

Championing Children, Transforming Futures

## Family and friends care policy

May 2018



# Family and friends care policy

## 1. Introduction

Many children who are not able to be looked after by their birth parents are looked after by members of their extended family, friends or other people who are connected with them for a variety of reasons and in a variety of different arrangements.

Lewisham Children's Social Care believe that in the great majority of cases families and friends should be allowed and will be able to make suitable arrangements for the care of children known to them without any statutory intervention.

Family and friends arrangements coming within the scope of this Policy and Procedures will have been initiated, facilitated, or supported by Lewisham Children's Social Care.

This policy defines the different sorts of arrangements that lead to children being cared for by people from within their wider family and friendship network and sets out the approach by London Borough of Lewisham towards promoting and supporting the needs of such children. It highlights the key principles underpinning the policy and covers the assessments, planning and decision making process which will be carried out to determine the services required and how such services will then be provided.

The manager with overall responsibility for this policy is the Service Manager for Business Strategy, Fostering, Placements and Procurement. This policy will be regularly reviewed, and made freely and widely available.

## 2. Values and Principles

- Families themselves are often best placed to find their own solutions and to make safe arrangements for children within the family and we would expect families to care for their kin without the intervention and involvement of the local authority.
- Consideration of children's welfare and best interests will always be at the centre of the work we do.
- Intervention from the local authority should be at the minimum needed to safeguard the welfare of those children for whom it has a duty of care.
- We will provide support based on the assessed needs of the child, not simply on his or her legal status and will seek to ensure that family and friends carers are provided with support to ensure that children do not become looked after, or do not have to remain looked after longer than is necessary.

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- Where a child cannot live with his or her immediate family and the local authority is considering the need to look after the child, care by family and friends is the placement of first choice, provided this meets the needs of the child.
- Children are active participants, and their wishes and feelings must be taken into account in all relevant processes and decision about them.

### **3. Legal Framework.**

It is important to note that local authorities do not have a general duty to assess all arrangements where children are living with their wider family or friends network rather than their parents but it does have a duty, where it appears that services may be necessary, to safeguard or promote the welfare of a Child-in-Need

To clarify which children may come within the definition of Child-in-Need, the local authority has interagency working guidance, including our 'Continuum of Need document, outlining provision across the spectrum of need, which is available via the Council's website.

Looked After Children will always come within the definition of Children in Need, whether they are accommodated under Section 20 of the Children Act 1989 or in care subject to a Court Order whereby the Local Authority shares parental responsibility for the child. The Local Authority has a responsibility wherever it is possible and safe to do so, to make arrangements for a Looked After Child to live with a member of the family

For a detailed summary of the meaning and implications of different legal situations, the rights of carers and parents, and the nature of decisions which family and friends carers will be able to make in relation to the child, please see Appendix A 'Caring for Somebody Else's Child – Options' (council website)

### **4. Different situations whereby children may be living with family and friends carers**

Families and friends should be able to make suitable arrangements without any intervention by the council. In circumstances where parents or those with parental responsibility make arrangements for their child to live with family or friends, the arrangement will have been made between the proposed family and friends and the child's parents or a person with parental responsibility. Consideration should be given to whether this might be a Private Fostering arrangement, but the council may not have a role in these arrangements.

A Child in Need is defined in Section 17(10) of the Children Act 1989 as a child who is disabled, or who is unlikely to achieve or maintain a reasonable standard of health or development without the provision of services by the local authority.

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Children subject to a family and friends arrangement, or for whom family and friends carers have a Special Guardianship Order (S.G.O.) or Child Arrangement Order (C.A.O) and former Residence Orders (R.O) are not in care of the council and are not 'Looked After', although they may have previously had 'Looked After' status. Children may also be living with friends and family carers who have been assessed as foster carers.

### **4.1 Family and friends care arrangements**

Where a child cannot be cared for within his or her immediate family, the family may make their own arrangements to care for the child within the family and friends network.

The London Borough of Lewisham does not have a duty to assess any such informal family and friends care arrangements, unless it appears to the Local Authority that services may be necessary to safeguard or promote the welfare of a child in accordance with Children Act 1989. If the child is assessed as being "In Need", the council will assist the family in discussing the care of the child by a family member or friend. This does not constitute a placement by the Local Authority.

