

**Family Placement Service**

**Child Arrangement Order**

**&**

**Special Guardianship Order**

**Allowances Policy & Guide**

**Children’s Services**

**Northumberland County Council**

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**Northumberland County Council**

**Policy in respect of the payment of:**

* **Child Arrangement Order Allowance (CAOA)**
* **Special Guardianship Order Allowance (SGOA)**

This policy covers the payment of allowances to carers where a child becomes subject to a Special Guardianship Order or a Child Arrangement Order.

Date of approval: March 2017

Date of implementation: April 1st 2017

Date of Next Review: March 2022

1. **Introduction**

Northumberland County Council (NCC) has a duty to promote and secure permanent arrangements for children who are in the care of the local authority. For some children permanence can be secured through the granting of a court order which makes explicit the arrangements for the child including; who should care for the child, who has parental responsibility. The granting of the order means that the child is no longer looked after. The local authority retains responsibility to ensure that those permanent arrangements are well supported including the payment of discretionary allowances to carers when the provision of financial support has been assessed as necessary to support the arrangements.

1. **Child Arrangement Order Allowance (CAOA)**

**CAOA is payable solely at the discretion of the local authority.**

1. **Eligibility**

Northumberland County Council will consider paying a CAOA where:-

* immediately prior to the granting of the order the child is looked after by Northumberland County Council
* the granting of a Child Arrangement Order is part of the disposal of Care proceedings or on the application of the child’s current foster carer
* NCC supports the placement of the child with the carer to whom the order is granted and this support is based on a comprehensive and positive assessment
* the carer is not the parent of the child or the spouse, cohabiting partner or civil partner of the parent of the child.
1. **Transferring between Local Authority Areas**

Where financial support for a Child Arrangement Order has been agreed by another local authority or the Child Arrangement Order was supported by another local authority, Northumberland County Council will not assume responsibility for the allowance should that child move into Northumberland local authority area. Such financial support will remain the responsibility of the originating local authority and subject to the originating local authority’s financial assessment.

Equally where the carer and the child for whom Northumberland County Council is paying an allowance moves from Northumberland local authority area, Northumberland County Council will continue to pay the allowance subject to the financial assessment and annual review process.

1. **Period of Payment**

The Child Arrangement Order Allowance will continue, subject to annual reassessment, until the Child Arrangement Order ceases or the child is no longer in the care of the person to whom the order is granted.

See Section 5 for full details.

1. **Level of Payment**

The level of payment will be determined by an annual means test and will not exceed the current fostering allowance for the child minus child benefit. The means test will take into account child benefit payable for the child and any other benefits or tax credits to which the child / carer is entitled as well as the total income of the household.

The CAOA will be determined by:-

* a means test using the DCSF Means Testing Guidelines 1
* where a child has a disability any Disability Living Allowance will be disregarded from the means test.

1. **Special Guardianship Order Allowance (SGOA)**

Section 14F of the Adoption and Children Act 2002 requires that local authorities provide financial support to Special Guardians where required.

1. **Eligibility**

NCC, as part of a range of support services, will provide a SGOA where a Special Guardianship is granted and where NCC has supported the granting of the order based on a comprehensive and positive assessment. The allowance will only be paid to the holder of the SGO.

Northumberland County Council will consider paying a SGOA where:-

* immediately prior to the granting of the order the child is looked after by Northumberland County Council
* the granting of a Special Guardianship Order is part of the disposal of Care proceedings or on the application of the child’s current foster carer
* NCC supports the placement of the child with the carer to whom the order is granted and this support is based on a comprehensive and positive assessment
* the carer is not the parent of the child or the spouse, cohabiting partner or civil partner of the parent of the child.
1. **Transferring Between Local Authorities**

Where financial support for a SGO has been agreed by another local authority or the SGO was supported by another local authority, NCC will not assume responsibility for the allowance should that child move into Northumberland. Such support will remain the responsibility of the originating authority and subject to the originating authority’s financial assessment.

Equally where the carer and the child for whom NCC is paying an allowance moves from Northumberland, NCC will continue to pay the allowance subject to financial assessment and annual review process.

1. **Period of Payment**

The SGOA will continue, subject to annual financial reassessment, until the SGO ceases or the child is no longer in the care of the person to whom the order is granted.

See Section 5 for full details.

1. **Level of Payment**

Financial support will be paid at no more than the basic fostering allowance minus the child benefit rate. The level of payment will be determined by an annual means test and will not exceed the current fostering allowance for the child minus child benefit. The means test will take into account child benefit payable for the child and any other benefits or tax credits to which the child / carer is entitled as well as the total income of the household.

The level of the Special Guardianship Order Allowance will be determined by:-

* a means test using the DCSF Means Testing Guidelines 1
* where the carer to whom the allowance is paid was immediately, prior to the granting of the order, an approved foster carer for the child, the fostering fee may be paid to the carer for no more than two years from the date of the order in addition to any means tested allowance. This does not apply to temporary regulation 24 foster carers.

* where the foster carer was approved by an Independent Fostering Agency (IFA) the fee may be paid at the agencies rate. If the fee element is paid, in the first year, for both in house and IFA carers, 100% of the fee will be paid and in the second year 50% of the fee will be paid. This is to give the carers time to adjust to their new financial circumstances. The fee element will not be paid beyond two years from the granting of the order.
* where a child has a disability any Disability Living allowance will be disregarded from the means test.
1. **Financial Assessment**

All financial assessments will be undertaken by the Finance Assessment Team in the Family Placement Service and presented at the Family Placement Finance Panel - see appendix 1.

