 they accounted for more than

²⁰⁴ This assessment utilises data from the Personal Social Services Research Unit and other government data. It is based on the average amount of time that children who cease to be in care, have been in care. These cost estimates are based on the best available data about the unit costs of different placement types, and average length of care placement. They do not consider the complexity and nuance associated with children's social care, or the costs associated with ongoing placement support provided by a social worker. They also do not include the costs associated with care proceedings, or subsequent events once the child is looked after, such as reviews and placement changes.

²⁰⁵ National Audit Office (2019, p.22) *Pressures on children's social care* <https://www.nao.org.uk/report/pressures-on-childrens-social-care/>; *LGiU MJ State of Local Government Finance Survey 2019 (14 February 2019, p.14* <https://lgiu.org/publication/lgiu-mj-state-of-local-government-finance-survey-2019/>

²⁰⁶ Vicky Ford MP, Children and Families Minister, <https://questions-statements.parliament.uk/written-statements/detail/2020-07-14/HLWS360> (14 July 2020)

half of all local authority budgeted spending on children's services.²⁰⁷ Research by the Department for Education has found that, on average, local authority annual spend per 'looked after child' was £45,650 in 2015-16, compared to £10,780 for a 'child in need'.²⁰⁸ Any further increase in the numbers of looked after children is therefore likely to have a substantial impact on local authority expenditure.

Moreover, while local authority expenditure on children's social care has increased as a result of these pressures, with a total overspend in 2017-18 of £872 million, this is at the expense of early intervention. Spending on preventative children's services fell from 41% of overall spending on children's services in 2010-11 to 25% in 2017-18, which is a reduction in real terms of £1.7 billion.²⁰⁹ The Children's Commissioner has warned of the impact of these cuts in preventative services in a 2018 report, produced with the Institute for Fiscal Studies, on public spending on children:

'Children do not arrive in extreme need overnight and many could be prevented from getting to that point if we helped them sooner in a more effective way. We are, in effect, attempting to manage and contain crisis in children's lives after allowing it to escalate.'

*'The economic and social costs are unsustainable. The cost to the state will ultimately be greater, but it is the lifetime cost to these children which we should be most troubled by.'*²¹⁰

The factors which contribute to the rise in care proceedings and the number of children in care are complex and therefore there is no simple solution. However, the sector-led Care Crisis Review, completed in 2018, found consensus around the idea that relationship building within and between agencies, families and practitioners is a central part of good practice. The Review also concluded that wider family and the community are a 'significant untapped resource' for children in or on the edge of the care system, and that greater focus on exploring and supporting this resource could safely avert more children needing to go into care.²¹¹

Going into the Coronavirus pandemic, children's services faced a funding gap of £3.1 billion by 2025. This will need to be addressed in the forthcoming Spending Review to enable local authorities to meet demand for statutory children's social care services and to make support for kinship carers and their children a priority and a reality. This early intervention would lead to longer-term cost savings if those children are diverted from the care system.

As a catalyst to introduce many of the changes we identify in this report, we encourage the government to consider a ring-fenced funding stream for local authorities which would help them work with their community, partner agencies, and young people and families to safely avert children having to enter or remain in the care system. This grant could be awarded on the basis of an approved local plan, which has the support of the local authority's partner agencies, and sets out what steps the authority is taking to avert children having to enter or remain in care.

Part of the challenge is also a lack of data and we have made recommendations to improve this. Greater awareness and data gathering on kinship care within national and local government would allow a better assessment of the numbers of kinship carers and their level of need and an improved ability to cost the policies we have suggested in this report.

²⁰⁷ National Audit Office (2019, p.22) *Pressures on children's social care*

²⁰⁸ Department for Education (2017, p.8) *Children's services: spending, 2010-11 to 2015-16* <https://www.gov.uk/government/publications/childrens-services-spending-and-delivery>

²⁰⁹ National Audit Office (2019, p.34) *Pressures on children's social care*

²¹⁰ Children's Commissioner for England & Institute for Fiscal Studies (June 2018) *Public spending on children in England: 2000 to 2020*. <https://www.childrenscommissioner.gov.uk/wp-content/uploads/2018/06/Public-Spending-on-Children-in-England-CCO-JUNE-2018.pdf>

²¹¹ *Care Crisis Review: Options for change* (2018, p.4) London: Family Rights Group. https://www.frg.org.uk/images/Care_Crisis/CCR-FINAL.pdf

Family Group Conferences

A family group conference is a voluntary process led by family members to plan and make decisions for a child who is at risk. Families, including extended family members and the child (subject to their age and understanding and usually supported by an advocate) are assisted by an independent family group conference co-ordinator to prepare for and take part in the meeting.

Key features of a successful family group conference include:

- Having an independent coordinator to facilitate the involvement of the child, family network and professionals in the family group conference process;
- Allowing the family private time at the family group conference to produce their plans for the child or young person; and
- The local authority (and other public agencies) agreeing and resourcing the family's plan unless it places the child at risk of significant harm.

The use of family group conferences ensures that wider family members understand at an early stage the seriousness of the situation and have the opportunity to make contingency plans for alternative care within the family if the parents do not satisfactorily resolve their problems within the child's timescale

Exploring family as the first port of call

Our vision is for a children's social care and family justice system where family is always explored as the first point of call.

The underlying principle of the Children Act 1989 is that the best place for most children to be brought up is in their own family, with support from the state when the child needs this. We believe this principle needs to be realised in full to prevent children being placed unnecessarily in unrelated local authority foster or residential care, away from their family networks.

This would mean all local authorities acting early, when concerns about a child's ability to safely remain at home first emerge. At this stage, they would make efforts to identify wider family members and friends who may be able to support the child to live safely with their parents and/or be assessed as kinship carers if the child cannot remain at home (in the short or longer term).

Identifying families

Families should be engaged from the outset before the child enters the care system. This should include the offer of a family group conference, unless there is an emergency. A family group conference enables the wider family to take the lead in making a safe plan for the child, for example by setting out how they can support the child to remain with the parent or, if that is not feasible, identifying suitable relatives willing to raise the child. This can sometimes avert the need for care proceedings or the child entering the care system.

Our vision is to foster an environment where families are able to have open discussions without fear of judgement. An environment in which parents would be encouraged not to feel that admitting they are struggling is an admission of failed parenting but that asking for help is an act of courage.