### **4.2 Family and friends ("Connected Persons") and Temporary Approvals.**

There are children who are referred to Children's Social Care who are assessed through a Children and Families Assessment (C+F) as being Children in Need. If the child's circumstances are such that it is not possible for family and friends to care for the child, then the child would be placed with foster carers, or in other care settings.

A child becomes 'Looked After' when a decision has been made by the Local Authority that the child appears to require accommodation, as there is no person who has parental responsibility for him; or he or she is lost or has been abandoned, or the person who has been caring for him or her is being prevented (whether or not permanently, and for whatever reason) from providing suitable accommodation or care. The council can also provide accommodation to safeguard and promote the welfare of a young person.

In looking for a placement, the Local Authority will consider whether it is in the child's best interests to be placed with family, friends or another "connected person" –who is defined as a relative, friend, or other person connected with a 'Looked After Child' -as a temporarily approved foster carer (Care Planning , Placement and Case Review( England) Regulations 2010).

If the placement with the family member, friend or connected person is made by the Local Authority, the carers will not have parental responsibility, and will need to be assessed as Family and Friends foster carers by the Connected Persons and Special Guardianship Team. They will include, Skills to Foster Training (STF), Local Authority, Disclosure and Barring Service (DBS) and

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medical checks, and any other relevant checks (e.g. with employers and/or birth children's schools). The social worker will undertake a series of interviews with the applicants and other family members, and interview 2 personal referees. A report is completed jointly between the child's social worker, who provides information about the child, and the assessing social worker who considers the potential of the carers to meet the child's needs. The completed report is presented to the Fostering Panel, and the proposed carer/s will also be expected to attend. Lewisham assessments comply with the Fostering Service (England) Regulations 2011 & 2013 and National Minimum Standards, 2011.

The child can be placed, albeit temporarily, with Family and Friends for up to 16 weeks, pending formal approval, in line with Regulation 24 of the Care Planning, Placements & Case Review Regulations (England) Regulations 2010. In this case the child's social worker will visit the prospective carer's home and interview family members, including completing an application form for a DBS check.

If such a placement is made, and the plan is for the placement to continue, the carers must undergo a full assessment and be approved as foster carers within 12 but not exceeding 16 weeks. In exceptional circumstances, the regulations allow further 8 weeks extension but approval for such extension shall be made on cases by case basis by the Agency Decision Maker (ADM) for Fostering.

Family and Friends foster carers are required to meet the training, support and development standards for Family and Friends Foster Carers as set out by the Children's Workforce Development Council, and will be supported to do achieve this by their social worker. This will include completion of a portfolio on the Training Support Development Standards in line with Fostering regulations 2011.

All Family and Friends Foster Care placements shall be supported and managed just like normal foster placement in accordance with the fostering standards; a Care Plan for the child or young person, including a Placement Plan shall be completed in accordance with the relevant regulations governing foster care. Support arrangement including allowance shall be paid equally like a mainstream foster carer. However, it imperative to emphasise that any foster carers' reward payment which is associated with their competence shall be paid;

- For Temporary Approvals, after successful completion of Skills to foster Course.
- Approved Connected Carers, upon commencement of placement.

A placement plan will set out the specific arrangements surrounding the child, including the expectations of the foster carer(s) and the support they can expect to receive to enable them to fulfil their responsibilities for the child.

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While the child remains a Looked After Child, family and friends foster carers will be expected to cooperate with all the processes that are in place to ensure that the child receives appropriate care and support, for example, contributing to reviews of the child's Care Plan, cooperating with the child's social worker and promoting the child's education and health needs. Further information on support for foster carers, including support groups, in Lewisham can be found on the Council website.

In order to ensure that the prospective carers understand what the fostering assessment will entail, where possible, an assessing social worker from the Connected Persons and Special Guardianship Team will accompany the children's social worker on the first assessment visit.

A person temporarily approved as a Family and Friends Foster Carer will be entitled to the same Social Worker supports and services that are available to mainstream Foster Carers. Fostering allowances are calculated in accordance with the Local Authority's current scheme as may be in force from time to time.

