



# APPENDIX

Directorate of Community Well being and Social Care  
Director Ian Anderson

## Isle of Wight Family and Friends Care Policy

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### **3 Introduction**

This document covers the Isle of Wight Council's policy in relation to children cared for full-time by a family or friend carer in an arrangement or placement known to, brokered or supported by the local authority as set out in the Family and Friends Care: Statutory Guidance for Local Authorities published in March 2011. It does not include fully private arrangements, save to the extent that such children are children in need (as defined by the Children Act 1989) in the council's area.

The council recognises the important contribution family and friends make in providing care for children. It is accepted that the majority of children living with families and friends do so without any intervention by the local authority.

However, in some circumstances assistance is requested by family and friend carers for children who without their support would be dependant on statutory care through fostering or residential care, or who would be children in need without support.

Children who live in fully private arrangements between the parent and relative/friend, or are privately fostered, are not the focus of this policy. This is because the legal framework and responsibilities are quite different. However, there may be instances where there is a private fostering arrangement which the council would need to support by some assistant under Section 17 of the Children Act 1989.

#### **3.1 Scope**

The vast majority of children on the Isle of Wight grow up within their own caring and nurturing birth families. When children cannot remain with their birth parents, the Isle of Wight is committed to supporting and encouraging placements within extended families that are able to offer safe and secure care. This policy is underpinned by the Children Acts, 1989 and 2004, and the Human Rights Act (Article 8).

Research evidence suggests that many young people feel a sense of emotional permanence, feeling safe and secure living with extended families and such placements minimise disruption and offer greater stability and better continuity of culture and community.

Placements with extended family members can be temporary or long term and are frequently arranged without any involvement of the statutory services. Most families sort out short-term care crises themselves through informal arrangements. However research has shown that family and friends care arrangements can have an impact on children and families and therefore help and support should be made available to them.

This Family and Friends Care Policy sets out the help and support that is available for such care arrangements that families make on the Isle of Wight.

## **3.2 Background**

The Buttle UK study demonstrated that 1 in 77 UK children were being raised in "family and friends or kinship" care in 2001. If this ratio is applied to the Isle of Wight then 338 children were being raised in family and friends care in 2001. The report suggested the figures were much higher in 2011 as the research was gathered using 2001 Census data with more up-to-date data available in 2013.

The findings highlighted that children were more likely to be living in poverty and overcrowded homes. The researchers found that more than 90% of families with friends and family care arrangements were working on informal agreements and therefore not entitled to financial support from social services.

The report notes that children in family and friends arrangements were twice as likely as other children to come from poorer areas, while one in five children in sibling care also lived in overcrowded households with more than one person per room.

In England, 1 in 5 children lived in a family and friends household where no adult was working.

Increasing levels of drug and alcohol abuse were cited by the research as a key factor in the rise in the number of children in family and friends households, as well as changes in how families are constituted.

Children from minority backgrounds were over-represented in the study with 1 in 11 of all African boys in England aged 15 -17 years old reportedly living with relatives.

In England, Scotland and Wales, the majority of children in family and friends care were living with their grandparents whilst in Northern Ireland half of all family and friends care children were being brought up by a sibling.

This Isle of Wight Family and Friends Care Policy has been informed by the Buttle UK research.

## **3.3 Definitions**

The general guiding principle is to distinguish between situations where the person caring has parental responsibility e.g. under a residence, special guardianship or a guardianship order under Section 5 of the Children Act 1989 (henceforth known as CA), and any other type of arrangement where the carer does not have parental responsibility. Consideration also needs to be given to the rare situations that arise where the parent delegates parental responsibility to another in accordance with Section 2(9) (CA).

'Family and Friends Care' can be defined in a number of ways. There are three different types of care covered in this policy. These are:

- Family and Friends foster care – where the children are "Looked After" by the council and placed with the carers who have been assessed and approved by the council under the Fostering Services Regulations 2011.
- Family and Friends arrangements – where the council has not been responsible for placing the child with the carers who are consequently not

regarded as council foster carers (which can be supported under Section 17 (CA).

- Carers who have parental responsibility by virtue of a special guardianship order (henceforth known as SGO), or residence order (henceforth known as RO) (Section 8 and 14 CA)

there is an important distinction between looked after children in family and friends foster care and those who are subject to a family and friends arrangement or a special guardianship/residence order. Children who are 'looked after' by being subject to a care order (Section 31 CA), or accommodated (Section 20 CA) can only be placed with a person who does not have parental responsibility for them if that person is approved by the council as a foster carer. The Care Planning Placement and Case Review Regulations 2010 allow for the temporary approval of a person "connected" to the child for a period of 16 weeks pending a full fostering assessment (Section 24).

Alternatively the family can enable or make arrangements for a child to live with a relative or friend (Section 22C CA), in which case the arrangement will have been made between the proposed carer and the child's parent(s) or person with parental responsibility. Any care by a non relative without parental responsibility for more than 28 days is subject to private fostering regulations (Section 66 CA).

Children subject to a family and friends arrangement, or for whom carers have a SGO/RO, are not in care to the local authority and are not 'looked after', although they may have been previously. It should be noted that some children may have been looked after by the council by having previously been accommodated with parental consent (Section 20 CA). They may cease to be looked after once they are living with carers where the council has not arranged the placement under Section 22C. This requires the assessment and approval of the carer where the parent has terminated the Section 20 and made the alternative arrangement.

