

Financial Support to Permanence Arrangements



NOTE

In this chapter, references to Child Arrangements Orders are to be taken to mean orders setting out the arrangements as to the person(s) with whom a child is to live.

AMENDMENT

This chapter was updated in June 2014 in line with the Children and Families Act 2014. References to Residence Orders were updated to Child Arrangements Orders.

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1. Financial Support - Requirements

- 1.1 The principles outlined will apply to all children and young people in permanence arrangements away from their birth parents, where an order is in place and the local authority does not share **Parental Responsibility** for the child, and to children in pre-adoptive placements. This includes **Child Arrangements Orders, Special Guardianship Orders** and **Adoption Orders**. It excludes birth fathers who have gained Parental Responsibility through a Child Arrangements Order.
- 1.2 The assessment of financial assistance given in each specific circumstance needs to be targeted and follow fair access criteria. The main principles of financial support are:
- a. A clear definition of the children for whom financial support could be considered, therefore targeting children most in need of such support;
 - b. A facility to offer time limited payments or lump sum payments which ensure the child's identified needs can be met when they are greatest;
 - c. A means test which ensures that carers' needs and resources are taken fully into account, currently based on that agreed across the 4 Black Country Authorities;
 - d. An assessment of the financial needs and resources of the child, based on the nationally recommended payment rate set by the **Fostering Network**, which is age dependent and generally acknowledged to meet the costs of looking after a child who is unable to live with their birth family. This rate has been agreed across the Black Country authorities for adoption;
 - e. A facility to pay a higher rate of 100% of the fostering allowance to foster carers wishing to apply for a Child Arrangements Order, a Special Guardianship Order or an Adoption Order in respect of a child in their care. This includes relative and friend foster carers and relative and friends who have assumed care of the children to prevent them becoming **Looked After** and ensures that financial disincentives to these carers applying to secure the arrangement for a child in their family are minimised. It is also in acknowledgement that some children may not benefit from being moved from their foster carers. In addition, finding an alternative permanent family for these children may be very difficult because of their ages and circumstances. In these cases there will also be a facility to honour the fee payments foster carers receive for a period normally not exceeding 2 years, particularly where if such payments were not made, this would provide a barrier to the securing of an Adoption, Special Guardianship or Child Arrangements Order. As relative and friend carers do not receive fee payments, this provision will generally only apply to resource foster carers.

- 1.3 Current arrangements subject to review may be considered against the criteria of the new scheme.

2. Assessment for Financial Support

- 2.1 In order for any child to receive financial support a needs assessment must have identified that such support is required, either to facilitate the placement or to avoid undue strain on the placement, which may put it at risk of disruption.
- 2.2 An assessment of the applicants' income and resources must have been completed and indicate that it would be unreasonable to expect them to meet this expenditure themselves.
- 2.3 The child must be considered to meet the eligibility criteria of the scheme.
- 2.4 If these conditions are satisfied the child's need will be assumed to be able to be met by a maximum payment of the rates described in **paragraph 1.2**. However, in the first instance, lump sum payments to meet specific needs can be made. Only if these are not considered suitable to meet the child's ongoing needs, e.g. those arising from a specific permanent disability, will regular and ongoing payments be considered.
- 2.5 No enhancements or additional payments including festive, holiday and birthday allowances will be payable.
- 2.6 The current system of assessing income and capital is applied in line with the agreement reached between the Black Country authorities.
- 2.7 The current means test assumes a couple's needs to be 1.5 x income support rates, and provides an additional disregard of housing costs of up to £100 per week. (This includes rent and mortgage, building insurance and council tax) Savings/capital are taken into account in line and presently amounts up to £3000 would be completely disregarded and those with more than £16,000, excluding the value of their home will not qualify for any financial support. (Second homes are disregarded) Child Support maintenance liabilities will be investigated to see how these are affected by the payment of permanence order allowances.
- 2.8 Carers in receipt of income support automatically qualify under the means test but child benefit and child tax credit will be deducted in these circumstances.
- 2.9 In relation to a child with a disability, eligibility to DLA, mobility and carers' allowance is not taken into account when assessing the amount of allowance to be paid.

