



## Swindon Borough Council Family and Friends Policy

**see also - Swindon Borough Council  
Friends and Family Care Guide**

### **1. INTRODUCTION**

- 1.1 This is an overarching policy regarding family and friends care more information can be found in specific procedures regarding the different types of arrangements.
- 1.2 Family and friends carers play a unique role in enabling children and young people to remain with people they know and trust if they cannot, for whatever reason, live with their parents. These arrangements occur both for looked after children and others who are not looked after by the local authority. Children and young people **can** be cared for by family and friends **without** having to become a 'looked after' child.
- 1.3 Children and young people who are unable to live with their parents should receive the support that they and their carers need to safeguard and promote their welfare, whether or not they are looked after or children in need in accordance with the Children Act 1989. Swindon Borough Council recognise that in order to enable family and friends to provide appropriate care for children that can't live with their parents access to a range of support services across universal, targeted and specialist levels may be needed
- 1.4 Family and friends carers should receive clear information about their
  - Rights, responsibilities and options
  - The support that is available to them from different sources,
  - The policies, procedures and decision making processes of the local authority where the child is a looked after child or assessed as a child in need.

### **2. SCOPE**

- 2.1 This policy relates to children and young people who are living away from home with family members or friends in any of the following circumstances:
  - An informal arrangement with a close relative
  - Informal arrangement with friends or other family members lasting less than

28 days

- As a private fostering arrangement
- As a looked after child placed with family and friends foster carers
- Through a child arrangement order or special guardianship order
- Through arrangements which may lead to an adoption order

### **3. PURPOSE**

3.1 The purpose of this policy is to set out Swindon Borough Council's approach towards promoting and supporting the needs of children and young people who are unable to remain living at home, or with an adult with parental responsibility, and are living with family and friends carers in a range of legal circumstances.

**'Family and Friends Care: Statutory Guidance for Local Authorities 2011'**, places a legal requirement on the council to set out its approach to supporting family and friends care. This policy does not replace the statutory guidance above, neither does it duplicate it. The full guidance can be found online at:

[Children Act 1989: Family and Friends Care \(Gov.uk website\)](#).

- i. Swindon Borough Council has developed this policy to help children and their carers understand what they can expect from the Council and how it addresses the requirements laid out in statutory guidance;
- ii. Staff within the Council should, in addition to this policy, read the full statutory guidance, outlined above to make sure they understand their responsibilities and duties to children placed in family/friends care, and to the carers of those children and should use that guidance to inform their day to day work;
- iii. The main intention of both national and local policy guidance is to improve outcomes for children and young people placed with family/friends carers by supporting those arrangements according to the needs of the child.

### **4. PRINCIPLES**

4.1 This policy is based on the following principles:

- i. In any 'family and friends' arrangement the child's best interests are paramount and are central to decision making. This must take precedence over the interests of others involved;
- ii. Every reasonable and practicable support will be given to enable a child assessed as being a child in need to live with their parents, as required under section 17 of the Children Act 1989, unless this is not consistent with their welfare.
- iii. Where a child assessed as being a child in need is unable to live with their parents, or other adults with parental responsibility, even with support, **the possibility of living with family members and friends must be explored before other arrangements are considered**

- iv. Swindon Borough Council recognises the value and long term benefits of supporting and helping a relative or friend to care for a child. The provision of such support, whether universal or targeted, can play a significant role in preventing the potential break down of an arrangement and ultimately preventing the need for a child to come into the care of the local authority
- v. Family and friends care is not appropriate for every child and professional skill is needed in making what may be finely balanced decisions. All assessments must consider how far a placement will meet the assessed needs of a particular child or young person given their previous history and their current circumstances.
- vi. Support for 'family and friends' arrangements will be based on the assessed needs of the child not the type of arrangement or the child's legal status; a child does **not** have to come into the care of the local authority in order for family and friends carers to access support services, including financial support
- vii. Permanence and stability for children by enabling those who cannot live with their parents to remain with members of their extended family or friends. All children need, and have a right to, safe, secure and permanent care with primary carers with whom they can develop a secure attachment. Permanence is the framework of emotional, physical and legal conditions that gives a child a sense of security, continuity, commitment and identity and enables the child to thrive and develop their full potential.
- viii. Children should **not** become looked after if this is not warranted to safeguard and promote their welfare. Families themselves are usually best-placed to find their own solutions and to make safe plans within the family. Intervention from the local authority should be at a minimum needed to safeguard the welfare of the child.

