

Family & Friends Care Policy

November 2018

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Introduction

For every child growing up, their family and friends are important for the love, care and support they provide, not just to them, but to their parents in caring for them.

When parents are under pressure, for whatever reason, if they can draw upon support from their family and friends, most will get through and family life will continue. For some, however, their circumstances result in them being unable to care adequately for their children and arrangements may be made for them to be cared for by friends or family members.

Family and friends often start to care for other people's children in a crisis or emergency situation. Sometimes the care will begin as a short term measure, but gradually or subsequently become open-ended or permanent. Family and friends carers may provide a series of planned short episodes of care for children, for instance whilst a parent is working away or undergoing medical treatment, or children may come and go at short notice in response to the chaotic lifestyle of their parents. Such circumstances can be very challenging for the carers and normal family relationships may be strained, not just between the carers and the child's parents, but with other siblings, children of the carers and extended family members.

The arrangements will most often be a private matter (what the government describes as 'informal arrangements') but may sometimes involve Cambridgeshire County Council's Children's Services. Some arrangements will be temporary, others may be planned to be – or become – permanent, such that it is appropriate to consider formalising them through the courts.

This document outlines the different 'family and friends care' arrangements that can occur and explains the legal situation, the responsibilities of the carers and, where appropriate, the role of Children's Services.

1. Cambridgeshire County Council Children's Services

Cambridgeshire County Council recognises the importance for children of being brought up by their parents or, where this is not possible, by their wider family or friends, so long as this ensures their care, safety and protection.

We acknowledge that families will often make their own arrangements and we will not normally get involved unless asked to do so, are required to do so by the law, or are concerned for the welfare of the child concerned. Where we are involved, we will do everything we can to support children living with their parents or, where this is not possible or appropriate, within their wider family or with friends. In all circumstances, decisions will be made in the best interests of the individual child.

This policy supports the delivery of the Council's strategic priorities which include 'supporting and protecting vulnerable people'. This involves 'working with partners to strengthen the support to vulnerable families in their own communities' and 'stepping in at the local level where people need additional support and protection' to 'ensure all children and young people reach their full potential'.

2. Types of Family & Friends Care

The reasons children come to be living away from their parents are many and varied. Some will be **informal** arrangements agreed between the adults involved and some will arise because action has been taken by Cambridgeshire County Council resulting in the child 'coming into care' (what is known as being a **Looked After Child**).

A key consideration in any arrangement is who has **parental responsibility** for the child and the extent to which those caring for him or her are able to make day to day and more long-term decisions about them.

Parental responsibility is described in law as 'all the rights, duties, powers, responsibilities and authority which by law a parent of a child has in relation to the child and their property'.

All mothers and most fathers have parental responsibility, though parents have to ensure that their child is supported financially, whether they have parental responsibility or not. Fathers will usually have 'PR' if they are or were married to the mother or named on the child's birth certificate. Otherwise, they might make a Parental Responsibility Agreement with the mother or seek a Parental Responsibility Order (or another order that provides 'PR') through the court.

Where arrangements involve young people over sixteen, they will have more say about what happens to them and will normally be able to consent to matters on their own behalf.

The following sections differentiate between **Informal** arrangements and those concerning **Looked After Children**.

3. Informal Family & Friends Care

a) Informal care by a relative

Where the child is living with a relative, there is no requirement to notify Children's Services, although they may be approached for support. This applies when children are living with 'close' relatives, specifically a grandparent, brother, sister, uncle or aunt (whether full blood or half blood or by marriage or civil partnership) or step-parent.

Parents retain parental responsibility and are responsible for supporting the arrangement financially. The carers could usefully make an agreement with them about decision-making and the extent of their involvement with the child.

If not claimed by the parent, carers can apply for Child Benefit and Child Tax Credit, if eligible. Where parents are deceased, or the only surviving parent cannot be found or is serving a prison sentence of two years or more, carers may be eligible for a Guardian's Allowance. Financial advice may be obtained from Citizens Advice or the government's Money Advice website (www.moneyadviceservice.org.uk)

b) Private Fostering

Where the child is living with friends, or relatives not covered in the section above, then the arrangement will be classed as 'private fostering' if it is to continue longer than 28 days. Parents and carers both have a legal duty to notify Children's Services of the arrangement before it starts, or as soon as possible thereafter. Other professionals are also required to inform the council if they identify an arrangement that might be classed as private fostering.