Assessing family members as potential kinship carers

Our vision is potential kinship carers would be properly informed from the outset, including being given an explanation of the nature of the assessment process, why intimate questions are being posed, and what is being asked of them. They would have a full understanding of their legal rights, including in relation to upholding any proposed support arrangements.

Potential carers would feel they have the time and space to make an informed decision, including information about the child and any additional needs they may have. They would not feel pressured into making an immediate decision by the threat that the child could be placed for adoption or become looked after in the care system with no guarantee of family contact, if they do not step up immediately. They would have access to legal advice and representation to ensure they have all the information and advice they need on the different legal routes and orders available to them and the implications of each. Meetings with potential carers would be flexible to the needs of family members – for example, taking place at times when they are not at work or have other caring responsibilities. Video calls have proven useful for some families during the Coronavirus pandemic, but where possible meetings in person are likely to be more informative and preferable for all concerned.

In the context of care proceedings, where the statutory 26-week time limit for those proceedings is eligible for extension, this would be explored to ensure the process would be sufficiently flexible and that the process is not unduly rushed at the expense of making the right judgment for the child.²¹² Enough time would be provided for building relationships between the child and the potential carer and between the social workers and family members, and to ensure that all family members supporting the placement are properly involved.

Overseas placements

Approximately one third of children born in the UK in 2019 have a parent who was not born in the UK.²¹³ While the citizenship of parents (which may be different from the child's) is not tracked by local authorities, it is estimated by Children and Families Across Borders (CFAB) that there are up to 18,000 children currently in care who have family members abroad who could potentially care for them. Local authorities would be equipped to investigate overseas kinship placements where they are potentially viable, such as where a loving grandparent, who knows the child, is living abroad.

Proposed actions:

The immediate priority is to ensure that the wider family, both domestic and abroad, are the first port of call to avoid children entering care.

Short term measures

Local authorities should:

- Ensure kinship assessments are conducted in a consistent, fair and transparent way by following the Family Rights Group's initial family and friends care assessment good practice guide. This should include the offer of a family group conference. We encourage the Welsh government to adopt this recommendation also.
- Make use of the currently available option to apply to extend care proceedings beyond 26 weeks when it is necessary to ensure that a full and robust kinship care assessment of carers can be completed.
 - Provide clarity to kinship carers from the outset of any kinship placement as to the legal implications of that placement, in accordance with case law. This should include both the child and carers' rights as related to that placement type, and what support may be available.

²¹² Section 14(2) of the Children and Families Act 2014 amended s.32(1)(a) of Children Act 1989 to insert that a case must be concluded: (i) without delay; and (ii) in any event, within 26 weeks, beginning with the day on which the application was issued. <http://www.legislation.gov.uk/ukpga/2014/6/section/14/enacted>

The Children and Families Act 2014 does include provision in s.32(5) for the 26-week time limit to be extended, but only if the court considers that the extension is 'necessary to enable the Court to resolve the proceedings justly'. <https://www.legislation.gov.uk/ukpga/1989/41/section/32>

²¹³ <https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/livebirths/bulletins/parentscountryofbirthenglandandwales/latest#country-of-birth-of-non-uk-born-mothers-and-fathers>

Initial family and friends care assessments: good practice guide²¹⁴

In most local authorities, some form of initial family and friends care assessment is used to determine which members of a child's family and friends' network are potentially a realistic option to care for that child and should therefore be subject to a full assessment as a possible long-term carer for the child. In practice, this means social workers may be required to undertake initial assessments with several family members and often to tight deadlines.

However, there are no national regulations, minimum standards or guidance covering initial assessments (often referred to as 'viability' assessments). This has led to local authorities and individual practitioners taking different approaches to how an initial assessment should be conducted and presented. We've heard of many examples where it was no more than a phone call, and the family member did not even know they were being assessed. To fill this gap, Family Rights Group convened an expert working group to develop this practice guide, which has been endorsed by Cafcass, the Association of Directors of Children's Services and the Family Justice Council. The guide aims to provide social workers with a clear framework for undertaking preliminary assessments of family and friends.

National government should consider:

- Incorporating Family Rights Group's initial family and friends care assessment good practice guide into statutory guidance, so that local authorities are required to follow consistent, open and fair processes.

Medium term measures

To ensure this is consistent across all local authorities, national government should consider:

- Introducing a new legal duty on local authorities to ensure that potential placements with kinship carers are explored early. Exploration of family and friends care options should always happen before a child may become looked after, unless there is an emergency. At present this duty only applies once the child is in the care system. In the immediate term, statutory guidance could be strengthened.
- Introducing a new legal duty on local authorities to offer all families the opportunity to have a family group conference before a child enters the care system, unless there is an emergency. Appropriate funding of these crucial services would assist significantly in ensuring this is always offered to the family at an early stage. This would require a change to primary legislation (see Kinship Care Bill) but in the immediate term we propose strengthening statutory guidance.

Local authorities should also consider the following:

- To assist in identifying potential kinship carers at home and overseas, local authorities should record nationality and citizenship early in the assessment process. They should also consider accessing services from CFAB for advice on conducting international assessments as early as possible, and before a child is in the care system. These means of supporting international kinship assessments should be incorporated into statutory family and friends care guidance²¹⁵ and also statutory guidance on court orders and pre-proceedings for local authorities.²¹⁶

²¹⁴ Family Rights Group (2017) Initial family and friends care assessment: A good practice guide. https://www.frg.org.uk/images/Viability_Assessments/VIABILITY-MASTER-COPY-WHOLE-GUIDE.pdf

²¹⁵ Department for Education (2011) Family and friends care: Statutory guidance for local authorities https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/288483/family-and-friends-care.pdf

²¹⁶ Court orders and pre-proceedings for local authorities (2014) <https://www.gov.uk/government/publications/children-act-1989-court-orders--2>

Making informed decisions: legal advice and representation

Our vision is that kinship carers should have all the information they need to make an informed decision. Potential carers should be able to access the legal advice and representation they need to navigate the family justice system when a local authority is considering that a child may need to be permanently removed from their parents' care.