The distinction is important because councils have different duties in relation to children who are looked after by them (Part III CA).

## **4 Aims and Objectives**

### **4.1 Aims of the Isle of Wight Family and Friends Care Policy**

The aim of the family and friends care policy is to set out the help and support that is available for care arrangements that families make on the Isle of Wight.

Section 22C CA places a duty on a council looking after a child to provide accommodation and maintenance for him/her.

This council seeks to ensure that wherever possible, children are able to grow up with secure attachments to relatives or friends if they cannot live with their parents, and that such carers are capable of providing safe and effective care for them.

Research has shown that when children cannot live with their birth parents they like to live with their extended family. The Isle of Wight Council wishes to promote the minimum statutory intervention in the lives of children for whom it has a duty of care

by seeking alternative arrangements with family or friends through the use of this family and friends care policy.

In any care arrangements, the child's best interests are paramount and must take precedence over the interests of others involved. This council seeks to encourage the use of the common assessment framework, team around the family and family group conferences, where appropriate, to allow the family to take the lead in establishing the best solution for the child, although the council remains responsible for child protection issues.

## **4.2 Objectives of the Isle of Wight Family and Friends Care Policy**

The objectives of the Policy are:

- To highlight the numbers of children that are likely to be being cared for in friends and family care arrangements on the Isle of Wight
- To consider and address where possible any negative impacts that these care arrangements may have on the children and families involved
- To promote to children, families and other agencies what help and advice is available to them to support these care arrangements

## **4.3 Complaints**

Any family or friend's carer or child or young person who is dissatisfied with the service received from the Isle of Wight council may make a complaint as can foster carers, adopters and special guardians. Please contact the Complaints Manager, Social Care Directorate for Community Wellbeing and Social Care, Isle of Wight Council, 3rd Floor, County Hall, Newport, Isle of Wight, PO30 1UD. Tel: 01983 823093; Fax: 01983 823463; email: [complaints@iow.gov.uk](mailto:complaints@iow.gov.uk).

## **4.3 Equality and Diversity Statement**

The council recognises that many of the children and those who apply to become carers will come from diverse ethnic, religious and cultural backgrounds, and/or may have particular disabilities and/or will have one or more protected characteristics under the Equality Act and that these must be taken into consideration when establishing the best arrangements for children.

The Isle of Wight Council's Equality and Diversity statement therefore applies to this policy and can be accessed from

[www.iwight.com/council/workingforthecouncil/equality.com](http://www.iwight.com/council/workingforthecouncil/equality.com)

## **4.4 Human Rights Act**

The Human Rights Act 1998 obliges public bodies, including local authorities, not to act in a way that is incompatible with the European Convention on Human Rights, unless forced to do so by legislation.

The articles most likely to be relevant in cases involving children are Article 6 (the right to a fair hearing), Article 8 (the right to respect for a person's private and family life) and Article 14 (prohibition of discrimination). Under Article 8(2), the council may only interfere with the exercise of a person's right to private and family life in certain

circumstances, such as for the protection of health or morals, or for the protection of the rights and freedoms of others.

Thus a parent's right to have his or her child living with him/her is balanced against that child's right to adequate physical and emotional care. In each case a balancing exercise will be required between the parents' rights, the child's rights and the rights of others with whom the child has a family life (such as siblings or other family members or carers).

The steps the council takes in placing a child with a carer must be justifiable on the facts of the case, proportionate to the interference with a person's human rights, and procedurally fair.

## **5 Components of the Isle of Wight Family and Friends Care Policy**

### **5.1 Informal arrangements with extended families**

Informal arrangements are ones made between parents themselves. The Children's Social Services will support and encourage safe informal arrangements with extended family members where this will promote the welfare of the child. This will usually result from an agreement between the parent and relative or close family friend or can result from a **Common Assessment Framework, Team Around The Family Meeting**, a recommendation from the **First Response Team** or a **Family Group Conference**.

It is not possible for Children's Social Services to provide financial support or continued support for all families who make such arrangements for the short or long term care of their children unless there are exceptional circumstances.

This policy sets out below guidance as to when this would be appropriate.

### **5.2 Formal arrangements**

There are essentially five ways of achieving formal solutions to the placement of children with extended families (family and friends carers):

- Through fostering where the child is Looked After
- Through agreement by all parties without a Court Order
- Through a Special Guardianship Order
- Through a Residence Order
- Through an Adoption Order (It is unusual to have an adoption with extended family, although not impossible).

Children's Social Services policy is to promote Special Guardianship, Residence Orders or Adoption as the most appropriate options, when an arrangement for the permanent placement of a child outside its birth family cannot be made without a Court Order.

In all cases Children's Social Services must be satisfied that the proposed arrangement is in the child's best interests, ensuring that the child's racial, gender, cultural religious and linguistic needs will be met.

Responsibility for recommending the best option belongs to the parents and prospective carer but is shared with the Children's Social Services when the child is on a Care Order. In this circumstance, whilst it is acknowledged that family views do need to be taken into account they may be overridden when there are safeguarding issues.