- 2.10 Applicants who fall into the category of previously being a child's foster carers and relative and friends who have assumed care of the children to prevent them becoming Looked After will be assessed for a payment of 100% of the fostering allowance. Consideration can be given by the budget holder to continuing any fee payments received by foster carers for a period normally not exceeding 2 years from the date of the permanence arrangement, independent of their financial assessment, where the child's specific needs would indicate that this is justified and where without such payments, this would create a barrier to the placement. This is to ensure the scheme does not provide a disincentive to foster carers wishing to take out, with the authority's agreement, Child Arrangements Orders, Special Guardianship Orders or Adoption Orders in respect of children with complex needs. Payments beyond 2 years can be considered by the budget holder in exceptional circumstances, in line with the regulations.
- 2.11 Child benefit and child tax credit will be subtracted from the above amounts. However, due to possible delays in decisions on tax credit applications, no child tax credit payments will be assumed for the first 3 months of placement. Where payments are subsequently made, appropriate deductions from any amounts payable by the local authority will be made to reflect these, as is current practice in respect to adoption support payments.

3. Eligibility Criteria - Child

- 3.1 In reflection of the legislation, Walsall Council will require the following to have been established for the child to qualify for financial support.
- 3.2 The arrangement must have been made as an alternative to the child becoming or remaining Looked After.
- 3.3 The child or family must fulfil **at least one** of the following:
- a. The family would either not be able to provide the placement or the placement would be unable to continue without specific financial support;
 - b. The child has an established strong and important relationship with the applicant;
 - c. The child is to be placed with one or more siblings;
 - d. The child has a disability which significantly impairs his or her functioning or is identified as having special therapeutic or medical needs;
 - e. The child has been approved by the budget holder in principle as complying with circumstances, which may make a placement difficult to achieve.

4. Eligibility Criteria - Family

- 4.1 Walsall Council will also require each proposed carer family to fulfil all the following criteria:
- a. The family agree to a full financial assessment, to be reviewed annually where appropriate;
 - b. The family must apply for all relevant benefits;
 - c. It is considered unreasonable for them to meet the costs of the required support services themselves, based on this assessment;
 - d. The family must also agree to notify Walsall Children's Services(the children's finance team), of any change in their circumstances, within 7 days.
- 4.2 In the case of ongoing payments, this means that the family fall below the income and capital threshold set by the authority, as described in **Paragraph 2.7**. In the case of one off payments, other circumstances will be taken into account as part of the permanence or adoption support plan.

5. Periods of Payments

- 5.1 The maximum length of time for which financial support will normally be available will be up to a child's 16th birthday, as long as the child remains with the permanent carers or adoptive parents. Payments may be extended up to the 18th birthday, if the young person continues in full time education or training and his/her carers or adoptive parents make a declaration to this effect. The declaration should be made directly to the Finance Section of the local authority. However, payments cannot be made, once the order has expired.
- 5.2 In exceptional circumstances and with the agreement of the budget holder consideration may be given to treating a young person as a **Former Relevant Child** for the purposes of supporting them in education and training post 18 years of age
- 5.3 In practice, the length of time for which financial support will normally be granted for individual children will depend on which criteria the child fulfils. If a child fulfils more than one eligibility criterion, the longer payment period or higher payment amount may be applicable.
- 5.4 **NB the period of payment will be determined by an assessment of support needs undertaken using the domains of the Assessment Framework under Working Together to Safeguard Children and must take into account factors which may prevent the carers**

being able to supplement their income through employment outside the home. These may include factors such as age, disability, dependent children etc.

6. Payments during Introductions to Prospective Adopters

(as agreed within the 4 Black Country authorities)

6.1 The provision of fair and equitable financial support is based on the following;

- a. The provision of financial support during the course of introductions has to be assessed on the needs of the individual child and of the adoptive family. However, like most couples or single people who are about to embark on the journey into parenthood via a route other than adoption, they will be expected to be able to financially support the integration of a single child into their family without the need for substantial payment from the placing authority;
- b. For those applicants who are able to offer more than one placement, for example to a sibling group of two or more children, Adoption in the Black Country fully endorses the need to ensure financial support during the introductions process is devised and targeted to recognise the additional financial strain in taking on the care of more than one child;
- c. The provision of any financial support must be considered prior to the presentation of a match between a child or children and a family to any of the four adoption panels; it must also be detailed in the Adoption Support Plan, and later in the Adoption Placement Plan;
- d. Each of the four authorities will be able to use discretion in the provision of any financial payment.