No potential kinship carer should feel excluded or disempowered when they are trying to step up and support their family. Potential kinship carers need the social worker to give them a full understanding of the child's needs, life story and any matters concerning contact. They need to have this information early, so that they are able to have informed discussions. If they are to care for a child, then they need to have the opportunity to influence decisions within child welfare meetings and within court proceedings about the child's future and their support needs.

A system which values the important role of families would not leave kinship carers to spend thousands of pounds of their own money in legal fees, sometimes leaving them in significant debt, in order to take on the care of their young relatives and give them the loving home they need. The legal support they can receive would not be dependent on the individual policies of local authorities or the generosity of solicitors providing assistance on a pro bono basis.

Free specialist and independent legal advice and information services, such as that provided by the Family Rights Group advice service, would be expanded so that all kinship carers (and prospective kinship carers) in the UK can access advice when they need it.

Family and friends who are considering becoming kinship carers would also be able to access legal aid in the pre-proceedings stage, and where court proceedings have been issued, so that they are properly informed from an early stage about the options available to them. This would not be means tested so that families who have limited financial resources (but who own their home) would not be left out.

Access to specialist independent advocacy services would also better equip families to express their views and perspective and to contribute to plans about the children they are caring for. Access to this form of independent support would also help kinship carers to overcome difficulties in communicating their need for support. Such advocacy support is available in some other jurisdictions, such as South Australia.

Connecting Foster and Kinship Carers South Australia <https://cfc-sa.org.au>

Connecting Foster and Kinship Carers South Australia (CF&KC-SA) aims to improve the lives of children and young people in care in South Australia, through provision of services that:

- Advocate
- Support
- Connect
- Inform.

Their advocacy services aim to influence positive changes to attitudes, policies, systems and laws through systems advocacy and individual advocacy, helping carers to have an effective voice in matters that affect them and the children and young people in their care.

Proposed actions:

Short term measures

To begin with, national government should:

- Fulfil the pledge made by the Ministry of Justice²¹⁷ to bring forward provisions to extend the scope of legal aid to special guardians in private law cases and also consider extending this to potential special guardians in public law cases where a special guardianship order is being considered. This would ensure that kinship carers are in a position to understand the legal ramifications of their decisions, have support to apply for disclosure of court papers about the child or to become a party to proceedings, and ultimately help them to secure the right legal order for the child (including in terms of the support plan) so that the child can thrive in their care. We would also press for this to be non-means tested given many kinship carers are impoverished but own their homes or have a small pension pot.
- Adequately fund free specialist independent legal advice, information services and advocacy services so that kinship carers and potential kinship carers know their rights and options from the outset, and how best to secure the child's future with them and as circumstances change.

We also think national government should consider:

- Updating the 2011 Statutory Guidance for Local Authorities on Family and Friends Care, including making explicit the expectations on local authorities to support (including where necessary to fund) kinship carers or potential kinship carers to access independent legal advice or representation. This would ensure they can make an informed decision and take action to safeguard a child or provide them with legal permanence. Revised guidance must also be supported with adequate government funding.

Local government should consider:

- Reviewing their family and friends care policies to signpost where kinship carers or potential carers can get free specialist independent legal advice, and ensure policies set out clearly the criteria they apply when deciding whether to fund potential kinship carers to get initial advice and subsequent independent legal advice, help with court costs or representation if they cannot access legal aid.

Medium term measures

We think national government should consider:

- Extending the scope of the above legal aid provisions further to include all kinship carers who are considering taking on (or who have taken on) the care of a child where there is court, local authority or professional evidence that the child cannot live with their parents.

'We felt like the local authority took advantage of our naivety and abused our goodwill.'

'The local authority was very happy for us to take on the children but they didn't want to provide any financial support. Once we worked out what was going on we had to 'force' the children into the care system in order to get financial support and to be able to afford to continue to look after them.'

²¹⁷ <https://www.gov.uk/government/publications/legal-support-action-plan>

Work and family life

Our vision is that kinship carers should never be left impoverished as a result of stepping in to care for a young relative.

Employment

Stepping in to raise a child, as a kinship carer, places additional pressures on family life, such as the ability of the carer to maintain employment commitments. This is particularly the case if the child has additional needs and/or has suffered trauma. Even prior to taking on the care of the child, regular meetings may be required with children's services during the assessment process and/or with the child's school, and involvement in court proceedings is often very time consuming. Carers who find themselves having to reduce their working hours, change jobs or, in some cases, leave employment entirely in order to care for a child, should not find themselves in financial hardship as a result of having to make this decision. The impact of the Coronavirus pandemic in exacerbating financial pressures on kinship families should also be recognised.

We envisage a system where kinship carers are supported through this often difficult transition. Kinship carers would have the same rights to support as adoptive families when children are adopted from the care system, including the right to employment leave and free childcare. Employers would also be encouraged to be flexible with staff who are kinship carers to aid this transition.

Welfare and financial support

The welfare system is an important lifeline for many kinship carers, particularly given the potential impact of caring responsibilities on employment. Eligibility criteria, sanctions, and caps on support within welfare rules should be flexible to consider the special circumstances of kinship carers and to prevent those families from being pushed into severe poverty. This would include the under occupation penalty ('bedroom tax'), the Benefit Cap, Universal Credit, and Pension Credit. Moreover, the children's social care foster system currently recognises that caring for a child includes additional costs and an allowance is provided accordingly. A fair and non-discriminatory system would also recognise the same financial challenges for kinship carers and so provide an allowance.

Housing

Managing housing arrangements when taking on the care of a child can be challenging. A fair system would be mindful of these needs and include housing policies that reflect these challenges, ensuring that kin children and their kinship carers are not living in unsuitable and/or overcrowded accommodation as a result of their new caring responsibilities.

Petitions Committee Report on Extending Parental Leave²¹⁸

The report published by the House of Commons Petitions Committee in July 2020, *The impact of Covid-19 on maternity and parental leave*, recommended that, as part of a future review into parental leave and pay, the government should consider whether entitlements and benefits for parental leave and pay can be extended to special guardians. We welcome this recommendation and note the government's commitment to further engagement in this area. We would ask the government to consider the extension of this to all kinship carers, regardless of legal status, where there is a court order or local authority or professional evidence that the child cannot live with their parents.

