



SECTION 17 PAYMENTS

PRACTICE GUIDANCE

Section 17 (6) of the Children Act 1989 states that the local authority may exercise its duty to safeguard and promote the welfare of children in need by providing 'assistance in kind the Children and Young Persons Act 2008 states a local authority may now provide financial support under Section 17. Local authorities providing such financial support to family and friends carers under Section 17 will need to be clear that this support is provided under the section 17.

If providing support under this Section of the Children and Young Persons Act for Family and Friends carers the social worker must seek approval from a Head of Service and be clear in its determination of amount and payment period and provide written information to the Family Friends carers.

Payments under Section 17 can only be made where an assessment indicates that specific financial assistance is the most appropriate means of safeguarding or promoting a child's welfare within their family.

1.3 Budgeting Loans (Government provided) may be available to certain families dependent on the benefits they current claim is therefore a key source by which parents or carers of children residing within the Borough of Darlington are able to access emergency subsistence and/or items necessary to meet a child's immediate needs and maintain a child in their care. If parents or child in their own right are subject to Universal Credit then they would need to apply for a Budgeting Advance. Both these payments are available if eligible for the following:

- Furniture or household items
- Clothes or Footwear

- Rent in Advance
- Costs linked to moving house
- Maintenance improvements or security for the home
- Travelling costs within the UK
- Maternity Costs
- Funeral Costs
- Repaying Hire purchase loans

Please note that further information is available on www.gov.uk/budgeting-loans/how-to-claim

- 1.4 Parents and carers must apply directly for a budgeting loan in the first instance before a request will be considered for cash funding under Section 17. They can do so online or by telephone on 08001690140. The application will then be processed using the eligibility criteria as laid out by government. The applicant will be notified of the outcome and advised of the right of appeal.
- 1.5 Parents and carers may also present to Children's Social Care requesting emergency subsistence and/or items necessary to meet a child's immediate needs and maintain a child in their care.
- 1.6 Parents, Carers and Young People may request support under Section 17 any request will require an assessment of the individual circumstance to determine if there is no other recourse to support/funding available. As a consequence, Children's Social Care should not use Section 17(6) financial support to provide support that is available from the budgeting fund.

2. Relationship of s.17 (6) Support to DWP Short Term Advances and Budgeting Advances

- 2.1 A Budgeting Advance administered by the Department for Work and Pensions is available to claimants of any income-related social security benefit when they have had a continuous claim for at least six months. The Budgeting Loan is an interest-free alternative to high-cost lending for emergency and unforeseen expenses. It is repayable within twelve months and is not

available if a claimant has an outstanding Budgeting Advance which is not fully repaid.

- 2.3 These two advances administered by the Department of Work and Pensions are the *primary means* by which parents or carers of children residing within the Borough of Darlington and subject to income-related social security benefits should access additional monies to meet an immediate 'financial need'.
- 2.4 As a consequence, Children's Social Care should not use Section 17(6) financial support to provide support that is available from the Department for Work and Pensions.

3. Illustrative uses of s.17 (6) Support including Financial Assistance

- 3.1 Whilst it is not possible to specify every situation in which the use of Section 17 (6) support might be appropriate. The list below is intended to be illustrative of the support that may be provided. This guidance is provided to ensure that the allocation of support is appropriate, consistent and equitable when made from the available resources allocated by the Council for this purpose.

Circumstances where Financial Assistance may be appropriate:

(A) Emergency Assistance

- 3.2 If 'emergency assistance' is required it is essential that a requesting Social Worker evidence why such support could not be accessed through the DWP Budgeting Loan or Budgeting Advance Scheme or charitable organisation. Support of this kind should be exceptional and only provided if it safeguards and promotes the *immediate* welfare of a child. Assessment of the circumstances will be required by the social worker. Assessment should ensure that once the immediate situation is resolved through assistance, the need will not be repeated or ongoing. The direct provision of cash should be avoided in favour of the provision of items or services.

(B) Reunification of children home to their parents or previous carers

3.3 It is acknowledged that the Local Authority has a duty to promote the upbringing of children by their families if safe to do so and therefore there are circumstances in which a Section 17 (6) payment of subsistence should be provided to facilitate the children's reunification to the care of parents or previous carers. If such assistance is required it is essential that a requesting Worker evidence why such support could not be accessed by way of a DWP resources . *Only if reunification would be impractical without financial assistance by Children's Social Care will payments be made.* Where it is determined that such payments are appropriate, the amount will be provided at **Child Benefit rates only**, irrespective of other income-related benefits to which parents or carers may be entitled. Payments should be reviewed and provided weekly.

(C) To facilitate a short-term period of transition for friends and family caring for children out of parental care by way of family arrangement

3.4 In *Family and Friends Care: Statutory Guidance for Local Authorities* (DfE 2011) it notes that family or friends who are in paid employment and take on care of children in an emergency may have to make adjustments to their work patterns and lifestyles and that "Immediate short term financial support may be especially necessary to enable this period of transition. Where carers are employed, the employer will be able to provide information about any relevant parental leave entitlements." (at para. 4.22). Accordingly, in circumstances in which family or friends who are caring for children by way of family arrangement and are assessed as in need of 'short term financial support' this may be provided. If such assistance is required it is essential that a requesting Worker evidence why such support could not be accessed by way of a DWP Budgeting Advance. *Only if care by Friend or Family would be precluded without financial assistance by Children's Social Care should payments be made.* Financial support will be provided at **Child Benefit rates only**, irrespective of other income-related benefits to which the carers may be entitled. Payment should be reviewed monthly and provided weekly.