## 5. **LEGAL CONTEXT**

5.1 The following legislation and guidance applies:

- The Children Act 1989
- Fostering National Minimum Standards and Regulations 2011
- The Children Act 2004
- The Children Act 2008
- Care Planning, Placement and Case Review Regulations 2010 (Amended 2015)
- The Children (Private Arrangements for Fostering) Regulations 2005 and associated guidance
- Adoption and Children Act 2002 and associated guidance
- Adoption Statutory Guidance revised July 2015
- The Special Guardianship Regulations 2005 (revised 2016) and associated

guidance

- Family and Friends Care: A Guide to Good Practice for Local Authorities - Family Rights Group 2009
- Family and Friends Care: Statutory Guidance for Local Authorities 2011

### **Status of children living with family and friends carers**

Children have the following status when living with family and friends carers

- Children who are not looked after
- As a private fostered child
- As a looked after child (this includes children who are subject to a Care Order or children who are s20 voluntary accommodated)

### **Legal Orders which can support family and friends care arrangements**

There are legal orders that can support children living with family and friends carers which are:-

- Child Arrangement Orders
- Special Guardianship Orders
- Adoption Orders

## **6. MANAGEMENT ACCOUNTABILITY**

- 61 The Director of Children's Services has delegated the authority to the Service Manager of the social work teams who is the senior manager in Swindon Borough Council accountable for monitoring the way in which the authority discharges its responsibilities in accordance with the Family and Friends Care Statutory Guidance.
- 62 The accountable manager will ensure that all the relevant partners are aware of their responsibilities towards children and young people living in family and friends care, and are proactive in meeting those needs.

## **7. RESEARCH EVIDENCE – KEY MESSAGES THAT HAVE INFORMED POLICY**

- 7.1 Key messages from research have been the driver behind the development of the family and friends policy as a means of securing the best possible outcomes for children and young people who are unable to remain living with their parents.
- 7.2 It is recognised that few children or young people want to become looked after by the local authority: most would prefer their birth parents to be supported to continue to care for them, or if that is not possible to be able to live with members of their extended family.

7.3 Research indicates that family and friends placements have the capacity to deliver security of attachment and continuity of care. Children are generally reported to feel secure, happy and integrated into the family, with most studies indicating that this is more common than for children placed with stranger carers

7.4 Family and friends care is likely to contribute to:

- Children's sense of security and personal identity through minimising the degree of disruption they experience in other ways;
- Children usually go to people they know, with whom there is a shared culture. They are more likely to stay in the same neighbourhood and school, are more likely to be placed with siblings and to have contact with siblings living elsewhere;
- Although carer attitudes to parents are not necessarily favourable and relationship difficulties are more common than in stranger placements, studies report that contact is more likely, though not necessarily with both parents.
- The high levels of commitment demonstrated by carers, their strong bonds with the children, the pleasure they find in the children themselves and the satisfaction they derive from caring;
- Family and friends placements last longer and that children have fewer moves. However, research highlights the impact of behavioural difficulties in the breakdown of both family and friends arrangements as well as non-related foster care.
- There are some risk and protective factors although these are regarded as indicative of potentially vulnerable placements needing targeted support rather than barriers to placement. There is a need to focus the assessment on parenting capacity rather than on specific concerns which often fail to materialise
- On the range of measures relating to child functioning – health, education, emotional and behavioural development – children appear to do about as well in family and friends placements as those in unrelated foster care placements with some studies suggesting they do better and only a few worse. There is, however, little research and therefore evidence as to how the children fare as adults.

7.5 Grandparents and aunts, usually on the maternal side, are the principle providers of family and friends foster care in the UK. Family carers are reported to be less well educated, more disadvantaged, less likely to have a partner in employment, more likely to experience financial hardship and overcrowding and have higher levels of health problems than the general population. However they are no older on average than non-related carers

7.6 There is limited evidence of the link between support and outcomes in family and friends care although research on other forms of care suggests this would be a reasonable assumption. Carers do report that they are uncertain as to what help is available, how to access it, reluctant to press their case, find the response variable and are frustrated by changes of worker.

- 7.7 Standards of care provided by family and friends carers may be variable and lower than the average stranger foster home and carers may be more inclined to use physical punishment.
- 7.8 However, despite the often difficult circumstances of the carers, research shows outcomes are positive for most children living in family and friends care, and considerably better than for children in unrelated foster care. A major study published, by Buttle UK and the University of Bristol in 2013 (***The Poor Relations: Children and Informal Kinship Carers Speak Out***), shows that kinship arrangements provide stability for the children and the children have strong attachments to their carers and have good levels of academic attainment, particularly when compared to children in the formal care system.