²¹⁸ *The impact of COVID-19 on maternity and parental leave. (July 2020):* <https://publications.parliament.uk/pa/cm5801/cmselect/competitions/526/52602.htm>. The government responded to the report on 7 September: <https://publications.parliament.uk/pa/cm5801/cmselect/competitions/770/77002.htm>

Proposed actions:

Short term measures

National government should consider:

- Encouraging employers to develop employment policies that recognise the needs of staff who are kinship carers, including by public agencies leading by example.
- Introducing reforms to the welfare system to:
 - Exempt kinship care households from the Benefit Cap. This could be delivered through secondary legislation to provide for a payment to make up for the shortfall that has arisen from the cap's application (in the same way that Northern Ireland provides 'Welfare Supplementary Payments').
 - Exempt kinship carer and foster care households from the under occupation penalty ('bedroom tax'), so that children with disrupted lives are not forced to share a bedroom with another child in the household. The existing flexibility within the policy, which allows additional bedrooms in some cases, does not cover all kinship care arrangements. This could be achieved by amending regulation B13 of the Housing Benefit Regulations or simply amending regulation 2(1) (the definition section) to expand the definition of 'child who cannot share a bedroom' to include a child who lives in kinship care.
 - Ensure that no kinship carer who has to move onto Universal Credit as a result of taking on the care of a kinship child, even as a temporary measure, is financially penalised.
 - Ensure that no kinship carer is financially penalised as a result of kinship carers of pension age transferring from Child Tax Credit to Pension Credit.

Local government should:

- Encourage employers in their locality to develop employment policies that recognise the needs of staff who are kinship carers, and to take the lead within their own employment policies.
- Ensure local delivery of measures to support vulnerable families during the Coronavirus pandemic includes the consideration of the needs of children raised in kinship care and their households.

Medium term measures

National government should consider:

- Affording all children being raised by kinship carers for more than 28 days (where there is court, local authority or professional evidence that they cannot live with their parents) the same rights currently available to children who are adopted from care, and those who ceased to be in care as a result of a special guardianship or 'lives with' child arrangements order or residence order. This would include free childcare for two-year-olds, a designated school member of staff and Pupil Premium Plus. It should also include priority school admissions and we would urge the government to consider this in the draft revised Schools Admissions Code currently out to consultation.²¹⁹ In the immediate term, changes could be made to the school admissions code.
- Introducing the right to a period of paid employment leave and protection to kinship carers, including undertaking a cost benefit analysis in the first instance. Kinship carers who are permanently raising children who the court, local authority or professionals have determined cannot live with their parents, would be eligible to these rights (akin to the rights adopters are entitled to already).
- Undertaking a cost benefit analysis of introducing a national financial allowance for kinship carers

²¹⁹ <https://www.gov.uk/government/consultations/changes-to-the-school-admissions-code--4>

Local government should:

- Establish a protocol to meet the housing needs of kinship carers, drawn up in conjunction with other social housing providers in their locality. This would help ensure carers are not living in overcrowded or temporary accommodation as a result of taking on the care of a child and would help ensure that families can be kept together. This should include criteria for giving loans or support with loft extensions or other housing adaptations.

Getting the right help, at the right time

Our vision is that family is valued as a trusted resource and kinship carers can seek out the necessary support they need to enable the children to thrive in their care, and that kinship care children are not only entitled to but are able to access a minimum level of support regardless of postcode.

We envisage a society which appreciates the contribution of kinship carers and recognises the support needs of them and their kin children, in the same way as the contribution and needs of adoptive and foster care families are recognised. Such a society would offer a minimum standard of support that is not dependent on the priorities, processes or funding constraints of individual local authorities but *on the needs of the child*.

By providing adequate support for all kinship care families, the state would not only reduce the risk of them breaking down but enable those kinship care arrangements to thrive. Moreover, kinship care would become a more viable option for children currently in or on the edge of the care system. Where the child being raised in kinship care or the kinship carer requests it, local authorities would assess the child's needs, regardless of the legal status of the arrangement. Sufficient time would be provided to allow this process to be carried out, avoiding a situation where families feel rushed to accept support plans they haven't had time to adequately consider or test. A supportive discussion would be encouraged to allow families to be open about any additional support they need, without fear of how it will be perceived.

Local authorities would be obligated to establish and commission kinship care support services to a minimum standard, including access to counselling, therapeutic work, family therapy and life story work. Access to 'short breaks' (or respite) care would also be a hugely important option available to kinship carers. The Mockingbird Family Model (see Box), which has proven to be an effective programme for foster carers, would be more widely available to kinship carers as part of this.

All local authorities would also adopt the Mutual Expectations Charter (see Box), which sets out what families should be able to expect of child welfare services and what children's services can expect from families when they are working together.

The specific provision in adoption law for birth parents to access counselling, to help understand what is proposed for their child and come to terms with their child's permanent removal placement, should also be extended to other permanent kinship care arrangements, such as special guardianship orders, and include the offer of therapeutic support as well as counselling. Parents of children who move to live in kinship care arrangements would be supported to a point where they may be better able to come to terms with the placement, helping children to manage their transition and assist with identity and life story work. It would also ease some of the problems surrounding contact arrangements.

Support groups

Support groups, which are usually set up by kinship care charities or local authorities, provide an environment in which kinship carers can be among others who have faced similar challenges to themselves and where they don't face being judged or stigmatised. Support groups offer important

peer support as well as emotional and factual information. They can also be a valuable source of information for local authorities and public services in terms of helping to influence policy making and set service priorities.

Support groups should be available to kinship carers in every part of the country and open to all regardless of legal order. The Grandparents Plus Kinship Connected programme (see Box) offers assistance with local support group development, which could be replicated to ensure greater consistency of support group provision across the country.

The Mockingbird Model²²⁰

Mockingbird is an extended family model, providing foster carers in a locality with a hub of support including sleepovers and short breaks, peer support, regular joint planning and training, and social activities. Under the model (introduced to the UK by the Fostering Network) one foster home acts as a hub, offering planned and emergency sleepovers and short breaks, advice, training and support, to six to 10 satellite households.

Mutual Expectations – A charter for parents and local authority children’s services²²¹

This Charter aims to promote effective, mutually respectful partnership working between practitioners and families when children are subject to statutory intervention. Such intervention can involve child welfare and family justice, mental health, education and youth justice systems. The Charter is written for parents, local authorities and their partner agencies and those working for them. It has been developed by parents and practitioners, and facilitated by Family Rights Group. The Charter’s key themes are respect and honesty, information sharing, support, participation, and communication.