(D) Child Equipment and Clothing

3.5 If equipment for a child is required, the requesting Worker must evidence:

- (i) that the proposed equipment will not be provided by the Budgeting loans via DWP or are not available via a. n. other charitable resource
- (ii) that the proposed equipment is necessary to meet the need; and
- (iii) that the parents or carers have no other source of funding available to them, such as a charity, or equipment loan from friend, family or other source.

3.6 Upon authorisation, Children's Social Care will purchase items of equipment from approved providers to ensure best value. Accordingly, no monies will be provided in advance for the purchase of equipment by parents or carers. Children's Social Care will *not refund* monies for any purchases made by parents or carers for equipment to support the care of a child in the expectation that Children's Social Care will pay.

3.7 With regard to clothing, when assessment identifies a need for item/s of clothing to meet the immediate needs of a child – for example shoes, new underwear and nightwear or an item of essential clothing that the child does not have – for example, outdoor coat or school uniform – these item/s should be provided by Children's Social Care without the provision of cash to parents. However, if the child is in the care of a family or friend, a Worker may provide cash for the purchase of the items required if there is agreement in advance what items are to be bought and that there is a clear expectation that only these items are purchased and receipt of purchase are forth coming if these are not received then the monies will not be refunded. Children's Social Care will *not refund* purchases made that were not agreed in advance.

(E) Travel

3.8 Travel to/from a venue inside the Borough of Darlington

Parents and carers will **not** be provided with the costs of travel to/from contact, Conference, review, Court or any other meeting convened in relation to work being undertaken with their child by Children's Social Care in a venue within the Borough of Darlington, save in wholly exceptional circumstances

such as temporary immobility due to ill-health or pregnancy where 'one-off' consideration will be given to the discretionary support of the costs of travel. No journey is to be undertaken by a parent or carer in the expectation of Children's Social Care refunding the costs. *Children's Social Care will not refund travel costs incurred that were not agreed in advance.* If it is assessed that exceptionally a parent or carer should be provided with the costs for travel, the amount provided will be the cost of public transport.

Travel to/from a venue outside the Borough of Darlington

- 3.9 Parents and carers will be provided with the costs of travel to/from contact, Conference, review or any other meeting convened in relation to work being undertaken with their child by Children's Social Care in a venue outside of the Borough of Darlington, with the exception of costs to and from Court. No journey is to be undertaken by a parent or carer in the expectation of Children's Social Care refunding the costs. *Children's Social Care will not refund travel costs incurred that were not agreed in advance.* If it is assessed that a parent or carer should be provided with the costs for travel, the amount provided will be the cost of public transport. Tickets should be purchased in advance and given to the parent cash should not be given unless in absolute emergency situations. Travel should be via the cheapest public transport available and the most direct route. All travel costs should be noted on the Child's file.

4. Delegated Authorisation

Financial limits are subject to change and social workers should check with managers to determine the latest financial limits

- 4.1 The Authorising Officer has responsibility to ensure that:

- the payment is legal and complies with this Policy
- It is the most economical option, representing 'best value'

- It is correctly coded on the F1 Finance Form
- It is the correct approach for meeting the service users needs.

4.2 The Authorising Officer cannot authorise a payment that they themselves have requested. Payments should not be made without the involvement of **two separate workers**, e.g. a requesting Social Worker and an authorising Team Manager.

5. Process for Making Payments

5.1 The requesting Worker must complete a Darlington Borough Council Children's Social Care Form F1 Finance Request Form5.2 The Form F1 must be either emailed or hand delivered to the Payments and Income Officer based in Room at the Town Hall between the hours of 10:00 and 14:00 Monday, Tuesday, Thursday and Friday.

6. Requirement for Receipts

6.1 All support made by Darlington Borough Council under Section 17(6) involve the use of public money. Accordingly, it is essential that public confidence is maintained in the administration of the resources allocated by the Council for use under Section 17(6).

6.2 For every cash payment made under Section 17(6) a receipt must be obtained that correlates to the purchase of goods or services at the exact amount paid in advance for such goods or services. Receipts should be provided to the Finance Officer for collation. Should the receipt contain a record of other purchases, a copy should be made and the relevant payments highlighted and signed by the Service User. Should the amount vary from that agreed and paid in advance, an explanatory note by the requesting Worker note should be appended to the receipt, with excess monies returned or additional monies requested to meet the costs incurred.

6.3 It is the requesting Worker who has completed the F1 – Finance Request Form that is responsible for ensuring that a receipt is obtained and provided to the Finance Officer within a maximum of twenty days from the provision of

Financial Support under Section 17(6). Regular audits to ensure that receipts are obtained will be carried out within each Business Group.