They will be contacted by the Child’s Social Worker when it is anticipated that a CAO or SGO will be granted and the criteria is met. The carer/special guardian will be required to complete a financial assessment form. In receiving an allowance the carer agrees to the following conditions:-

* To inform NCC immediately if s/he changes address, the child no longer resides with them or has died or there is a substantive change in financial circumstances.
* To provide an annual statement of financial circumstances to NCC
* To comply with the financial annual review process

Once the assessment has been completed and agreed at the Family Placement Finance Panel, the Financial Assessment Team will notify the carer as to the level of payment.

1. **Period of payment**

All the allowances will continue, subject to the annual financial reassessment and will be discontinued if:

* The child ceases to have a home with the carer or special guardian
* The child ceases full-time education and commences employment
* The child qualifies for income support or jobseeker's allowance in his own right
* The child reaches the age of 18 years
* The child marries
* The financial review determines that the allowance should be terminated
* The child dies.
1. **Annual Financial Review**

All allowances will be subject to an annual review on the anniversary of the date of the order. The Financial Assessment Team will request an annual statement at least 2 months before the review date of the payment.

Failure to comply with either the requirements of notification or provision of an annual statement could result in the suspension or termination of allowances once reasonable opportunity has been given by Northumberland County Council to provide the required information. Evidence must also be provided to confirm the child is still in the care of the carer/special guardian.

If payments are terminated due to non-compliance within the review process, payments will only be backdated, at a maximum, 2 weeks from the date of the Family Placement Finance Panel.

1. **Assistance with Legal Costs**

NCC will consider providing financial assistance to applicants for Child Arrangement Order or Special Guardianship Order for example, where the child is looked after at the point of application, for the cost of lodging an application up to the limit of £500 and, if required, fixed fee legal advice up to the limit of £500. Applicants will be required to provide confirmation that the fees they are paying are at legal aid rates.

Assistance with legal costs will be considered on a case by case basis.

1. **Exceptional Circumstances**

Where there are exceptional circumstances or carers are experiencing significant hardship the Service Director, Children’s Services can consider these and can make short term provision to provide financial assistance to carers beyond the provisions of this policy.

**9. Review of Policy**

This policy will be reviewed annually and formally agreed by the Executive Director under powers of delegated authority.

**Family Placement Finance Panel**

**Terms of Reference**

**Overall Objective**

To ensure all offers of financial support to child arrangement carers, special guardians and adopters are paid in accordance with the relevant financial policies and meet the assessed needs of children and their families.

**Purpose**

1. To consider new applications for adoption allowances and to review existing allowances paid to adoptive parents.
2. To ensure all offers of financial support meet agreed criteria and reflect the ongoing needs of the child.
3. To consider all special guardianship and child arrangement allowance applications and to annually review existing allowances paid to carers.

**Functions**

1. All payments of an adoption support allowance will be reviewed annually by the Family Placement Panel. Assessment will be based on the information outlined in the revised assessment and incorporating up to date information on children's needs and family finances.
2. All payments of special guardianship and child arrangement allowances will be reviewed annually by the panel. This will be based on the financial means assessment.
3. In cases where a reassessment highlights that a families circumstances have changed such that criteria for an allowance are no longer met, the allowance will cease, either with immediate effect. It will only be in exceptional circumstances this may be on a tapered basis.
4. Families who fail to provide updated information may have any allowance already in payment suspended or stopped. This includes failing to provide evidence to confirm the child is still in the care of the carer, special guardian or adoptive parents.
5. Allowances will automatically cease if:
* the financial review determines that the allowance should cease
* the child ceases to have a home with the carer, special guardian or adoptive parent
* the child ceases full-time education and commences employment
* the child qualifies for income support or job seekers allowance in their own right
* the child reaches 18 years
* the child marries
* the child dies
1. All carers will be informed of the panel decisions, in writing, within 14 working days of the Panel review. Where circumstances indicate a change of rate of allowance is appropriate, this will be conveyed in writing within the same timescales.
2. Any appeal against the original panel decision must be made within 28 working days of receipt of panel decisions. Appeals will be acknowledged, in writing, by the Agency Decision Maker upon receipt and will be heard within 28 working days.
3. A final Agency Decision Maker decision will be conveyed in writing to the child arrangement carers, special guardians or adoptive carers within 14 working days of the case being reviewed.

**Related Documents & Contact Details**

**Diversity Statement**

Northumberland County Council will undertake to either support the arrangements for a child to be cared for by a family member or friend or will place a child based on an assessment of the best interests of the child. This will be irrespective of gender, race, disability, sexuality, religion, marital status, age or income. Age and health of applicants will be considered in assessments as these are key attributes to be able to provide long term care to a child.

**Commitment to Family and Friends Carers**

Northumberland County Council will commit to provide support and advice, including practical support, to enable family and friends to provide care for a child. We recognise the importance of children feeling safe and secure within their family home and of having positive and warm relationships with their carers. Where children have had disrupted lives carers may need additional support to care for those children.

Northumberland County Council has a separate policy in relation to Family and Friends Care and Adoption Support.

**For further information contact:**

**Northumberland County Council Children’s Services:**

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**Should this document be required in a different language or a format suitable**

**for people with sensory impairments the service will make arrangements**

**to provide this.**