### **5.3 Key criteria for placement decisions**

The following should be considered when recommending any option to ensure:

- The need to safeguard the child and child protection concerns
- That the child's welfare is paramount in the chosen option taking into consideration his/her wishes and feelings
- That the prospective carers are empowered and able to take on their role
- That the Children's Social Services role in caring for the child is minimised in so far as this is consistent with the welfare principle and that the role of universal preventive services such as schools, health services, Children's Centres and community and voluntary organisations are promoted as far as possible
- Views of the parents/those with Parental Responsibility
- Views of the child where the child is of sufficient age and understanding.

Any proposal would need to consider:

- The needs of the child and young person including his/her racial/cultural and religious and linguistic needs
- What assessments or checks are required to be made concerning the proposed carer?
- The financial arrangements including the ability of the parent(s) and carer(s) to contribute and the duration of any payments and when they need to be reviewed
- The level of supervision required
- The wishes and feelings of the child, parent and any other person who is considered to be relevant

## **6. Determining the type of care**

### **6.1 Informal friends and family foster care**

This applies when a child is already looked after by the council and is placed either with a foster carer or in residential care, whether under Section 20 or Section 31/Section 38 Children Act 1989.

The council must consider whether it is in the child's best interests to be placed with a relative or family friend. A potential carer may come forward, or the council may ask the parents whether there is anyone who would be willing to care for the child in the event that the parent cannot resume care.

As stated previously, a family group conference may be convened. This may identify a potential carer, and the child's social worker will undertake a "viability assessment"

to establish whether the potential carer is likely to be able to meet the child's identified needs, both now and in the future.

Where the council assesses that the potential carer is likely to meet the needs of the child, it is also necessary to consider whether it is in the child's best interests for him to remain looked after by the authority or whether a private law order (e.g. Residence/SGO) would be more appropriate.

If a family or friend carer acquires parental responsibility either via a special guardianship or residence order the child will cease being looked after by the authority when that order is made. If the carer seeks a special guardianship order then the council will have to complete an SGO report prior to the hearing taking place.

In cases where no special guardianship or residence order is made, but those with parental responsibility give consent to the arrangement, there may be no need for the child to remain in care to the authority. In those circumstances the child will cease being looked after by the council. However, depending on who the carer is, then private fostering regulations may need to be complied with).

In the definition provided by Section 66 of The Children Act 1989, a privately fostered child is:

A child who is under the age of 16 (18 if disabled) who is cared for, or proposed to be cared for, and provided with accommodation by someone in that persons home and that person is not.

- A parent of his/hers.
- A person who is not a parent of his/hers but who has parental responsibility for him/her.
- A close relative of his/hers, i.e. aunt/uncle/step-parent/grandparent/ sibling but not a cousin or great-aunt/uncle.

A child is not privately fostered unless they have been with the person above for 28 days, or have been with that person for less than 28 days and it is intended that they will stay longer

For the purposes of the Act, parent includes unmarried father. Relative means as above stated, whether by full, half blood or by affinity or stepparent. Affinity refers to the relationship resulting from marriage, between the husband and the blood relations of the wife and also between the wife and the blood relations of the husband.

The private fostering statement of purpose can be obtain from the website or from the

Group Manager Fostering and Adoption  
Childrens Services Centre  
Atkinson Drive  
Newport  
Isle of Wight  
PO30 2LS  
Telephone 01983 525790

There are also instances where it is in the child's best interests to remain looked after by the authority either under Section 20 of the Children Act 1989 or following court proceedings. This situation will usually arise when an assessment has been completed by social services under an interim care order which demonstrates that the child's welfare will be at risk unless action is taken to secure ongoing local authority accommodation and care. In such cases the child may remain in care via a care order in favour of the council.

In those circumstances the child can remain looked after but be placed with a family member or friend who becomes an approved foster carer. In circumstances where the council consider it necessary to make the placement in advance of completion of the fostering assessment then regulation 24 in the Care Planning Regulations allows temporary approval to be given for a period of up to 16 weeks subject to compliance with the provisions of the regulation.

There is a requirement for the full fostering assessment to be commenced immediately. If the approval is not dealt with in the 16 week period, then there is provision for the council nominated officer to extend the approval for a period of 8 weeks having first consulted with the fostering panel and also notified the child's Independent Reviewing Officer (IRO).

The council must be assured that the welfare of each looked after child placed by it with a family and friend foster carer continues to be suitably provided for by the placement. The approval of the foster carer will be reviewed at least annually by the fostering worker and more frequently if the authority considers it necessary. The first review will be referred to the Fostering Panel, and subsequent reviews can be where considered appropriate or necessary.

The child's social worker, if necessary accompanied by the fostering support worker, will visit the child in the home in which he is placed as circumstances require it, when reasonably requested by the child or the foster carer, and in any event during the first year of placement, within the first week of placement, then at intervals of not more than six weeks; and after the first year at intervals of not more than three months.

Where the child has been placed on an immediate basis the council will visit the child at least once a week whilst the temporary approval is in place.

The child's placement, be it immediate or otherwise, will always be considered at the child's statutory looked after review and this will include whether or not the placement continues to meet the child's needs and promote his welfare.

Details of financial assistance payable are given below under Financial Support (please see Section 7), and of additional support services are given below under Support Services (please see Section 8).