## **REFERENCES**

- Aldgate J. (2006) Living in Kinship Care: A child centred view
- Broad B. (2007) Kinship Care: What Works? Who Cares?
- Family Rights Group(2009) Family and friends Care: A guide to good practice for local authorities
- Farmer E and Moyers S (2008) Kinship care: Fostering effective Family and Friends Placements
- Nixon P. (2007) Relatively Speaking; Developments in Research and Practice in Kinship Care (Dartington /Research In Practice)
- Hunt et al (2008) Keeping Them in the Family: Outcomes for Children Placed with Family and Friends Carers through Care Proceedings (BAAF)

## **8. LEGAL BASIS OF PLACEMENT OF CHILD WITH FAMILY AND FRIEND CARERS**

- 8.1 In order to provide a clear framework for children cared for by family and friends, it is essential for the legal basis under which the child is placed to be clearly stated and explained to the carers. This is to ensure that the child and carers receive the support they need to safeguard and promote the child's welfare.
- 8.2 The range of options, both legal and informal, available to family and friends wanting to offer a care arrangement to a child needs considering in light of individual circumstances. The local authority is under a duty to look to provision within the wider family and friends' network as a means of providing care and accommodation for a child whenever safe to do so. Whether that provision is provided informally or under the provisions of s20 will depend upon the circumstances of the case.

## **9. FAMILY AND FRIENDS ARRANGEMENTS WHERE THE CHILD IS NOT LOOKED AFTER**

9.1 The majority of family and friends carers act informally by agreement with those holding parental responsibility for the children they care for. The arrangement can be made directly between the parents and the carer with parental responsibility remaining with the parents and day to day parenting tasks and decisions being delegated to the carer.

9.2 Providing they are a relative of the child as defined by section 105 of the 1989 Act (as set out below), there is no requirement to notify the local authority of the arrangement. Most such arrangements remain entirely private without the need for assessment or support from children's social care services.

The local authority does **not** have a duty to assess informal care arrangements unless it appears that services may be necessary to safeguard or promote the welfare of a child in need in their area or is a private fostering arrangement.

9.3 Parents can make arrangements for children to be cared for by other family members without the involvement of or notification to the Department where the placement is with:

- A carer who is a relative, defined in s.105 of the Children Act 1989 as "a grandparent, brother, sister, uncle or aunt (whether of the full blood or half blood, or by marriage or civil partnership or step-parent)
- A carer who is a person with parental responsibility arising from Special Guardianship, Child Arrangement Order, or a person who is a Testamentary Guardian.
- Other relatives (not within the relationship at the first bullet point above), friends or other persons can care for children with the agreement of those with parental responsibility.
- After 28 days this will become a private fostering arrangement and if they intend to act as carers for a child under the age of 16 years (or under the age of 18 years if disabled) for longer than 28 days, they must notify the Department, please refer to the **Private Fostering Section**

In these circumstances there is a requirement to notify the Department of the arrangements for the child.

## **10. ARRANGEMENTS MADE WITHOUT THE INVOLVEMENT OF THE LOCAL AUTHORITY**

### 10.1 Support to Informal Carers

Where family and friends carers have stepped in to care for the child without the involvement of the local authority they may require information and support. Information about legal options available to carers can be provided from Children's Social Care as well as the Family Rights Group and local child care solicitors.

Families requiring support will be assisted and signposted by workers to appropriate services that will help them care for the child, including access to

any state benefits they may be entitled to. Support and access to services will be based on the needs of the child rather than their legal status.

- 10.2 The majority of kinship arrangements work well and meet the needs of the child with the support of universal agencies such as health and education and housing services. It is important, however, that any difficulties are responded to early. Families may need advice and assistance during the early stages of considering whether to care for a relative or a friend's child, in order to weigh up the options and to consider what support services they might require. This advice can be obtained from a variety of sources, including the Family Rights Group and Grandparents Plus. Contact details are provided at the end of this policy.