Children's Services are required to assess the care arrangements. Whilst they do not formally 'approve' private foster carers, they must be satisfied that each individual child's welfare will be satisfactorily safeguarded and promoted. To this end, a social worker will undertake regular visits. The arrangement lasts until the child is sixteen years of age, or eighteen if they are disabled.

Here, again, parents retain parental responsibility and are responsible for supporting the arrangement financially. If not claimed by the parent, carers can apply for Child Benefit and Child Tax Credit, if eligible.

It is strongly recommended that the parents and carers make an agreement about decision-making and the exercising of parental responsibility.

c) The role of Children's Services

Children's Services provides a range of services to support children and their care-givers to help ensure children thrive and achieve their potential. Some services are available to all, whilst others are provided following an assessment of the particular needs of an individual child. Services are available to help families stay together and also to support Family and Friends Care arrangements.

There is a range of services available to support families and provide 'early help' to prevent concerns developing. Details can be found on the [Parenting and Family Support](#) pages of the Council's website.

For disabled children and those with special educational needs, the council also has a [Local Offer](#) of information and support services.

Depending on the needs of the child, or if there are safeguarding concerns, an assessment might be undertaken by a social worker. This could determine that they are a 'child in need' such that social work support is offered for a period. This is defined in law 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'. Where a social worker is involved, they may be able to help carers address any concerns regarding the child's contact with their parents or other key people. They may also assist with accessing services from other agencies, including District Councils regarding housing/accommodation issues and Education to assist with school places and other matters. A child living with friends or family is not necessarily a 'child in need' in this sense.

Eligibility for services and support is covered in more detail in the inter-agency ['Threshold Document'](#) which is published by the Cambridgeshire and Peterborough Safeguarding Children Board:

The Council is also establishing two support groups for family & friends carers that will become available early in 2019.

d) Legal options

Informal Family & Friends Care arrangements can continue for extended periods and it may be in the best interests of the child for the carers to consider making the arrangement more secure or permanent through the court. Potential options are outlined here, but it is essential that carers obtain their own legal advice to determine which, if any, is the best route to take.

Child Arrangements Order.

This sets out arrangements about with whom a child is to live, spend time or otherwise have contact. Usually lasting until the child is sixteen, these orders replace Contact Orders and Residence Orders. If determining with whom a child should live (other than a parent), a Child Arrangements Order would normally give parental responsibility to the person in whose favour it is made, such that it is then shared with the parents. It can sometimes be helpful to make some specific agreements about how parents will be involved in day to day and longer term decisions.

Special Guardianship Order.

A Special Guardianship Order (SGO) appoints one or more people to be the child's 'Special Guardian'. It is specifically intended for those children who cannot live with their birth parents and who would benefit from a legally secure placement, usually lasting until the child is eighteen. An SGO can ensure a child remains connected to their family as, unlike adoption, it does not end the legal relationship with their birth parents. A Special Guardian gains parental responsibility and, whilst parents do not lose it, the guardian has the greater authority, being allowed to exercise PR to the exclusion of all others, when required.

An application can be made by a relative with whom the child has lived for at least a year, by someone else with whom they have lived for three of the last five years (ending not more than three months before the application) or by anyone with the leave of the court. The carer is required to notify the local authority three months before submitting their application. The role of Children's Services is to investigate the matter and a social worker will prepare a report regarding the child's situation and the suitability of the applicant(s) to be their Special Guardian.

Special Guardians, the child, or others involved can request an assessment for support services provided by the local authority. This could include practical assistance, advice/counselling or, in exceptional circumstances, limited financial support.

Adoption.

An Adoption Order transfers parental responsibility to the adopters such that it is lost by the birth parents: the adopters effectively become the child's parents. Carers can apply to the court once the child has lived with them for three years out of the past five, though the court can also grant leave for an earlier application to be made.

This is sometimes referred to as a 'non-agency adoption' because the local authority has not been involved in arranging it. The carers must give Children's Services three months' notice of their intention to seek an Adoption Order and a social worker will then carry out an assessment and prepare a report for the court.

The local authority provides a range of adoption support services and during the assessment for court, consideration will be given as to whether ongoing support may be required following the making of the order.