Kinship Connected²²²

The Grandparents Plus Kinship Connected programme has been in development since 2013 and is a service which has been delivered in many local authorities. It offers tailored and intensive one-to-one support to kinship carers, as well as local support group development. The social action approach is supported by DCMS/Nesta, and external evaluation of the programme has found a statistically significant impact on:

- Reduced isolation: kinship carers are supported to meet people in the same situation, share experiences and seek advice and support from peers
- Decreased financial concerns: kinship carers are supported to access financial support they are entitled to, including welfare benefits and emergency grants
- Lower levels of concern: especially around managing children’s behaviour and supporting their health and wellbeing
- Improved relationships: particularly with other family members
- Increased confidence: kinship carers feel better able to cope with their role and responsibilities.

²²⁰ <https://www.thefosteringnetwork.org.uk/policy-practice/projects-and-programmes/mockingbird-programme>

²²¹ <https://www.frg.org.uk/images/YFYV/Mutual-Expectations---Parents-Charter.pdf>

²²² <https://www.grandparentsplus.org.uk/for-professionals/for-professionals-local-authorities/kinship-connected/>

There would also be provision for children in kinship care to meet other children and families in a similar position to themselves. Kinship Carers Liverpool (see Box) and Kinship Carers UK (see Box) are exemplars of how other areas could progress in setting up such support groups.

Kinship Carers Liverpool²²³

Kinship Carers Liverpool is a charity working with kinship carers and their kin children in Liverpool. They provide a range of support, advice and activities to kinship families in the city, and have a close working relationship with Liverpool City Council.

The support groups provided by Kinship Carers Liverpool are an invaluable resource for families, supporting kinship care placements and reducing the chance of breakdown. The emphasis is on peer support for carers and their kin children, and many carers and kin children return to support new families and share their experiences and advice.

For kinship children, the groups provide diversionary activities, one-to-one and group support, and residential opportunities. For kinship carers, the groups can be a place of respite with coffee mornings, advice and support, therapies, parenting programmes and peer mentoring.

The Taskforce was pleased to welcome kinship children from the Liverpool group to Parliament as part of our evidence gathering.

Kinship Carers UK²²⁴

Kinship Carers UK run a network of support groups, offering advice, emotional support, training and advocacy services. They also have a kinship care youth club based in Worcester. The youth group offers kinship children and young people a place to engage with other kinship children, to meet friends, to have fun and to find support. One group supports 6 to 10-year-olds and they have another for 11 to 16-year-olds. Groups are hosted by the charity's youth workers and community partners and are free to kinship care families.

Adfam Kinship Project in Peterborough

Adfam is a national charity working to improve life for families affected by drugs or alcohol. With the support of BBC Children in Need, the Adfam Kinship Project in Peterborough offers support to kinship families affected by the drug and alcohol use of family members. As well as the peer support group, families can also access:

- One-to-one practical and emotional support to those caring for a family member's child
- Regular information and skills workshops
- Fortnightly activities for children in kinship care
- Annual trips for kinship care families.

²²³ <https://kinshipcarersliverpool.co.uk/>

²²⁴ www.kinshipcarersuk.com

Dealing with trauma and supporting children to thrive

Children who are unable to live safely with their parents and who are being raised by kinship carers have often had difficult and traumatic experiences comparable to children in long-term foster care or who are adopted. Therefore the same degree of focused and targeted professional support should be available for kin children as for the latter two groups.

The Adoption Support Fund is an important source of funding for essential therapeutic support for the adoptive and special guardian families who can access it. But the fund should be open also to all children in family and friend care arrangements where there is a need for therapeutic support. During the Coronavirus pandemic, the greater flexibility introduced to the fund has facilitated the provision of support groups and training services for kinship carers. This flexibility should remain a part of the system. Bereavement and life-story support services should be available to kinship care children, regardless of whether or not they were previously in the care system, and schools, universities and other public agencies should be trauma informed and kinship care aware.

Kinship carers often have to manage not only the needs of their kinship child but also those of their own birth children who may be living with them. The state should make the practicalities of day-to-day life easier for them – for example, ensuring all children in the kinship care household have priority school admissions so that they can attend the same school. Kinship children would also have the same access to educational support as those who have been adopted, such as Pupil Premium Plus and a designated member of school staff to promote their education achievement. The additional measures put in place during the pandemic to support the education and wellbeing of vulnerable children, including childcare and school places and support for home learning, would include kinship children in all forms of placement, where carers felt such support would be beneficial. The National Tutoring Programme would also be available to children in kinship care on the same basis.

Support would be available beyond the child's 18th birthday to lessen potential restrictions on the choices facing young people who have grown up in kinship care. Government would work with higher and further education providers to ensure that young people growing up in kinship care are able to access university and other education provision, such as apprenticeships, including by broadening access to bursaries to those raised in kinship households.

Managing contact

Relationships between children in kinship care arrangements and their parents, siblings living apart from them and other family members, is generally hugely important to those children and should be supported. However, managing those contact arrangements can prove a unique and formidable challenge for kinship carers, in that they must simultaneously maintain interfamilial relationships or friendships, whilst often making difficult and stressful decisions about when and how contact with specific relatives, including parents, can best be managed or organised in the child's interest. This differs significantly from an adoptive placement, where direct contact is rare, or a foster care placement where contact is more likely to be supervised by the local authority or arrangements are typically organised by a social worker.

Kinship carers and children raised in kinship care should feel supported to manage these complex relationships and contact arrangements. That support should cover helping kinship carers to understand their legal obligations, which include maintaining the beneficial family relationships that are an important part of children understanding their life story and having a secure sense of identity.

Support with contact could include:

- Access, as needed, to contact centres for supervised contact or handovers

- Ongoing social work support and advice in managing difficult decisions relating to changes in contact plans
- Family mediation and therapeutic services
- Ongoing access to family group conference services – for example, if circumstances change and management of arrangements for the child need to be reconsidered
- Adapting and extending the Lifelong Links model (see Box) of building support networks (for children in care) to children in kinship care.