## **11. THE ROLE OF EARLY HELP**

- 11.1 Partner agencies such as Health, Education and Housing have a key role to play in identifying and supporting children who are living with family and friends carers. Services need to be aware of and sensitive to the needs of these children and their families and give priority to access services wherever possible.
- 11.2 To enable family and friends to offer appropriate care for children and young people who cannot live with their parents, access to a range of high quality universal and targeted services may be needed. Support services should not be withheld because a child living with a kinship carer is not a looked after child.
- 11.3 There are also a wide range of resources available to support children in the local area, including early year's provision, day care and out of school services, schools and colleges, health services, leisure facilities and youth support services. Kinship carers are encouraged to access all the universal services available both locally and nationally.
- 11.4 Early help, underpinned by an Early Help assessment, record and plan may help prevent difficulties increasing to the point where specialist services are required

Details are provided in the list of local and national organisations at [Appendix 3](#)

## **12. REQUEST FOR SERVICE**

- 121 The family/friend carer can ask the council to assess the child's needs or a referral may be received to assess the child's situation. Where there is a request for social work services children who are not looked after and living with family or friends carers will be treated as potential children in need and entitled to an assessment of need.
- 122 A single multiagency assessment will be undertaken to identify the needs of the child and the carer's capacity to meet them. It will highlight areas in which the

child carer or parent may require support and advise how these gaps can best be met by services, universal and targeted in order to enable the arrangements to be successful and for the child to reach their full potential. The assessment will determine if the child is in need and a plan will agree the practical and other support that is needed including emotional support.

- 123 Following assessment the council may also provide financial support under s17 of the Children Act 1989 to support a child living with family and friends carers to promote their welfare and to prevent the child becoming looked after.

The carers should be provided with information and advice regarding universal benefits and other sources of support both locally and nationally. In all cases, it is essential that parents and carers have a clear understanding of and are in agreement with the legal status of the arrangement and are able to make informed decisions. It is the responsibility of the social worker to ensure that the parents and the carers have a written record of the assessment and the plan for the child.

- 124 Support to arrangements if child identified as in need

The support that could be offered includes:-

- Social work support;
- Referral to a parenting programme;
- Temporary support to assist a child to attend school;
- Day care provision (under 5s);
- Support for contact with birth parents (and family members) when needed;
- Information about and access to support groups;
- Basic equipment (e.g. every child should have their own bed, the family should have the means to prepare hot food etc.);
- Referral to the benefits agency for advice to maximise family finances;
- A basic safeguarding check which may include local police checks, health and safety, permission to contact GP, schools if relevant.

This list is not exhaustive and should be based on the assessed needs of the child as identified within the single assessment.

The suitability of the arrangements to meet the child's needs and the range of support, including any financial support should be reviewed via the Children in Need or Child Protection review processes.

**If there are concerns about the standards of care for the child and the child's safety the council may need to implement child protection procedures;**

- 125 Where a child is unable to remain with their parents/carers (either in the short term or long term) family members and close family friends should be asked to suggest people in the child's wider network who could care for him or her. Ideally this should be done through a Family Group Conference to enable the involvement of the widest possible network in the decision making and planning

for the child. The Council has a duty to safeguard and promote the welfare of children who are 'in need' and to consider how such children can live with their families and friends before considering any action that may result in them becoming 'looked after'

- 126 Where Swindon Borough Council are supporting a child in need and it is clear that they cannot continue to live with their parents, either on a short term or long term basis, then we will broker by negotiating with or assisting the family in discussing their care by a close family member or connected person.

In most cases this assistance will involve support in making decisions about whether or not legal orders are required and whether on-going financial support and social work support is available and how it can be accessed. This type of assistance will be provided under section 17 of the Children Act 1989 and so does not constitute a placement by Swindon Borough Council.

### **13. PRIVATE FOSTERING**

- 13.1 Some arrangements may fall within the definition of private fostering. If the carers of a child under the age of 16 (or 18 if he or she is disabled) are not the child's grandparent, brother, sister, uncle or aunt (whether full blood or half blood or by marriage or civil partnership) or step parent, and the placement continues beyond 28 days or is intended to do so, then the arrangement will fall within the definition of private fostering in the 1989 Children Act, and the Children (Private Arrangements for Fostering) Regulations 2005.

- 13.2 Parents and carers have a legal duty to notify the local authority of private fostering arrangements and the local authority has a duty to assess, monitor and support such arrangements in accordance with statutory regulations and guidance. Professionals who become aware of a private fostering arrangement are under a duty to notify the local authority of such an arrangement to enable an assessment to be undertaken to ensure the child is safeguarded.