## **6.2 Family and friends arrangements**

This may arise when the birth parent for whatever reason is unable to continue caring for the child at home and:

(a) The child may still be living at home when the matter comes to the knowledge of the council and it appears to the council that the child requires accommodation for more than 24 hours because:

*(i) There is no person who has parental responsibility for the child;*

*(ii) The child is lost or has been abandoned; or*

*(iii) The person who has been caring for the child is prevented (whether or not permanently, and for whatever reason) from providing the child with suitable accommodation or care.*

Or

(b) The child may have already moved to live with a family member or friend and this arrangement has been arranged and agreed to between the parent and the carer;

Or

(c) The child has been looked after by the council but then moves with parental consent or consent of someone with parental responsibility to live with a family member or friend and this arrangement has been essentially arranged and agreed to between the parent and the carer and not by the council.

If the council has not arranged the placement then the child is not looked after by the local authority or ceases to be looked after by it as the case may be. The family or friend carer may receive assistance in cash or in kind from the authority (Section 17 CA) where the child is deemed to be a child in need.

The council will need to undertake an assessment as to whether or not the child is a child in need, and if so, how those needs might best be met. Where there are child protection concerns, there may be a need for the authority to implement its child protection procedures.

In each instance and in each situation the need to safeguard the child and to promote their welfare remains paramount.

However, this situation differs from friends and family foster care in that here the social services assessment has not concluded that the child's welfare is at risk unless action is taken to accommodate and care for the child. The council recognises that it has a duty to safeguard and promote the welfare of children who are "in need" and promote the upbringing of such children by their families before children need to be looked after.

Therefore, the council can advise the family in discussing the care of a child by a relative or friend but would not necessarily broker such an arrangement on their behalf.

The support the council can provide for these family and friends arrangements can be utilised to promote rehabilitation plans, to enable the move to the family and friend carer to take place via a single payment, or to provide (usually weekly) financial support temporarily until the carer has secured Income Support or Child Tax Credit and/or other state benefits to maintain the child. Cash payments to maintain the child are not usually made beyond twenty-eight days. Cash payments are usually only made in exceptional circumstances.

### **6.3 Decisions regarding Section 20 Children Act 1989**

The council will provide accommodation for any child in need within our area who appears to them to require accommodation as a result of:

- (a) There being no person who has parental responsibility for him;
- (b) His being lost or having been abandoned; or
- (c) The person who has been caring for him being prevented (whether or not permanently, and for whatever reason) from providing him with suitable accommodation or care.

The council will provide accommodation for any child within our area (even though a person who has parental responsibility for him is able to provide him with accommodation) if we consider that to do so would safeguard or promote the child's welfare.

The council may not provide accommodation for any child if any person who:

- (a) Has parental responsibility for him; and
- (b) Is willing and able to:
  - (i) Provide accommodation for him; or
  - (ii) Arrange for accommodation to be provided for him, objects.

Any person who has parental responsibility for a child may at any time remove the child from accommodation provided by or on behalf of the council.

Once the council has considered the circumstances and made a decision as to whether or not a child appears to require accommodation for more than 24 hours, that decision and the reasons for it will be communicated in writing to the parents, the carer and the child where appropriate.

### **6.4 Special Guardianship**

These are "private law" orders under the Children Act 1989, enabling family or friends to apply to court to formalise the arrangement they already have in caring for the child, or to seek to care for the child. Sometimes courts in care proceedings may make such orders in cases where the child is to live with a relative or friend on a long-term basis.

A special guardianship order is intended to meet the needs of some children who cannot live with their birth parents for whom adoption is not appropriate for whatever reason, but who could benefit from a secure long-term family arrangement. It aims to be more robust than a residence order by entitling the Special Guardian to exercise parental responsibility on the special guardian to the exclusion of anyone else with parental responsibility (apart from another Special Guardian).

The council has a duty to make arrangements for the provision of special guardianship support services within its area and the report to court would be expected to include a support plan. Where requested at other times the council can assess and provide as considered necessary financial and other support services as prescribed by the Children Act 1989 and by the regulations.

Where a child has been looked after prior to the making of a Special Guardianship Order, the council is under a duty to assess for the need for special guardianship support services. The council will have discretion as to whether support is provided following the assessment process. A young person may be eligible for leaving care support services if they have been a looked after child prior to the making of the Special Guardianship Order.

If the special guardian has cared for the child as a foster carer prior to the making of the order then there are provisions to enable the fostering allowance to continue for a period of two years. If a child has not been looked after by the council, provided he/she is deemed to be a child in need, he/she may nevertheless be entitled to support (Section 17 CA).

## **6.5 Residence Orders**

A residence order (Section 8 CA) may be helpful in cases where family or friends are caring long-term for children. Unlike a SGO, it does not enable the person in whose favour the order is made to exercise their parental responsibility to the exclusion of anyone else with parental responsibility. Thus a carer with a residence order rather than a special guardianship order will have a greater obligation to consult parents and others with parental responsibility about decisions affecting the child's welfare.

Although the parent and carer will share parental responsibility, no one can act in breach of a court order. A residence order determines with whom the child is to live, and will prevent the parent from removing the child from the carer.

The statutory regime covering private arrangements for fostering children does not apply when a family member or friend has a residence order.