4. Looked After Children

Sometimes, it is not safe or simply not possible for a child to remain living with their parents and they come into the care of the local authority and become 'looked after'.

When it appears necessary for a child to become looked after, and also once they are already looked after, the local authority has a duty to consider whether they could live with friends or family.

If the local authority has decided that a child must live away from home, whether temporarily or for a longer period, the child would become looked after at that point. This is usually to ensure their safety when there are serious safeguarding concerns. Placement with family or friends can often provide a way of ensuring the child's protection whilst keeping them with people they know.

Some children are looked after but unable to return home, perhaps because parents were unable to make the required changes to ensure their safety or welfare. Here, again, family or friends can often step in to offer a suitable alternative.

In both sets of circumstances, because the child is 'looked after' the carer(s) would have to be assessed as foster carers. This is an important way of ensuring they will be able to provide the care and support the child requires and is called 'Kinship Foster Care'.

a) Legal status

Children may be 'looked after' by agreement with their parents, or as a result of legal action.

When it happens at the parent's request or with their agreement, the child becomes 'accommodated'. Parents keep parental responsibility and neither the local authority nor the carers have it, so care arrangements are made in close consultation with parents. Such arrangements are usually, but not always, short term.

When the local authority is sufficiently concerned for a child to involve the courts in decisions about their immediate care and longer term future, the situation is different. They can ask the court for an Emergency Protection Order to allow the child to be removed from home urgently. They can also start Care Proceedings to involve the court in determining long term plans. Whilst these are happening, the child might be the subject of an Interim Care Order. At the end of the proceedings, the child might go home, or the court could make an order about their future care. This might be a Care Order which gives the local authority the parental responsibility and the lead in determining future plans for the child. The court could also make an Order placing the child in the care of a relative or friend (see 'Legal Options', below).

b) Kinship Foster Care

The local authority has a duty to consider the possibility of placing any looked after child with family or friends if they are unable to return home. This may be temporarily, perhaps whilst the parent's capacity to change is being assessed, or permanently if, for example, the court has said the child cannot return home. It is important that people put themselves forward for consideration, as well being nominated by the parents.

In all cases, assessment is required of the suitability of the carer to take on the care of the child. Because the full assessment process for fostering can take a number of months, this sometimes

happens in two stages. A 'connected persons' assessment is initially undertaken, usually by the child's social worker. This covers some basic issues, including the relationship between the carers and the child, the suitability of their accommodation, any prior Police or Children's Services involvement, the views of other members of the household, etc. The social worker makes a recommendation to a senior manager and, if the placement is approved, the child is able to move in and, although not yet formally approved, the carer has the status and responsibilities of a foster carer.

At this point, a social worker from the Kinship Fostering & Review Team will start the full fostering assessment. This involves a more detailed process and they will meet with the carers and members of their family to discuss a wide range of issues including their views and background, experience of parenting and the implications of looking after someone else's child. They will take up personal references, undertake checks with health and criminal records. This is a more comprehensive assessment that will usually be completed within sixteen weeks. If the social worker has any concerns, these will be discussed during the assessment.

The social worker compiles a report for the Fostering Panel who consider the applicant's suitability to become a foster carer. They make a recommendation to the Agency Decision Maker who makes the final decision on behalf of the County Council as to whether or not the carer should be approved. Carers are usually approved specifically for the child(ren) in relation to who they have been assessed. Should they be turned down, the applicants would be provided with information about how they can challenge this.

c) The role of Children's Services

In addition to the social worker undertaking the assessment of the carers, a different social worker has responsibility for ensuring that the child(ren) are thriving and that effective plans are made to secure their future, whether this involves a return home or permanent placement away from their parents. The child's social worker visits the child regularly and will normally meet with them alone as well as talking to their carers. They must ensure that the child accesses the support they need from other agencies, including school, health services, etc.

Caring for someone else's child can be complex and challenging and all foster carers are required to undertake regular training to broaden their understanding of the issues and further develop their ability to meet the needs of the child placed with them. All foster carers have annual reviews to ensure their development and continued suitability. Similarly, the children also have regular reviews to ensure they are making progress, that their placement meets their needs and plans are appropriate.

