



Child Arrangement Order Policy and Discretionary Financial Assessment

Children's Social Care

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Policy Governance

Title	Child Arrangement Order Policy and Discretionary Financial Assessment for Children's Safeguarding and Family Support Services
Purpose/scope	Child Arrangement Orders were introduced in April 2014 and replace 'Residence' and 'Contact' order. A Child Arrangement Order sets out where the child will reside up until the age of 18. It also confers 'parental responsibility' on the person/s named on the order.
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Council Priority	<ul style="list-style-type: none"> • Put our children and young people first • Protect and support our vulnerable children and adults.
Lead author & contact details	Paul Grocutt, Service Delivery Manager - Family Safeguarding Kelly Burgess, Service Delivery Manager - Fostering, Adoption & Permanence
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1. Child Arrangement Orders

Child Arrangements Orders were introduced in April 2014 by the Children and Families Act 2014 (which amended section 8 Children Act 1989). They replace Contact Orders and Residence Orders.

A Child Arrangements Order means a court order regulating arrangements relating to any of the following:

1. With whom a child is to live, spend time or otherwise have contact; and
2. When a child is to live, spend time or otherwise have contact with any person.

The 'residence' aspects of a Child Arrangements Order (i.e. with whom a child is to live/when a child is to live with any person) can last until the child reaches 18 years unless discharged earlier by the Court or by the making of a Care Order.

The 'contact' aspects of a Child Arrangements Order (with whom and when a child is to spend time with or otherwise have contact with) cease to have effect when the child reaches 16 years, unless the court is satisfied that the circumstances of the case are exceptional.

A person named in the order as a person with whom the child is to live, **will** have Parental Responsibility for the child while the order remains in force. Where a person is named in the order as a person with whom the child is to spend time or otherwise have contact but is not named in the order as a person with whom the child is to live, the court may provide in the order for that person to have Parental Responsibility for the child while the order remains in force.

Child Arrangements Orders are private law orders and cannot be made in favour of a local authority. Where a child is the subject of a Care Order, there is a general duty on the local authority to promote contact between the child and the parents. A Contact Order can be made under section 34 of the Children Act 1989 requiring the local authority to allow the child to have contact with a named person.

A court which is considering making, varying or discharging a Child Arrangements Orders, including making any directions or conditions which may be attached to such an order, must have regard to the paramountcy principle, the 'no order' principle and the welfare checklist under the Children Act 1989.

Interim Child Arrangements Orders can be made by the court whilst further assessments are directed to support final decision making.

Parents can apply for a Child Arrangement or an existing residence Orders to be varied or removed, which can be a disadvantage as some carers have found themselves going back to court several times. However, specific conditions may be attached to a Child Arrangement or an existing Residence Order. Legal advice should be sought. The Local Authority will not consider discretionary payments to parents who have separated and who seek a Child Arrangement Order to determine who their child/ren should live with.

Those who may apply as of Right

- Any parent (whether or not they have Parental Responsibility for the child), guardian or special guardian of the child;
- Any person named, in a Child Arrangements Order that is in force with respect to the child, as a person with whom the child is to live;
- Any party to a marriage (whether or not subsisting) in relation to whom the child is a child of the family - this allows step-parents (including those in a civil partnership) and former step-parents who fulfil this criteria to apply as of right;
- Any person with whom the child has lived for a period of at least three years - this period need not be continuous but must not have begun more than five years before, or ended more than three months before, the making of the application; or
- Any person:
 - Who has the consent of each of the persons in named in a Child Arrangements Order as a person with whom the child is to live;
 - In any case where there is an existing order for care in force, has the consent of each person in who favour the order was made;
 - In any case where the child is in the care of a local authority, who has the consent of that authority;
 - In whose favour a Child Arrangements Order has been made in relation to the 'contact' aspects and who has been awarded Parental Responsibility by the court (i.e. they would be able to apply for a Child Arrangements Order in relation to the 'residence' aspects);

- In any other case, has the consent of everyone with parental responsibility for the child.
- A local authority foster parent is entitled to apply for a child arrangements order relating to whom the child is to live, and/or when the child is to live any person, if the child has lived with him for a period of at least one year immediately preceding the application;
- A relative of a child is entitled to apply for a child arrangements order relating to whom the child is to live, and/or when the child is to live any person, if the child has lived with the relative for a period of at least one year immediately preceding the application. (A relative is a child's grandparent, brother, sister, uncle or aunt (by full or half blood), or by marriage or civil partnership)

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

Social Workers do not need to be involved with applications for Child Arrangement Orders, although, in some situations, they may become involved if there are welfare concerns for the child and the child is considered to be in Need under Section 17 of the Children's Act (1989).

2. Procedure and Process

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

Where a child or young person is open to the Duty and Assessment or Family Safeguarding Service and the child is not yet a 'Looked After' child, you must consider whether the application for a Child Arrangements Order by a relative or friend might avoid the child from becoming a 'Looked After' child. The person seeking the Child Arrangements Order will need to make the application to Court, but if Telford and Wrekin Council supports the plan, the child's Social Worker will provide information and guidance and we may provide financial support for Legal costs/application. This will need to be agreed following the completion of an updated assessment (Child and Family or Family Programme).

If a Child Arrangements Order allowance is assessed to be appropriate (and it is agreed by the Service Delivery Manager) this needs to be presented at RAMP for approval. If the application is being made in support of a child who is already a 'Looked After' child and Telford and Wrekin

Council supports the application, financial assistance may be granted to pay for the application. In these case the child's Social Worker must seek permission from the Service Delivery Manager and Director, Children's Safeguarding and Family Support.

Alternative to admission to care?

If there is current or further information which indicates that the child/young person who is within an informal/private arrangement may be at risk of suffering Significant Harm if returned to their parent/s, then a Child and Family Assessment/Family Programme should be presented to the Service Delivery Manager to explore the appropriateness of the current arrangements and recommendations from this meeting will support Legal fees up to an initial £1500 including the application for a Child Arrangement or existing Residence Order (current costs £232). This will and to consider financial assessment in relation to regular payments.

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

3. Discharge from Care

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

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

4. Eligibility for Child Arrangement Order Allowances and Financial Assessment

All Child Arrangement Order applicants will be entitled to a Child Arrangement Order payment which is paid at 66% of the national minimum allowances (NMA) for Fostering. The equivalent of Child Benefit allowance will be deducted from the agreed amount as all applicants will be expected to apply for this benefit as well as any other benefits available

The Social Worker should request that the financial assessment is completed by the finance team and then present the form to RAMP for approval, making sure that evidence of expenditure is understood and recorded. This will then be presented at RAMP for approval and once approved a letter will be sent to the applicants notifying them of the level of payments. It will also notify them that these payments will be in place for a maximum of 12 months.

At 12 months the financial assessment will need to be reviewed by Telford and Wrekin Council. Again they will review the form, send it to the Financial Officer to confirm levels of payments and then send it to the SDM for approval. Once approved a letter will be sent to the applicants confirming the level of financial support.

5. Associated Guidance/Legislation

- Child Benefit Allowance Guidance: <https://www.gov.uk/child-benefit/what-youll-get>
- How to apply for a Child Arrangement Order:
<https://www.gov.uk/government/publications/form-c100-application-under-the-children-act-1989-for-a-child-arrangements-prohibited-steps-specific-issue-section-8-order-or-to-vary-or-discharge>
- Children Act (1989): <https://www.legislation.gov.uk/ukpga/1989/41/section/8>