Lifelong Links²²⁵

Lifelong Links is a service aimed at building positive lifelong support networks for children in the care system. It could be adapted and extended to support children in kinship care arrangements. Lifelong Links involves an independent coordinator working with the child to research their family tree and identify everyone who is important to the child (this may include previous carers and teachers, for example). Lifelong Links helps the child to develop their sense of identity and maintain or develop significant relationships, alongside their relationship with their kinship carer.

Access to training

For kinship carers without any or recent experience of raising children, especially experience raising children with additional needs, training may be particularly beneficial. This is both in terms of preparing for the child to come to live with them but also in dealing with many of the different challenges the carer might face, such as attachment, how to help children to manage their transition to new situations, identity, heritage, life story work, dealing with bereavement and loss, and supporting a child with complex needs etc. Kinship care is unique and tailored training courses should be designed and offered for carers' circumstances. A lot can be learnt from existing courses open to prospective adopters and local authority foster carers, which could be opened up to include kinship carers.

Proposed actions:

Short term measures

National government should consider:

- Retaining and extending the Adoption Support Fund so that all children being raised by kinship carers for more than 28 days (where there is court, local authority or professional evidence that they cannot live with their parents) have the same rights to therapeutic support and counselling currently available to children who are adopted from care. The greater flexibility introduced to the Fund during the COVID-19 pandemic should also be retained. We also welcome the findings of the July 2019²²⁶ report by the APPG on Adoption and Permanence and support its recommendations.
- Amending the anomaly in Care Planning, Placement and Case Review (England) Regulations 2010 which provide for sibling contact with a sibling who is also looked after but do not refer to contact with siblings who are not looked after. We welcome the commitment made by the Parliamentary Under Secretary of State for Children and Families, in answer to a written parliamentary question on 28th February 2020,²²⁷ to undertake a review of the regulations to provide for sibling contact.
- In order to support their education and wellbeing, including transition back to school, the

²²⁵ <https://www.frg.org.uk/involving-families/family-group-conferences/lifelong-links>

²²⁶ Investing in families: The Adoption Support Fund beyond 2020. <https://www.adoptionuk.org/appg>

²²⁷ Response (28 February 2020) to a written Parliamentary Question from Catherine McKinnell MP. <https://questions-statements.parliament.uk/written-questions/detail/2020-02-21/18831>

government should consider extending the remit of the Virtual School Head and ensure the National Tutoring Programme includes children in kinship care in all placements types, where there is professional evidence of additional need.

- In the event of future school closures as a result of public health restrictions, the educational support offered to vulnerable children during the Coronavirus pandemic should be extended to all children in kinship care placements. This would include being eligible for a childcare or school place and support for home learning, including laptops or tablets and broadband.
- Working with higher and further education providers to ensure that young people growing up in kinship care can access university and other education provision, such as apprenticeships, including by broadening access to bursaries to those raised in kinship households.
- Amending Regulation 3 of the Special Guardianship Regulations 2005 and of the Special Guardianship (Wales) Regulations 2005 to expand the scope of training provision in prescribed special guardianship support services to include all needs, not just a child's special needs.

Local government should consider:

- Providing clear and comprehensive information to kinship carers about the options available to them and any support that they may be eligible for, including access to benefits advice.
- Introducing a named person and contact number with responsibility for supporting applications for eligible kin children to access the Adoption Support Fund and other entitlements (such as priority admissions to school, ensuring schools apply for Pupil Premium Plus) and to promote these supports to kinship care families who may be eligible.
- Assisting in setting up, commissioning or grant funding support groups for kinship carers, and ensure kinship carers are routinely signposted to such groups.
- Establishing and commissioning kinship care support services, which will include access (for the child, other members of the kinship care household, parents and separated siblings) to counselling, therapeutic work, family therapy and life story work, contact support and training resources.
- The use of the Mockingbird Family Model and Lifelong Links for the delivery of support to kinship carers and children in kinship care.
- Adopting the Mutual Expectations Charter, which sets out what families should be able to expect of child welfare services and what children's services can expect from families.

Medium term measures

National government should consider:

- Placing a new duty on local authorities to establish and commission kinship care support services, which should include access, when needed, to counselling, specialist trauma services, therapeutic work, family therapy and life story work, assistance with contact, and training resources. This should be adequately funded by government to ensure that local authorities can make such provision and that it can be readily accessed by kinship carers.
- Introducing a new duty on local authorities to assess the support needs of all children in kinship care (whatever their legal status at that time) where there is court, local authority or a professional evidence that they cannot live with their parents, and support is requested.
- The specific provision in adoption law for birth parents to access counselling to help understand what is proposed for their child and come to terms with their child's permanent removal placement, should also be extended to other permanent kinship care arrangements and include the offer of therapeutic support as well as counselling.

Local government should consider:

- In response to a request by a kinship carer, assessing the support needs of the child in their care (whatever their legal status at that time) where there is a court, local authority or a professional has determined cannot live with their parents.

A new Kinship Care Bill

A new Kinship Care Bill would encompass the new legal duties and powers recommended by the Taskforce. A dedicated bill would not only deliver the legal changes required to improve kinship care support, it would also be a clear demonstration that Parliament and Government recognise the challenges faced by kinship carers and value the important role they play in keeping families together.

- The Bill would require all local authorities to publish family and friends policies that address the key issues affecting kinship carers which are raised in this report. The government should require local authorities to have a named designated senior council officer with responsibility for implementing the policy.
- The Bill would place a new duty on local authorities to establish and commission specific kinship care support services, including assistance with managing contact and family relationships, counselling and therapeutic support, help with children's emotional and behavioural needs, life story work, and setting up local support groups for kinship carers.
- The Bill would place a new duty on local authorities to assess the support needs of any children in kinship care (who the local authority, court or professional has determined cannot live with their parents) when requested to do so by a kinship carer.
- Regulations 3 of the Special Guardianship Regulations 2005 and of the Special Guardianship (Wales) Regulations 2005 provide details of prescribed special guardianship support services. They reference training but only in relation to a child's special needs. These could be amended in England and Wales to expand the scope of training provision more generally so that it is aligned more closely with that provided to foster carers or prospective adopters.
- In the case of adoption, current law makes specific provision for parents to have access to counselling to help understand what is proposed for their child and to help them come to terms with the placement. Such provisions are not reflected in most kinship care arrangements, but access to such support would have significant benefits not only for the parents but also for kinship carers and, most importantly, the children placed with them. The Bill should therefore include legislative entitlement for all parents whose children are permanently placed with kinship carers to have access to such support
- Such services must be adequately funded by government to ensure that local authorities can make such provision, and they can be readily accessed by kinship carers.