6.2 The provision for financial support will be as follows;

Settling in grants

Settling in grants is a means of providing some financial support to adopters to enable them to purchase more costly items such as a cot or a pushchair. It is usual practice for adopters to purchase equipment and for them to be reimbursed up the value set out below. Reimbursement **can only** be made once receipts have been received by the placing agency.

Settling in grants are as follows;

- 1 child not eligible (agencies can use their discretion if necessary);
- 2 children £400;
- 3 children £600.

(Any additional payments for large sibling groups will be at the discretion of the placing agency)

Mileage allowances

There is recognition that all four agencies either recruit adopters from outside of their immediate geographical area or make use of inter-agency placements to ensure the timely placement of children. It is because of this that mileage allowances can be claimed for attendance at Child appreciation days, matching panels, Adoption Placement Planning meetings and during the course of introductions to their child or children.

Mileage allowances will be as follows;

- a. 20 pence can be claimed for each mile travelled for attendance at the events listed above;
- b. Mileage in excess of 200 for a return journey shall be paid at the lower rate of 10 pence per mile;
- c. All adopters are expected to keep a log of their mileage; this will need to be submitted prior to any reimbursement of cost.

Accommodation costs

- 6.3 All four authorities will continue to make use of inter-agency placements; this requires placing agencies to ensure those adopters are provided with alternative accommodation during the course of their introductions which is close to the placement of the child or children. The provision of accommodation will be discussed with the adoptive family and their link worker prior to the commencement of any introductions and adopters will know in advance of the start of the introductions the location of the accommodation and the facilities available.
- 6.4 In the event of adopters being unhappy with the choice of accommodation, they are able to source their own. However, reimbursement for accommodation will not exceed the following and **can only** be made once receipts have been received by the placing agency.
 - 1 single room £70 per night;
 - 1 double room £80 per night.

Subsistence

- 6.5 It is accepted that during the course of introductions to a child or children that additional costs are incurred such as for the purchase of meals and refreshments. The four authorities will agree to pay the following; reimbursement can only be made once

receipts have been received by the placing agency. Reimbursement will not be made for the purchase of alcohol.

£10 per day per adult (Reimbursement will only be made to the value of the receipt provided or up the value of £10 if the receipts are in excess of £10)

£5 per day per child (Reimbursement will only be made to the value of the receipt provided or up the value of £5 if the receipts are in excess of £5)

- 6.6 It is acknowledged that some children and some families may require additional support during the process of introductions, it is also recognised that financial support can't be a barrier to the placement of children for adoption. In view of this, all agencies are able to use their discretion if they encounter either of the above.

7. Court Fees

- 7.1 The local authority will cover the court fee incurred by carers making an application for a Child Arrangements, Special Guardianship or Adoption Order, where the local authority is in agreement with the application and, where the child would otherwise become or remain Looked After, and where legal aid is not available. Payments will only be made on submission of receipts.

8. Cost of Legal Representation

- 8.1 Legal costs will only be paid where the authority supports the application, where legal aid is not available and where the budget holder has given express agreement to such payments being made. The legal costs will be limited to the public funding rate (currently £1,500, but may be reviewed) Prospective adopters or carers who wish to seek legal advice without such agreement will be expected to meet the cost themselves.

9. Children who have an Established Fostering Relationship

- 9.1 A continuation of fee payments can be considered for children falling within this eligibility criterion for a period, normally not exceeding 2 years. For the purposes of the means test for the payment of permanence allowance, the fee payment is excluded. The budget holder may agree to an exemption from the means test for maintenance payments. For children aged 7 and over, payments will normally continue to be paid for the maximum period.