From the time that the child is first placed with the carers, Children's Services will pay a weekly fostering allowance.

d) Legal options

Kinship Foster Care arrangements can continue for extended periods and it can sometimes be in the best interests of the child for the carers to consider making the arrangement more secure or permanent through the court. Potential options are outlined here and carers should discuss the

options with the child's social worker and their own supervising social worker. They should also obtain their own legal advice to help determine which, if any, is the most suitable.

Child Arrangements Order.

These orders can be made by the court to decide various issues including the child's living arrangements and usually last until they are sixteen. A Child Arrangements Order determining residence would normally give parental responsibility to the person in whose favour it is made, such that it is then shared with the parents. The child would no longer be 'looked after' by the local authority. It can sometimes be helpful for carers and parents to make some specific agreements about how parents will be involved in day to day and longer term decisions. In some situations, financial support may be provided, either as a one-off payment or on an ongoing basis.

Special Guardianship Order.

A Special Guardianship Order (SGO) is intended for those children who cannot live with their birth parents and who would benefit from a legally secure placement, usually lasting until the child is eighteen. An SGO means the child is no longer 'looked after' and can ensure they remain connected to their family as, unlike adoption, it does not end the legal relationship with their parents. A Special Guardian gains parental responsibility and, whilst parents do not lose it, the guardian has the greater authority, being allowed to exercise PR to the exclusion of all others, when required.

Orders will often be made to Kinship Foster Carers at the end of care proceedings, and they can also apply at other times, usually as part of the agreed future plan for the child. However, they can also apply without the agreement of the local authority where they meet the legal requirements or have the permission of the court.

The local authority would normally work with the carer to develop a Special Guardianship Support Plan outlining the support that would be available at the time the order is made and in the future. This might include financial support, either as a one-off payment or on an ongoing basis.

Adoption.

An Adoption Order transfers parental responsibility to the adopters such that it is no longer held by the birth parents - the adopters effectively become the child's parents and they are no longer 'looked after'. As with Special Guardianship, Orders will often be made to Kinship Foster Carers at the end of care proceedings, but they can also apply at other times, usually as part of the agreed future plan for the child. They can also apply without the agreement of the local authority where they meet the legal requirements or have the permission of the court.

The local authority will work with the carer to develop an Adoption Support Plan outlining the support that would be available, both at the time the order is made and in the future. This might include financial support, either as a one-off payment or on an ongoing basis.

5. Support for Family and Friends Care

a) Cambridgeshire County Council

Cambridgeshire County Council's Fostering Service offers advice and guidance to Family & Friends Carers, whether or not the child is 'looked after' by the Council. If a carer is seeking support or an assessment of need they should contact the Customer Contact Centre (tel 03450 455203). Unless there is immediate concern for the welfare of the child involved, they will pass the information and contact details direct to the specialist team.

The Team will offer advice and assistance and will undertake an assessment of need where the child concerned was previously 'looked after' or, if this is not the case, where the carer is a Special Guardian. In other situations, carers will be advised how to refer their child for an assessment of their needs.

Following assessment, the Team will work with children and carers to develop a Support Plan, which could include some of the following, depending upon the needs of the child and whether they were previously 'looked after':

- Support in establishing, reviewing or changing contact arrangement between the child and their parents or other significant people;
- An assessment of need for children who may require therapeutic support services;
- Support and training in undertaking life story work with a child;
- Advice and training on the importance of stability and security and how this might be provided for a child who has been displaced from their family;
- Support to access activities, advice and support provided by universal services across Cambridgeshire. This may include children's groups, parenting programmes and support from Family and Young People's Workers;
- Access to the training offered to Cambridgeshire Foster Carers.

The Council will be setting up a Kinship Foster Carers support group early in 2019. It will also be establishing two additional support groups for family and friends carers looking after children in 'informal arrangements'.

There is also a range of local and national organisations that offer advice, help and support to people looking after other people's children. This includes:

b) National Organisations

Family Rights Group

This charity offers a confidential advice service. This service is independent and non-judgemental and can provide information about what the law says and what procedures should be followed. They can advise, and discuss with you options and support carers to make realistic choices in the best interests of the child(ren) concerned.

www.frg.org.uk

0808 801 0366 between 09.30am-3pm Monday to Friday

(Calls are free from a landline or from UK mobile networks).