## **6.6 Adoption**

This policy document does not include detail regarding the council's adoption strategy, adoption policy and procedures. However, it is the case that there are occasions when friends and family carers wish to consider whether to pursue adoption. These cases are likely to be few, given the finality of adoption and the removal of birth parents' parental responsibility, which occurs. Where carers or potential carers wish to consider adoption, they will be referred to the Adoption Service where they can be advised as to the process. The council does provide support services and financial support for adopters where appropriate.

# **7 Financial Assistance**

## **7.1 Circumstances when family and friends care may qualify for support**

An arrangement for a child to live with his or her extended family should be the first consideration for any child who has to live apart from her/his family and is assessed as 'In Need'.

The starting point for any such arrangements should be the child. Careful consideration should be given to whether the child's interest can be best addressed

outside of the public care system. If the needs of the child can be met within a family or friends setting and there is no need for the child to be accommodated then, in agreement with the family, the council should withdraw.

If during the course of the assessment and discussion it is clear that the family can manage the arrangement but need some additional financial help, then support through Section 17 of the Children Act 1989 could be considered.

Section 17 payments will only be considered for families after an Initial Assessment including a financial assessment, where the assessment recommends that the health and safety of the child or children would be severely prejudiced without financial support.

The assessment must include evidence that all other means of financial assistance have been explored including those available as grants and financial support through charities and if the child has a disability, through Direct Payments.

## **7.2 Section 17 payments to friends and family carers**

Section 17 allows for payments in cash only in exceptional circumstances but does allow for contributions towards housing. Section 17 cannot be used to make regular payments. Agreement for regular payments must be made by the relevant Commissioner and will be based on an amount equivalent to the published Department for Work and Pensions income support rate for dependent children and must be subject to financial assessment of the carers.

Local safeguarding checks should be carried out where possible at this stage. (It would be unlikely that criminal records bureau checks could be completed in the timescale).

Any payment/agreement made between the parent and the carer and any benefit entitlements that the child or carer may have e.g. child tax credit and/or working tax credits will be taken into account in setting the rate of support.

Where these benefits cannot be easily transferred or the parents are unwilling to contribute Children's Social Services may make up the difference until the issue is resolved.

All Section 17 payments must be reviewed within 4 weeks of payment and the continuation agreed by the Commissioner.

In exceptional circumstances an enhanced payment can be agreed as an appropriate one-off costs e.g. purchases of additional bedding or beds.

The social worker must draw up an agreement with the carer and parent to ensure that everyone is clear about their roles and responsibilities. This should include an undertaking to care for child, timescales and contact arrangements.

## **7.3 Payments that exceed four weeks**

The council should have assessed the competence of the family or friends carers prior to leaving the child in the placement in line with the care planning and placement regulations including completed criminal record bureau checks.

A core assessment and child's plan must also be completed.

Where the child comes within the definition of privately fostered, the private fostering arrangements will also apply.

In exceptional circumstances Section 17 payments can be made to private foster carers with the agreement of the Commissioner.

#### **7.4 Payments that exceed three months**

Where the plan suggests that the child/children are unlikely to return home within three months other formal placement arrangements must be considered. The support for kinship care the duration of which is likely to exceed three months is set out in the following sections.

Any decision must take into account Children's Social services key criteria for placement decisions as set out in section 5.3. There must be a discussion and agreement with the parent and carer about other options. The continued use of Section 17 payments is not a long-term solution and must be time limited.

#### **7.5 Family and friends foster care**

Those family and friends who are approved by the council as connected person foster carers to care for a specific child(ren) are entitled to receive a fostering allowance. It is the needs of the child which should be the determinant of financial entitlements. The Isle of Wight Council is planning to revise the current fostering allowance scheme from April 2013.

The family and friends foster care allowance is not means-tested and the family and friends foster carer receives the equivalent to the Isle of Wight's "standard fostering allowance". The rates adopted by the Isle of Wight Council are those of the nationally recommended rates published by the National Fostering Network, which are assessed as being appropriate remuneration to provide for the care and accommodation of children relevant to where they live and within the relevant age groups. These rates are reviewed annually and increased as from 1 April each year.

In special circumstances, additional payments may be made to assist children with special health needs by issuing additional payment points under the current additional payment scheme. Additional payments are reviewed at least annually and whenever there is a significant change in the child's special needs.

Family and Friends foster carers receive the same basic foster care allowance as Isle of Wight foster carers and it should be noted that this authority also pays the same extra allowances to family and friends foster carers.

Allowances may be suspended or terminated in certain circumstances, including if the child ceases to have his home with the carer, for whatever reason, or if the carer fails to co-operate with reviews, assessments or other arrangements for the child.

The council may exceptionally agree to assist with paying the legal costs of a family and friend foster carer to enable that person to apply for a SGO/RO where it considers it in the best interests of the child to do so. Agreement to such assistance must be made by the Deputy Director for Safeguarding, and is likely to be given only

where the person cannot obtain public funding. The rate of payment will not exceed the current rates for public funding.

## **7.6 Family and friends arrangements**

The council has discretion to make exceptional circumstances financial payments on a temporary basis under Section 17 Children Act 1989 to a relative or friend carer where the child is assessed by the council to be a child “in need” and the payments are required to support the child. The child’s consultant social worker can authorise these payments for a period of up to 28 days in the first instance.