Reimagining the system

Our vision is that kinship care will be valued as the crucial third pillar of the children's social care system.

Our vision is for kinship care to be acknowledged, understood and supported within central and local government and other public services, and among businesses and the general public. General awareness of kinship care will be improved and the specific support needs of kinship carers and the children they are raising will be understood and acted upon.

The Government have committed to a review of the children's social care system and the Education Secretary has promised that this will be 'broad, bold and independently led'. For this review to meet those expectations it must include kinship care, in recognition of the crucial role it plays as the third pillar of the children's social care system.

In order to ensure there is sufficient data on kinship care and types of placement, the government should collect and publish robust official data about kinship care arrangements to inform planning of local and national policies and to support services for kinship care. This should include commissioning analysis of the forthcoming 2021 census.

There is increasing acknowledgement and recognition of the needs of children of foster carers in adjusting to and managing the arrival of a foster child into their household. Similar acknowledgement needs to be paid to the adjustment that birth children in kinship care households have to make.

National government should:

- Include kinship care within the remit of the forthcoming independent review of the children's social care system.
- Ensure each government department and relevant agency collects and publishes robust official data relating to kinship care arrangements to inform planning of local and national policies and support services for kinship care. This should include collection and monitoring statistics on the number of looked after children sent abroad to kinship care placements.
- Extend the Adoption and Special Guardianship Leadership Board to cover all children under a special guardianship order and set up a special guardianship reference group to influence the Board, akin the adoption reference board.
- Commission research into kinship care, especially where there is a particular dearth of knowledge, including on the experiences of black children and those from other minority ethnic communities in kinship care, and on longer-term outcomes of children raised in kinship care.
- Host a Downing Street reception of the Taskforce, when it is safe to do so, to raise awareness of the issues facing kinship carers and recognise the brilliant and vital job kinship carers do.

Parliament should consider:

- Holding select committee inquiries into the effect of government policies on kinship carers, including joint inquiries to allow for cross-departmental scrutiny
- Scrutinising forthcoming legislation as to the impact on kinship care

Local government should consider:

- Introducing ongoing participation arrangements to ensure that children in kinship care and kinship carers are supported to have their voices heard and are able influence local authority decision-making, policy development and service provision. City mayors should also be encouraged to support kinship care and ensure regional approaches are devised with children raised in kinship care and their carers, so that their perspectives and experience directly influence decision-making.
- Local authorities and public agencies should be encouraged to hold kinship care taskforces, designed with children in kinship care and their carers, possibly led by their scrutiny committee and conduct peer reviews of family and friends care policies.
- Holding ‘thank you’ recognition and awareness events for kinship carers and the children they are raising.

Ofsted should consider:

- Ensuring that inspections of children’s services make certain that the duty to publish a policy setting out the approach towards promoting and supporting the needs of children living with kinship carers is complied with.
- Conducting (with partner inspectorates) themed Joint Targeted Area Inspections of kinship care.

The Local Government Association should consider:

- Providing a kinship care peer review and support network for local authorities to enable self-challenge and improvement.
- Appointing lead national champions for kinship care.

Other public services and organisations, including but not limited to the police service, the NHS and health services, and JobCentre Plus, should consider:

- Ensuring that their policies and procedures include and reflect the specific needs of kinship families, and that staff receive training to promote and support the needs of kinship families.

8 Conclusion

‘The best thing about being a kinship carer is making the child you are caring for feel loved and supported within their own family.’

Kinship carers are a significant and crucial element of the children’s social care system, raising hundreds of thousands of children across the UK. They step up, often with little notice or time to consider options, to give children a safe and loving home within their existing family and friend networks, averting the need for unrelated placements in the care system. In doing so they provide a supportive and often familiar environment for the kin children they are raising, and also save the state a substantial cost.

However, kinship care is widely unrecognised, underappreciated and often poorly supported. There can be an assumption that because carers are often family members, they are simply doing their family duty. But this perspective fails to appreciate the pressures on carers and the many administrative, legal, financial and emotional challenges carers go through in the process of becoming a kinship carer. Placements have often arisen out of situations of tragedy or trauma, and so the demands on raising children who have suffered in this way can be challenging. Moreover, the socioeconomic circumstances of kinship carers are much less advantageous than the wider population with research demonstrating the prevalence of long-term health issues, disabilities and deprivation. While not all kinship carers need or indeed desire external support, the evidence from our inquiry demonstrates that significant numbers of kinship carers struggle and the children would benefit from the right additional support at the right time.

It is well established that the state has an important role to play in supporting the viability and success of children’s placements with adoptive families and unrelated foster carers. There is no such established recognition for kinship placements, however, despite the vital role that kinship carers fulfil. We have identified significant variation in the level of awareness, recognition and support available to kinship carers across different regions and local authority areas in England and Wales.

Moreover, the number of children in the care system is at its highest level since 1985. The child welfare and family justice system have been described as being in crisis. Yet for children in and on the edge of care, the wider family and community is often an untapped resource. Greater focus on exploring and supporting families could safely avert more children needing to come into care, which is in the interests of children, society and the taxpayer. Including kinship care within the forthcoming review of the children’s social care system would help ensure this option is given the recognition and support it warrants.

Our inquiry has found that local authorities are not consistently exploring potential kinship care placements early enough and when they are it can often be late in the day leading to the process being rushed. Kinship carers have told us they lacked the information to make an informed decision, were unsure about their rights in the assessment process, and many told us they felt forced into making a choice with little time to prepare. We have recommended that a new duty is placed on local authorities to ensure that potential placements with kinship carers are explored early. We also recommend the use of family group conferences at an early stage to ensure families are engaged and well informed from the outset.