Temporarily approved Foster Carers will receive the training and support they need to provide an appropriate level of care to the child. As the placement will have been made without the benefit of a full Fostering Assessment there will be more frequent visits by the Social Workers to the placement than for other foster placements.

### **4.3 Private fostering arrangements**

A privately fostered child is a child under 16 (or 18 if disabled) who is cared for by an adult who is not a parent or close relative, where the child is to be cared for in that home for 28 days or more.

It does not include a child who is Looked After by a Local Authority. In a private fostering arrangement, the parent still holds parental responsibility and is fully responsible for agreeing the financial support and details of the arrangement with the private foster carer.

The Local Authority has a duty to assess and monitor the welfare of all privately fostered children and the way in which they carry out these duties is set out in the Children (Private Arrangements for Fostering) Regulations 2005.

### **4.4 Child Arrangements Order (formerly known as Residence Orders)**

A Child Arrangements Order is a Court Order which gives parental responsibility to the person in whose favour it is made, usually lasting until the child is 18. Parental responsibility is shared with the parents.

Child Arrangements Orders may be made in private family proceedings in which the Local Authority is not a party nor involved in any way in the arrangements.

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A Child Arrangements Order may be an appropriate outcome as part of a permanence plan for a Child in Need or a 'Looked After' child placed with a family and friends foster carer.

A close relative is defined as 'a grandparent, brother, sister, uncle or aunt (whether by full blood or half blood or by marriage or civil partnership) or step-parent.'

### 4.5 Special Guardianship Order

Special Guardianship offers a further option for children needing permanent care outside their birth family. It can offer greater security without absolute severance from the birth family as in adoption.

Special Guardianship can be applied for by.

- a. Any guardian of the child
- b. A local authority foster carer with whom the child has lived for one year immediately preceding the application
- c. Anyone who holds a residence order with respect to the child, or who has the consent of all those in whose favour a residence order is in force
- d. Anyone with whom the child has lived for three out of the last five years
- e. Where the child is in the care of a Local Authority, any person who has the consent of the Local Authority
- f. Anyone who has the consent of all those with parental responsibility for the child
- g. Any person including the child, who has the permission of the court to apply

As Special Guardians, they will have parental responsibility for the child which, while it is still shared with the parents, gives the Special Guardian the overall authority regarding decisions about the child. Special Guardians can exercise parental responsibility for the child at the exclusion of all others with parental responsibility with the following exceptions:

- Where the law dictates that consent must be sought from all individuals with parental responsibility (i.e. the sterilisation of a child)
- to cause the child to be known by a different name
- to remove the child from the United Kingdom for longer than three months

Special Guardianship Orders may be made in private family proceedings and the local authority may not be a party to any such arrangements.

## **Family and friends care policy**

A Special Guardianship Order may be an appropriate outcome as part of a permanence plan for a Child in Need or a 'Looked After' child placed with a family and friends foster carer.

### **4.6 Adoption Order**

Adoption is the process by which all parental rights and responsibilities for a child are permanently transferred to an adoptive parent by a court. As a result the child legally becomes part of the adoptive family, and all legal ties with the birth parents are severed.

An Adoption Order may be an appropriate outcome as part of a permanence plan for a Child in Need or a 'Looked After' child placed with a family and friends foster carer. The carers will need to be fully approved adoptive parents and matched with the child in the normal way.

Information is made available to prospective adoptive parents from the Adoption Team.

## **5. Supporting contact with parents**

Where a child is Looked After, Lewisham is required to promote contact between the child and his or her family 'unless it is not practicable or consistent with the child's welfare'. The overall objective of the contact arrangements will be included in the child's Care Plan and the specific arrangements will be set out in the child's Placement Plan.

It may be identified that specific assistance is required to ensure that any such contact can be managed safely.

Information is made available to family and friends carers about local contact centres and family mediation services, and how to make use of their services through Lewisham's Family Information Service

## **6 Family Meetings**

Family meetings are a process led by family members to plan and make decisions for children at risk of harm, some of whom may already be accommodated by the Local Authority as a result.