This will often be whilst a core assessment is undertaken, and is intended to cover the purchase of emergency items to enable the carer to look after the child and/or provide basic income to assist in the maintenance of the child whilst the carer has applied for and is awaiting receipt of state welfare benefits. The rates of such payments will not exceed the current rates for income support.

## **7.7 Residence Orders**

The council has discretion to make a contribution to the holder of the residence order towards the cost of the accommodation and maintenance of the child. This would not apply if the holder of the residence order is the spouse or civil partner of one of the parents. (Schedule 2 paragraph 15 CA). A typical example where this would be considered would be if a child was being looked after by the authority via an interim care order, a full care order, or via Section 20.

## **7.8 Special Guardianship**

In assessing a carer’s need for financial support under a SGO a council is required to take account of that person’s needs and resources, and also those of the child (Regulation 13 Special Guardianship Regulations 2005).

The circumstances in which the council considers it is necessary to pay financial support to enable a carer to look after a child are likely to apply whether a SGO or a RO is being applied for.

The allowance rates the Isle of Wight Council pays family and friend carers with SGOs and ROs are equal to the National Fostering Network rates paid to family and friend approved foster carers.

The allowance in the latter is means-tested, and any additional payments are made to assist with the child’s special health or behavioural needs where appropriate.

Where the council is requested in private law proceedings to prepare reports under either Section 7 or Section 37 Children Act 1989, the preparation of reports does not lead to the child being considered to be looked after so that this fact itself will not lead to the payment of financial support.

Financial support must normally be agreed in principle prior to the making of a SGO/RO and require approval from the council’s fostering panel.

## **7.9 Conditions**

In the case of financial payments to family and friends foster carers ( would it not be better just to refer to the agreement which they are bound by, as with any other foster carer) and to special guardians or those with residence orders, no payments will commence until the carer has agreed in writing to inform the council immediately if:

- (i) There is a change of his address;
- (ii) The child ceases living with them;
- (iii) The child attains the age of 18 or ceases full-time education or training and commences employment, whichever is the sooner;
- (iv) The child qualifies for income support or jobseeker's allowance in his/her own right.

In addition, in the case of special guardians or those with residence orders only, they must also agree to complete and supply the council with an annual statement as to:

- (v) Their financial circumstances;
- (vi) The financial needs and resources of the child;
- (vii) Their address and whether the child still has a home with them.

Failure to comply with the above conditions may lead to the authority suspending or terminating payment of financial support and seeking to recover all or part of the financial support they have paid.

## **8. Support services**

The council recognises that some children placed in family and friends care may have suffered or be suffering from the effects of physical or emotional abuse. They may be at risk of further emotional trauma as a result of past experiences unless specific carer support and training packages are provided.

A child in family and friends foster care remains looked after by the council and will therefore be subject to statutory reviews (usually at least every six months) at which the child's care plan based on meeting the needs of the child will be reviewed. Such a plan will also identify what assistance the carer will require to meet the child's needs, although the carer's fostering support worker should also liaise with the child's social worker to identify the assistance required by the carer. The care plan is overseen by the child's Independent Reviewing Officer and will include specific elements relating to education, contact and health.

Services which may be offered to a carer include:

- Unit team members including child practitioner, social worker, consultant social worker, trainee therapeutic worker, learning support advisor and unit co-ordinator
- Training programmes to assist with managing challenging behaviour.
- Access to welfare benefits advice (care leavers).

- Membership of specific support groups for kinship carers.
- Access to Isle of Wight Council's learning and achievement specialists
- Access to the Primary Care Child and Adolescent Mental Health team
- Access to Young Carers project
- Independent counselling for children through the Isle of Wight Youth Trust
- Children's Centres
- 'Out of hours' advice in case of emergencies.
- Ongoing support and annual review by kinship worker.
- Regular allowances in line with the National Fostering Network.

The above is not an exhaustive list and assistance required will depend upon the circumstances of each child and young person.

## **Appendix A: Ways in which looked after children are to be accommodated and maintained**

- (1) This section applies where a local authority are looking after a child ("C").
- (2) The local authority must make arrangements for C to live with a person who falls within subsection (3) (but subject to subsection (4)).
- (3) A person ("P") falls within this subsection if:
  - (a) P is a parent of C;
  - (b) P is not a parent of C but has parental responsibility for C; or
  - (c) In a case where C is in the care of the local authority and there was a residence order in force with respect to C immediately before the care order was made; P was a person in whose favour the residence order was made.
- (4) Subsection (2) does not require the local authority to make arrangements of the kind mentioned in that subsection if doing so:
  - (a) Would not be consistent with C's welfare; or
  - (b) Would not be reasonably practicable.
- (5) If the local authority is unable to make arrangements under subsection (2), they must place C in the placement which is, in their opinion, the most appropriate placement available.
- (6) In subsection (5) "placement" means:
  - (a) Placement with an individual who is a relative, friend or other person connected with C and who is also a local authority foster parent;
  - (b) Placement with a local authority foster parent who does not fall within paragraph (a);
  - (c) Placement in a children's home in respect of which a person is registered under Part 2 of the Care Standards Act 2000; or
  - (d) Subject to section 22D, placement in accordance with other arrangements which comply with any regulations made for the purposes of this section.
- (7) In determining the most appropriate placement for C, the local authority must, subject to the other provisions of this Part (in particular, to their duties under section 22):
  - (a) Give preference to a placement falling within paragraph (a) of subsection (6) over placements falling within the other paragraphs of that subsection;
  - (b) Comply, so far as is reasonably practicable in all the circumstances of C's case, with the requirements of subsection (8); and