Survey research has indicated that three-quarters of kinship carers did not feel they had enough information about legal options to make an informed decision when they took on the care of the

child. We have heard from many carers who have accrued substantial private debt in order to secure a legal order for a child and give them a safe home. We have made a series of recommendations, including to expand the scope of legal aid and for the provision of free specialist independent legal advice, information services and advocacy services so that kinship carers and potential kinship carers know their rights and options from the outset of their assessment.

Stepping in to raise a child, as a kinship carer, places additional pressures on family life, such as the ability of the carer to maintain employment commitments. This is particularly the case if the child has additional needs and/or has suffered trauma. More than half of kinship carers have to give up work or reduce their hours in order to take on the care of a child. Most kinship carers are provided with little if any financial support and often find themselves penalised by the welfare system as a result of taking on the children. These financial challenges have been exacerbated by the Coronavirus pandemic. We recommend exemptions from the Benefit Cap and the 'bedroom tax' and that consideration be given to extending the right to paid employment leave and protection, akin to that for adopters. We encourage employers to be flexible to the needs of kinship carers, and we encourage local authorities and housing associations to consider the needs of kinship carers in their local housing policies.

It is clear from our evidence gathering that there are a whole range of areas where kinship carers would benefit from support services, such as assistance with contact arrangements, therapeutic support for children dealing with trauma and other issues, training for carers, and benefit and welfare advice. Some local areas have well established and assisted support groups which provide important peer support. However, support is a postcode lottery. What help is available generally depends solely on the child's legal status or how the local authority's processes are organised, rather than on the severity of the child's needs. We recommend the government consider extending the Adoption Support Fund so that all children being raised in kinship care are able to get therapeutic support (if they need it), and we recommend placing a duty on local authorities to establish and commission kinship care support services and to assess the needs of carers. Experience/ suggests the Mockingbird Family Model, Lifelong Links, and Kinship Connected are beneficial and could be rolled out more widely.

Over half of kinship children have additional educational needs or disabilities, yet depending on the legal status of the child, they typically have no clear route to a greater level of educational support. Research studies suggest the educational performance of children raised in kinship care is, as a group, behind that of the general population (although it is at least as good as children being raised in unrelated foster care). We recommend the extension of Pupil Premium Plus, Virtual School Heads, and the National Tutoring Programme to all children being raised in kinship care who cannot live safely with their parents, to ensure they can reach their full potential.

A key part of the challenge is poor awareness of kinship care and the needs of kinship carers, and also a lack of data to inform policymakers. Part of the purpose of this inquiry, the first of its kind, is to raise the profile of kinship care and to ensure it gets the recognition it needs. We also propose a number of measures to address this problem including greater data collection and further research by national and local government and public bodies, the establishment of local kinship care taskforces, select committee inquiries, the appointment of national Kinship Care Champions at the Local Government Association, and themed Joint Targeted Area Inspections of kinship care.

Even before the Coronavirus pandemic, the financial climate was challenging for national and local government and the crisis has only increased that. However, children's social care is one of the greatest pressures on local authority budgets and with the rising number of children being taken into care this will continue. We believe early intervention with a relatively small investment that supports children to remain with their families will generate substantial savings in terms of financial and social costs in the longer term.

Our vision, presented in this report, is for a children’s social care and family justice system where family is always explored as a first point of call, and for kinship care to be recognised as the critical ‘third pillar’ of the children’s social care system. We believe no child should have to live outside of their family, if there is a safe and loving home available within their family and friends’ network, who with the right support can meet the child’s needs. The Taskforce heard from many kinship carers who have stepped in to prevent the child from having to enter or remain in the care system. Kinship carers are doing the right thing by their families, and we believe the state needs to do the right thing by them, to ensure those placements are a success and that the children are supported to reach their full potential.

Appendix 1

Parliamentary Taskforce on Kinship Care FOI request to all local authorities in England February 2019

1. Provide a link to your local authority's kinship care policy (this may also be known as your family and friends care policy).

2. Does your local authority have a named designated lead manager responsible for kinship care (also known as family and friends care)? If so, what is their name and contact details, and what is the title of their substantive post?

3. Does your local authority have a written policy and/or procedure that sets out financial support for children in kinship care under the following arrangements, and if so, please provide a copy of the policy and/or procedure(s):

- a) Children placed or living in family and friends care overall (encompassing all the different types of arrangements below)
- b) Children placed with family and friends foster carers?
- c) Children subject to a Special Guardianship Order?
- d) Children subject to a Child Arrangement Order or Residence Order?
- e) Children living in private fostering arrangements?
- f) Children living in kinship care informal arrangements (where there is no legal order)?

4. Please complete this table. If you do not have the information please state N/A.

Spend on financial allowances for children in kinship care				
	How much did the local authority spend in 2017/18 (01 April 2017 to 31 March 2018)? £	How many children benefited from such spend in 2017/18?	Please state the formula for how allowances are calculated, if this information is not set out as part of the answer to question three.	Please state whether there are any restrictions to this allowance or payment (e.g. maximum length of time carers are eligible for these allowances or the age of the child at which these allowances stop)? If yes, please explain what the restrictions are, if this information is not covered in your policy or procedures provided in response to answer three.
Financial allowance provided to friends and family foster carers				
Special Guardianship Order Allowance				

Child Arrangement Order and Resident Order Allowances				
Section 17 Child in Need payments for children in kinship care				
Total financial payments/allowances/ section 17 payments to kinship carers				

5. Do you have a written policy about how kinship carers can access legal advice including, how this is funded?

If yes, please provide this.

If you do not have a written policy, what guidelines do you use in determining whether to pay for independent legal advice or representation for a kinship carer or potential kinship carer? E.g. an initial consultation for £x.

6. Between 1 April 2017 and 31 March 2018, what was the total local authority budget spent on all children placed or living in family and friends care overall?

Can this be broken down by total local authority spend on:

- a) Children placed with family and friends foster carers?
- b) Children subject to a Special Guardianship Order?
- c) Children subject to a Child Arrangement Order or Residence Order?
- d) Children living in informal arrangements (where there is no legal order)?

7. Please state how many looked-after children were placed in friends and family foster placements as of 31 March 2018.

8. Of the number of looked after children placed in friends and family foster placements as of 31 March 2018,

how many were previously placed by the local authority in:

- a) A foster placement (or placements) with unrelated carers?
- b) A different family and friends foster placement?
- c) A residential children's home setting?
- d) Any other provision for looked-after children?