Lewisham Council may offer a Family meeting at an early stage. If a child becomes Looked After, perhaps following an emergency, without a family meeting having been held, then (where appropriate) the social worker will arrange one as soon as possible.

During Family Meetings, family members will be asked to consider the support and care they are able to offer to children and their parents in the immediate and/or long term.



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## **7. Complaints procedure**

Where a family or friends carer is not satisfied with the level of support provided to enable them to care for the child, then they have access to the Lewisham Local Authority's complaints process. Lewisham Children's Social Care aims to resolve any such dissatisfaction without the need for a formal investigation but where an informal resolution is not possible, then a formal investigation will be arranged. Full details on complaints processes are set out on the Council website comments, complaints and compliments page.

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## Appendix A: Caring for someone else’s child: options

|  | Private Fostering  | Family care (Informal)  | Family and friends Foster Care  | Unrelated foster care   | Child Arrangements order / Special Guardianship Order (SGO)   | Adoption  |
|--|--|---|---|---|---|---|
| <b>Route into the caring arrangement</b> | <p>This is a private arrangement whereby the child is being cared for 28 days or more (or the intention is that the arrangement will last for 28 days or more) by anyone who does not have parental responsibility, and who is <i>not</i> a close relative. Relative means grandparent, brother, sister, uncle or aunt (by full blood, half blood or by marriage or civil partnership) or a step parent. The child is not a Looked After Child</p> | <p>The relative has chosen to take on the care of the child but does not have parental responsibility, and the arrangement was not made by the local authority.</p> <p>The child is not a looked after child.</p> <p>Relative may perceive the parents to be unable to care for the child or the parents may be dead or otherwise not available (e.g. in prison); or there may be an agreement between relatives due to difficult family circumstances.</p> | <p>The child has been placed with the relative or friend by the local authority, as a suitable placement to meet the child’s needs, whether permanently or temporarily, and for a range of reasons.</p> <p>The child is a looked after child and so the local authority must approve the relative or friend as a local authority foster. Timescale is 16 weeks.</p> <p>The child may be accommodated voluntarily with the agreement of the parents or may be subject to a care order.</p> | <p>The child is a looked after child being accommodated by the local authority under section 20 Children Act 1989 or because the child is subject to a care order and has been placed with a foster carer by the local authority.</p> | <p>The child may be unable to live with his or her parent/s and, under a family arrangement is living with a family member, who decides to apply for an order which will provide legal certainty about the child’s residence and the exercise of Parental Responsibility.</p> <p>The child may be at risk of becoming ‘looked after’ and a friend or relative applies for an order, or the child may have been “looked after” and their foster carer or other relative/friend applies for an order. Special Guardianship Applications and Applications for Residence Orders are private law applications which do not necessarily involve the Local Authority</p> | <p>Looked after children: the LA may decide that the child should be placed for adoption. They can only do so with the consent of the birth parent or under a placement order made by a court.</p> <p>An approved foster carer can apply for an adoption order after a year of caring for the child.</p> <p>Other informal carers could apply for an adoption order if the child has lived with them for a period of 3 years.</p> |

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## Appendix A: Caring for someone else's child: options

|                         | Private fostering  | Family care (informal)   | Family and friends foster care   | Unrelated foster care                            | Residence order<br>Special Guardianship Order (SGO)  | Adoption  |
|-------------------------|--|--|--|--|--|---|
| Parental Responsibility | Remains with birth parents.  | Remains with birth parents but the person who cares for the child may do what is reasonable to safeguard or promote the child's welfare. | Remains with birth parents if child accommodated under section 20 CA.<br><br>If the child is subject to a care order or emergency protection order the local authority will have parental responsibility and determines the extent to which it may be exercised by others. | Shared by parents and holder of residence order. | PR shared with parents and any one else with parental responsibility for the child. The special guardian may exercise parental responsibility to the exclusion of all others with PR, apart from another special guardian. | Transfers to adopters and relationship with birth parents is severed.   |
| Approval basis          | The arrangement may be assessed by LA, but the carer is not 'approved' in the same way as an LA foster carer.<br><br>The arrangement may be prohibited if assessed by the local authority as unsuitable. | None.  | Approved as local authority foster carers in accordance with Fostering Services Regulations. (If child is looked after, carers must be approved as foster carers even if close relative).  | Appointed by court following application.        | Appointed by court, following application from the applicant.<br>The LA must investigate the matter and prepare a report for the court dealing with the suitability of the applicant to be a special guardian.             | Adoption agency assesses and approves prospective adopters, court makes order regarding specific child, If the child is not looked after then notice of intention to adopt must be given to the LA who then carry out an assessment/report for the court. |