- (c) Comply with subsection (9) unless that is not reasonably practicable.
- (8) The local authority must ensure that the placement is such that:
- (a) It allows C to live near C's home;
  - (b) It does not disrupt C's education or training;
  - (c) If C has a sibling for whom the local authority is also providing accommodation, it enables C and the sibling to live together;
  - (d) If C is disabled, the accommodation provided is suitable to C's particular needs.
- (9) The placement must be such that C is provided with accommodation within the local authority's area.
- (10) The local authority may determine:
- (a) The terms of any arrangements they make under subsection (2) in relation to C (including terms as to payment); and
  - (b) The terms on which they place C with a local authority foster parent (including terms as to payment but subject to any order made under section 49 of the Children Act 2004).
- (11) The appropriate national authority may make regulations for, and in connection with, the purposes of this section.
- (12) In this Act "local authority foster parent" means a person who is approved as a local authority foster parent in accordance with regulations made by virtue of paragraph 12F of Schedule 2.]

## **ANNEX: USEFUL ORGANISATIONS AND INFORMATION FOR FAMILY AND FRIENDS CARERS**

**Action for Prisoners' Families** Works to reduce the negative impact of imprisonment on prisoners' families. Produces publications and resources, and provides advice, information and training as well as networking opportunities. [www.prisonersfamilies.org.uk](http://www.prisonersfamilies.org.uk) Address: Unit 21, Carlson Court 116 Putney Bridge Road London, SW15 2NQ Tel: 020 8812 3600 E-mail: [info@actionpf.org.uk](mailto:info@actionpf.org.uk) Advice line: 0808 808 2003  
[info@prisonersfamilieshelpline.org.uk](mailto:info@prisonersfamilieshelpline.org.uk)

**Addaction** Offers a range of support developed for families and carers affected by substance misuse. [www.addaction.org.uk](http://www.addaction.org.uk) Address: 67-69 Cowcross Street London EC1M 6PU Tel. 020 7251 5860 Email: [info@addaction.org.uk](mailto:info@addaction.org.uk)

**Adfam** Works with families affected by drugs and alcohol, and supports carers of children whose parents have drug and alcohol problems. [www.adfam.org.uk](http://www.adfam.org.uk) Address: 25 Corsham Street, London N1 6DR Tel: 020 7553 7640 Email: [admin@adfam.org.uk](mailto:admin@adfam.org.uk)

**Advisory Centre for Education (ACE)** Offers free independent advice and information for parents and carers on a range of state education and schooling issues, including admissions, exclusion, attendance, special educational needs and bullying. [www.ace-ed.org.uk](http://www.ace-ed.org.uk) Address: 1c Aberdeen Studios, 22 Highbury Grove, London N5 2DQ General advice line: 0808 800 5793 Exclusion advice line: 0808 800 0327 Exclusion information line: 020 7704 9822 (24hr answer phone)

**BeGrand.net** Website offering information and advice to grandparents, plus online and telephone advice. [www.begrand.net](http://www.begrand.net) Helpline: 0845 434 6835

**British Association for Adoption and Fostering (BAAF)** Provides information and advice about adoption and fostering and publishes resources. [www.baaf.org.uk](http://www.baaf.org.uk) Address: Saffron House, 6-10 Kirby Street, London EC1N 8TS Tel: 020 7421 2600 Email: [mail@baaf.org.uk](mailto:mail@baaf.org.uk)

**Children's Legal Centre** Provides free independent legal advice and factsheets to children, parents, carers and professionals. [www.childrenslegalcentre.com](http://www.childrenslegalcentre.com) Address: University of Essex Wivenhoe Park Colchester Essex CO4 3SQ Tel: 01206 877 910 E-mail: [clc@essex.ac.uk](mailto:clc@essex.ac.uk)

**Child Law Advice Line:** 0808 802 0008 Community Legal Advice - Education: 0845 345 4345

**Citizens Advice Bureaux** Helps people resolve their legal, money and other problems by providing free, independent and confidential advice through local bureaux and website. [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)

**Department for Education** Lists details of telephone help lines and online services to provide information, advice and support on a range of issues that

parents and families may face in bringing up children and young people.  
[www.education.gov.uk/childrenandyoungpeople/families](http://www.education.gov.uk/childrenandyoungpeople/families)

**Family Fund Trust** Helps families with severely disabled or seriously ill children to have choices and the opportunity to enjoy ordinary life. Gives grants for things that make life easier and more enjoyable for the disabled child and their family. Address: 4 Alpha Court Monks Cross Drive York YO32 9WN [www.familyfund.org.uk](http://www.familyfund.org.uk) Tel: 0845 130 4542 Email: [info@familyfund.org.uk](mailto:info@familyfund.org.uk)

**Family Rights Group (FGR)** Provides advice to parents and other family members whose children are involved with or require children's social care services because of welfare needs or concerns. Publishes resources, helps to develop support groups for family and friends carers, and runs a discussion board. [www.frg.org.uk](http://www.frg.org.uk) Address: Second Floor The Print House 18 Ashwin Street London E8 3DL Tel: 020 7923 2628 Advice line: 0800 801 0366 Email: [advice@frg.org.uk](mailto:advice@frg.org.uk)

**Family Information Zone (FIZ)** provides local advice and information to parents. 11 Orchard Street Newport **Isle of Wight** PO30 1JZ Telephone: 01983 821999.