Coram Children's Legal Centre

Provides free independent legal advice and factsheets to children, parents, carers and professionals.

www.childrenslegalcentre.com

Contact: info@coramclc.org.uk; Child Law Advice Line: 08088 020 008

Grandparents Plus

Grandparents Plus is a national charity (England and Wales) which champions the vital role of grandparents and other family members in children's lives – especially when they take on the caring role in difficult family circumstances, though is not limited to grandparents. They provide a free, confidential and impartial service run by experienced and sympathetic professional advisers. They also offer a free support network for members of the wider family who are raising a relative's child and also have a Family and Friends Advice Line which offers comprehensive advice on welfare benefits and many other issues.

www.grandparentsplus.org.uk

advice@grandparentsplus.org.uk

0300 123 7015 between 10am and 3pm Monday to Friday.

The Grandparents' Association

Supports grandparents and their families, especially those caring for their grandchildren on a full-time basis.

www.grandparents-association.org.uk

Contact: Helpline: 0845 4349585; Support Groups: 0844 3572907

Family Lives

Family Lives was originally known as Parentline Plus and they aim to support families. They have a helpline and online chat forum. They have some services in the community and run various workshops.

www.familylives.org.uk

Helpline: 0808 800 2222

Buttle UK

Buttle offer support to kinship carers through grant programmes for children and young people.

www.buttleuk.org

Contact: info@buttleuk.org; Telephone: 020 7828 7311

KINFEST

Kinship Carers run annual festivals for kinship carers and their children. They also run Mini-Kinfests. Small and large groups, sometimes just a couple of carers, have started to meet up with their children all across the country, forming new friendships and strengthening existing ones.

www.kinshipcarers.co.uk

kinshipfostercarers@gmail.com

c) Local Kinship Support Groups

If you are interested in setting up your own support group, please contact the Kinship Fostering & Review Team who may be able to help.

The Family Rights Group has published a guide on good practice in setting up local kinship care support groups, available from ychoudhury@frg.org.uk

Kinship Carers Cambridgeshire. If you are a kinship carer, bringing up a child who is not your own, you are welcome to join our support group. You are invited to drop in for coffee and chat.

The group meets monthly 9:30-11:30 at Bewick Bridge Child & Family Zone/Bewick Bridge Community Wing, Fulbourn Old Drift, Cherry Hinton, CB1 9ND. Usually the third Thursday in the month, but please phone ahead to check the exact date as this sometimes varies. Pre-school children are welcome. Please contact Annabel for more information at on 07794 329886 or email annabelroberts@btinternet.com.

Peterborough Kinship Carers Group meets weekly in term time, 10.30 – 12.30, at Peterborough Council for Voluntary Service, 3 Lincoln Court, Lincoln Road, Peterborough, PE1 2RP.

For more information contact Nora Baker 07443 633840 or Sue Nash, 07745 591660, susan.nash100@btinternet.com.

Information on other groups can be found at: www.grandparentsplus.org.uk/local-support-groups

d) Feedback and complaints

Cambridgeshire County Council's Children's Services welcomes feedback. It gives us an opportunity to improve our service. The Customer Care Team receives compliments, comments and complaints and makes sure that all staff are told about the lessons that come from the feedback received. Feedback may be in relation to the service you have received or on behalf of the child concerned.

It is helpful to know what we do well so we can continue to act in that way. When a complaint is received, we will do whatever we can to resolve the particular issue quickly and efficiently, while also considering how we can make our services even better.

Feedback can be provided in a number of ways, including speaking directly to the member of staff concerned or their manager, completing the online form or ringing, writing to or e-mailing the Customer Care Team:

Cambridgeshire County Council Customer Care Team

Children's Services

FREEPOST Box SH1215

Shire Hall

Cambridge

CB3 0AP

Telephone: 01223 699 664 or 714 765 (or 0345 045 5203)

Text: 07795 092 404

Email: Childrens.ServicesFeedback@Cambridgeshire.gov.uk

Website: www.cambridgeshire.gov.uk

Online form available at: www.cambridgeshire.gov.uk/complain

Consultation

This documents has been the subject of public consultation in the period August to October, 2018. It was made available to existing kinship foster carers, the local support group and publicised through children's centres and the County Council's consultation website.

There were only a few responses received and the majority were supportive of the policy. The comments received have been taken into account in the finalising of this document.