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|                              |   |  |   |         |  |   |
|------------------------------|---|--|---|---------|--|---|
| <b>Duration</b>              | Subject to discretion of person with PR and readiness of private foster carer. This applies to a child under the age of 16 (or 18 if disabled). | Subject to discretion of person with PR. | So long as placement remains in line with child's care plan, as determined by Local Authority.            | Age 18. | Age 18 unless varied or discharged by the court before the child reaches 18 years. | Permanent lifelong relationship.  |
| <b>Placement Supervision</b> | It is not a placement, but there are statutory visits to child by social worker (minimum 6 weekly in first year, then 12 weekly).               | None.                                    | Statutory visits to child by social worker and supervision of foster carers by supervising social worker. | None.   | None.  | When child is placed for adoption by the Local Authority, the placement is supervised and there are statutory reviews. Once the adoption order is made, none. |

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## Appendix A: Caring for someone elses child: options

|  | Private fostering   | Family care (informal) | Family and friends foster care - Unrelated foster care  | Residence order | Residence order Special Guardianship Order (SGO) | Adoption   |
|--|---|------------------------|---|-----------------|--|------------|
| <b>Review of Placement</b>   | It is not a placement but the LA may do formal reviews in addition to ongoing assessment during visits. | None.                  | Statutory reviews of child's care plan (minimum 6 monthly) and annual reviews of local authority foster carers' approval. | None.           | None.  | See above. |
| The relevant SW team ensures that families are linked into services local to them. |   |                        |   |                 |  |            |

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|                                  |  |   |  |  |   |  |
|----------------------------------|--|---|--|--|---|--|
| <p>Lewisham Support Services</p> | <p>No entitlement. Provision of advice and support as determined necessary by the LA, which may assess the child as a child in need, with a child in need plan, and provide services / support for child/family under section 17 of the Children Act 1989. Children cared for under PF arrangements are assessed by the Referral and Assessment service.</p> | <p>No entitlement but the LA may assess and provide services/ support for child/family under section 17 of the Children Act 1989.</p> <p>Where concerns arise in relation to the care of children in private arrangements, normal processes for referral and assessment under Section 17 or Section 47 CA 1989 apply.</p> | <p>Support Services which may be offered to a Friend and Family Foster Carer may include:</p> <ul style="list-style-type: none"> <li>• Support to meet child's needs including health plan and personal education plan.</li> <li>• Training and practical support in accordance with the Fostering services Regulations, NMS and CWDC standards.</li> <li>• Young person may be entitled to leaving care support services.</li> <li>• Referral to welfare benefits advice.</li> <li>• Membership of specific support groups for friend and family foster carers.</li> <li>• Referral to CAMHS - Child Adolescent Mental Health Services</li> <li>• Access to 'Out of hours' advice in case of emergencies.</li> <li>• Ongoing support and annual review.</li> </ul> <p>This is not an exhaustive list, and support services will be assessed based on the child's needs. Family and friends foster carers are supported by the Assessment &amp; Kinship team. Foster carers are supported by the Business Strategy, Fostering, Placements and Procurement Service.</p> | <p>No entitlement The child may have an allocated SW from the Assessment and Kinship Team. This SW will visit the child and the carers at least annually to review the arrangements for the child's care and the appropriateness of continuing with any allowance which may be paid. The allocated SW will record the Child in Need Review. Reviews may take place more frequently where there has been a significant change in the child's circumstances or where the circumstances otherwise require it.</p> | <p>If child was looked after prior to making the SGO, LA must assess for need for special guardianship support services. LA has discretion whether to provide support.</p> <p>Support may include adoption support workshops and support from a special guardianship support worker, along with support to meet the child/ren's specific needs.</p> | <p>Lewisham undertakes assessments for adoption support services, which may be provided at discretion of LA in accordance with Regulations and National Minimum Standards. Any support required is then set out in an Adoption Support Plan.</p> |
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## Appendix A: Caring for someone elses child: options