**The Fostering Network** Supports foster carers and anyone with an interest in fostering to improve the lives of children in care. Publishes resources and runs Fosterline, a confidential advice line for foster carers including concerns about a child's future, allegations and complaints, legislation and financial matters. [www.fostering.net](http://www.fostering.net) Address: 87 Blackfriars Road London SE1 8HA Email: [info@fostering.net](mailto:info@fostering.net) Tel: 020 7620 6400 Fosterline: 0800 040 7675 Email: [fosterline@fostering.net](mailto:fosterline@fostering.net)

**The Grandparents' Association** Supports grandparents and their families, especially those who have lost or are losing contact with their grandchildren because of divorce, separation or other family problems, those caring for their grandchildren on a full-time basis, and those with childcare responsibilities for their grandchildren. [www.grandparents-association.org.uk](http://www.grandparents-association.org.uk) Address: Moot House The Stow Harlow Essex CM20 3AG Tel: 01279 428040 Helpline: 0845 434 9585 Welfare benefits advice and information: 0844 357 1033 Email: [info@grandparents-association.org.uk](mailto:info@grandparents-association.org.uk)

**Grandparents Plus** Champions the role of grandparents and the wider family in children's lives, especially when they take on the caring role in difficult family circumstances. Address: Grandparents Plus 18 Victoria Park Square Bethnal Green London E2 9PF Tel: 020 8981 8001 Email: [info@grandparentsplus.org.uk](mailto:info@grandparentsplus.org.uk)

**Mentor UK** Promotes the health and wellbeing of children and young people to reduce the damage that drugs can do to lives. [www.mentoruk.org.uk](http://www.mentoruk.org.uk) Address: Fourth Floor 74 Great Eastern Street London EC2A 3JG Tel: 020 7739 8494 Email: [admin@mentoruk.org](mailto:admin@mentoruk.org)

**Family Mediation Helpline** Provides information and advice about family mediation services and eligibility for public funding. 08456 026627  
[www.familymediationhelpline.co.uk](http://www.familymediationhelpline.co.uk)

**National Family Mediation (NFM)** Provides mediation services to support couples who are separated, and their children and others affected by this. [www.nfm.org.uk](http://www.nfm.org.uk) 4 Barnfield Hill, Exeter EX1 1SR. 0300 4000 636  
[general@nfm.org.uk](mailto:general@nfm.org.uk)

**Partners of Prisoners and Families Support Group** Operates helpline and provides a variety of services to support anyone who has a link with someone in prison, prisoners and other agencies. [www.partnersofprisoners.co.uk](http://www.partnersofprisoners.co.uk)  
Address: Valentine House 1079 Rochdale Road Blackley Manchester M9 8AJ  
Tel: 0161 702 1000 Offenders' Families Helpline Tel: 0808 808 2003 Email:  
[info@prisonersfamilieshelpline.co.uk](mailto:info@prisonersfamilieshelpline.co.uk)

**Prison Advice and Care Trust (PACT)** Provides practical and emotional support to prisoners and to their children and families. The Kinship Care Support Service provides support and advice to family members and friends who care for children whose parents are in HMP Holloway. [www.prisonadvice.org.uk](http://www.prisonadvice.org.uk) Address: Park Place 12 Lawn Lane Vauxhall London SW8 1UD Telephone: 020 77359535 55

**Parents Against Drug Abuse (PADA)** Delivers support and services to the families of substance users, including a national helpline. [www.pada.org.uk](http://www.pada.org.uk)  
Address: The Foundry Marcus Street Birkenhead CH41 1EU Phone: 0151 649 1580 National Families Helpline: 08457 023867

**Parentline Plus** Provides help and support in all aspects of family life, including information, an online chat facility and a 24 hour helpline. [www.familylives.org.uk](http://www.familylives.org.uk) Address: CAN Mezzanine 49-51 East Road London N1 6AH Tel: 020 7553 3080 24hr Advice line: 0808 800 2222 Email:  
[parentsupport@familylives.org.uk](mailto:parentsupport@familylives.org.uk)

**TalktoFrank** The government's national drugs helpline which offers free confidential drugs information and advice 24 hours a day. Information and advice is also available via the website. [www.talktofrank.com](http://www.talktofrank.com) 24 hour advice line: 0800 77 66 00 Text: 82111 Email: [frank@talktofrank.com](mailto:frank@talktofrank.com)

**Voice** Advocacy organisation for children living away from home or in need. [www.voiceyp.org](http://www.voiceyp.org) Address: 320 City Road London EC1V 2NZ Tel: 020 7833 5792 Young person's advice line: 0808 800 5792 Email: [info@voiceyp.org](mailto:info@voiceyp.org)

**Young Minds** Works to improve the emotional wellbeing and mental health of children and young people and empowering their parents and carers. [www.youngminds.org.uk](http://www.youngminds.org.uk) Address: 48-50 St John Street London EC1M 4DG Tel: 020 7336 8445 Parents helpline: 0808 802 5544