10. Children placed with one or more Siblings

- 10.1 Any ongoing payments agreed may be time limited in recognition that the initial settling-in period can be particularly costly and stressful. These payments are intended

to make it easier for adopters to cope with the likely loss of earnings during the initial stage of placement.

- 10.2 If 2 children are to be placed together, payments will be made for each child until that child reaches the age of 6 years or for the first 12 months of placement, whichever is the longer.
- 10.3 If 3 or more children are to be placed together, then ongoing payments or as a maximum lump sum equivalent will be considered for the 2 oldest children until they have reached the age of 6 or have been in placement for 12 months, whichever is the longer. Any younger children will remain eligible for ongoing support the maximum length of time.
- 10.4 Because of the particularly stressful nature and equipment needs of larger sibling groups, the budget holder may agree to payments for the first 12 months of placement even if the carers or adoptive parents do not qualify on the basis of a means test or to an equivalent lump sum payment.
- 10.5 These payments are intended to make it easier for applicants of permanence orders to cope with the likely loss of earnings during the initial stage of placement.
- 10.6 **NB the period of payment will be determined by an assessment of support needs undertaken using the domains of the Assessment Framework under Working Together to Safeguard Children and must take into account factors which may prevent the carers being able to supplement their income through employment outside the home. These may include factors such as age, disability, dependent children etc.**

11. Children with a Disability which Significantly Impairs their Functioning

- 11.1 Ongoing payments will be considered for the maximum period of time.

12. Children with Special Therapeutic or Medical needs

- 12.1 Ongoing payments for children will only be considered where therapeutic or medical support cannot be directly provided or commissioned by the agency. In addition, actual costs have to be identified. Where it can be shown that the carers are incurring additional everyday expenses, ego as a result of special diet, frequent hospital appointments etc, ongoing payments may be considered to cover those costs.

12.2 In exceptional cases, the budget holder may agree to make payments under this criterion, even if adopters do not qualify on the basis of a means test. The child must qualify in all cases.

13. Children whose Circumstances may make Placement difficult

13.1 Children, for whom it has been agreed that their specific circumstances may make it more difficult to place them, will have to be considered on their individual merit. It is expected that the adoption support needs plan will indicate how financial support would enable a placement, which would otherwise not be available, to be identified.

14. Levels of Payments

14.1 For children placed for adoption by the agency the level of ongoing financial support will be based upon 75% of the fostering allowance, subject to a means test and paid at the recommended rate for looking after a child within the appropriate age band (see **Paragraph 1.2**). For all other applicants, including family and friends who by applying for a permanence order prevented the child from becoming Looked After, the level of payment will be assessed against 100% of the fostering allowance, subject to means test and paid at the recommended rate for looking after a child within the appropriate age band. However, any fee payment agreed will not be subject to means testing.

14.2 For all children younger than age 11 at the time of the making of a permanence order or the authority agreeing its support to the order being taken, the maximum financial support will be that applicable to a 5-10 year old (100% for previous foster children). Children matched at the age of 11 + will receive a maximum allowance equivalent to the rate appropriate to their age at the point of matching (100% for previous foster children). Once either ceiling has been reached, only general increases for the age band will be paid.

15. Process

15.1 Any potential financial support needed has to be identified through an assessment of needs. Financial support is expected to be shown to form one aspect of a whole range of support systems.

15.2 Any application for financial support submitted to the budget holder via a WSS394 and will have to have the needs assessment attached. The budget holder will then approve any ongoing payments or lump sum payments exceeding £5000, except for those payments made to facilitate placements, which fall within the limits described under **Paragraph 5.3 - 5.9**. The relevant family placement team managers will be authorised to approve these payments and other one off payments up to £5000.

- 15.3 The applicants will be informed in writing of their position in respect to ongoing or adoption or special guardianship support and will be given a start date for any ongoing payments (and for time limited payments an end date of their eligibility).
- 15.4 Prospective applicants for any permanence order who fulfil the criteria will normally be eligible from the date of the child's placement or - for carers adopting a previous foster child - from the date of their notification of the placement as a pre-adoptive placement. Otherwise the payment will commence from the date of the making of the permanence order