|                                 | <b>Private fostering</b>   | <b>Family care (informal)</b>  | <b>Family and friends foster care - Unrelated foster care</b>   | <b>Residence order</b>  | <b>Special Guardianship Order (SGO)</b>                                   | <b>Adoption</b>   |
|---------------------------------|--|--|---|---|---|---|
| Financial support - entitlement | Can claim child benefit and child tax credit if not being paid to parent. Financial responsibility to maintain the child remains with holder or holders of PR. | Can claim child benefit and child tax credit if not being paid to parent. Financial responsibility to maintain the child remains with holder or holders of PR. Guardians Allowance payable if both parents have died, or the only surviving parent cannot be found or serving 2 years or more prison sentence. | Child benefit and child tax credit not payable. Weekly allowance to meet the costs of caring for the child. This should meet at least the national minimum rate set by DCSF. There is a scheme of allowances which set out the rates payable from time to time. | Can claim child benefit and child tax credit if not being paid to parent. | Can claim child benefit and child tax credit if not being paid to parent. | Can claim child benefit and child tax credit if not being paid to parent. |

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## Appendix A: Caring for someone elses child: options

|  | Private fostering   | Family care (informal)   | Family and friends foster care - Unrelated foster care   | Residence order   | Special Guardianship Order (SGO)   | Adoption  |
|--|---|--|--|---|--|---|
| Lewisham discretionary financial support | <p>Parents are expected to provide fully for their children's care, including ensuring that relevant welfare benefits are transferred to the private foster carer.</p> <p>Where Section 17 is applied, children are made subject of a Child in Need plan which aims to ensure that parents take full responsibility for their child's care.</p> | <p>Parents are expected to provide fully for their children's care, including ensuring that relevant welfare benefits are transferred to the informal family carer.</p> <p>Where Section 17 is applied, children are made subject of a Child in Need plan which aims to ensure that parents take full responsibility for their child's care.</p> | <p>Lewisham provides a core allowance to all foster carers. Discretionary payments are made in accordance with Statutory Guidance for Fostering Services.</p> <p>Where temporary approval is given to Connected Persons, carers will receive financial support based on the full Lewisham Fostering Kinship Allowance.</p> | <p>Lewisham accepts no assumption of entitlement to financial or other support under an RO. This is a matter of assessment. Any allowance is reviewed annually.</p> <p>The decision to pay a Residence Order Allowance must be informed by one of the following:</p> <ul style="list-style-type: none"> <li>• A Children &amp; Families Assessment</li> <li>• The child's Looked After Review</li> <li>• The child's Care Plan</li> <li>• A request by a person holding a Residence Order</li> </ul> <p>A decision to pay a Residence Order Allowance will be made by the Family Support and Intervention Service Manager following a financial assessment.</p> | <p>Lewisham accepts no assumption of entitlement to financial or other support under an SGO. This is a matter of assessment. Any allowance is reviewed annually in line with Special Guardianship Regulations. Financial Support for Special Guardians is provided under Lewisham's Adoption Support and Special Guardianship Finance Scheme.</p> <p>Financial Support is provided according to assessment of need and means testing. Any financial support that is agreed is documented in a written agreement.</p> <p>In cases where the applicant does receive an income and this is less than the means tested level, they will still receive an allowance, but Child Benefit will be deducted from that amount.</p> | <p>Lewisham accepts no assumption of entitlement to financial or other support in respect of adoption. This is a matter of assessment. Any allowance is reviewed annually.</p> <p>Entitlement to assessment for financial support (part of adoption support) if child looked after prior to order.</p> <p>Where financial support is assessed as necessary to ensure the needs of the child are met, this calculation will be made in line with the national minimum rate as set by the DWP</p> <p>Foster carers who go on to adopt children in their care will receive 2 years continued remuneration in line with the fostering allowance minus state benefits plus the reward element.</p> |