- 13.3 In a private fostering arrangement the parent **retains** parental responsibility but enters into a private arrangement regarding the care of their child.

A range of statutory duties are laid upon the local authority with regard to private fostering in relation to the assessment of the arrangement, visiting frequency and on-going monitoring.

- 13.4 In Swindon, children and young people subject to these arrangements are monitored by the fostering social worker(private fostering) if they are not regarded as children in need. If they are considered as children in need they will be case held within the Social Work team of the address in which the child is living.

- 13.5 Individuals caring for children under this umbrella may require support and guidance in order to underpin the stability of the placement. The role of the local authority includes signposting to relevant services and the provision of financial support (under s17) where required, on a one-off or on-going basis. This will be in addition to any universal benefits that should be claimed.

- 13.6 Those children and young people who cease to be privately fostered because they reach the age of 16 but who remain with their private fostering carer will be deemed to be living in an informal family and friends arrangement.

Some young people in private fostering arrangements will attain a “qualifying” care leaver status at age 16 and will be entitled to leaving care services. A “qualifying” young person is entitled to approach the Care Leavers Team for advice and assistance.

For further details and information see Swindon Borough Council’s private fostering procedure and the Leaving Care Policy

#### **14. EXPLORING THE KINSHIP NETWORK**

- 14.1 Swindon Borough Council will take a pro-active approach to identifying, considering and supporting family and friends carers in the child’s network who may be able to care for the child.
- 14.2 No child or young person should have to become, or remain, a looked after child, whether by agreement with those holding parental responsibility or by virtue of a court order, for the sole purpose of enabling financial, practical or other support to be provided to the child’s carer.
- 14.3 In some circumstances the Council will play a major role in facilitating and supporting the arrangement. This may happen when there is concern that the child may be at risk of significant harm and if an arrangement is not made to care for the child by a close family member or connected person and not return to the care of their parents, then the child would become looked after by the local authority. The basis of support being offered by the Council will always be clarified in writing to the parent and the proposed kinship carer.
- 14.4 Where there are serious child protection concerns or a possibility of the child becoming looked after, the family will be offered the opportunity of a Family Group Conference (FGC) to ensure the best arrangements are made to secure the child’s welfare. The FGC will assist families in making support plans for children and potential kinship carers will be provided with advice and information to help them care for the child.

**Whichever family and friends arrangement is chosen for a child it is incumbent on the local authority to ensure they are clear with the adult providing the care and the parent of the legal status of the arrangement.**

- 14.5 This will also be clearly reflected in the outcome of the assessment. Having a written record is essential. Apart from when a child is looked after by the local authority, under Sec 20 or Sec 31, the arrangement is not a placement being made by Children’s Services and support provided by the local authority, including financial, is at the discretion of the local authority under Sec 17 of the Children Act 1989. However access to financial support may change if a legal order is obtained through the courts.
- 14.6 Arrangements for a child may change over time and arrangements which started as an informal arrangement with a close family member may move onto

a legal order being awarded through the courts such as a Child Arrangement Order or Special Guardianship Order, as the carers seeks to secure stability and permanency for the child.

## **15. FAMILY AND FRIENDS ARRANGEMENT WHERE THE CHILD IS LOOKED AFTER**

- 15.1 Where a child becomes a looked after child as a result of the commencement of Care Proceedings, or as a result of being accommodated under section 20 of the Children Act 1989 if Social Care have been involved in the placement with family or friends, a placement with family or friends foster carers will be the placement of first choice (Sec.22C Children Act 1989).
- 15.2 Looked after children must be placed with approved foster carers. The child may still be placed with a family member or friend **ONLY** if the carer is, or becomes, approved as a foster carer under Regulation 24 of the Care Planning, Placement and Case review (England) Regulations 2010.
- 15.3 The circumstances under which children in family and friends care may need to become looked after to safeguard them are:
- When parents do not agree, or may be inconsistent, as to their agreement to their child being cared for by the family and friends carers. Under these circumstances Private Law Orders (child arrangement order or special guardianship order) may not be appropriate.
  - When there are immediate and significant child protection concerns which prevent a parent from safeguarding the child and the parent agrees to the child being looked after. If the child was not looked after then the local authority would seek a legal order to protect the child.
  - When there is concern that the child's placement with family and friends carers may be seriously disrupted by a parent whose behaviour may have been assessed as being potentially dangerous, or as posing a serious risk.
  - When a family and friends carer may feel threatened, or unsafe, in managing contact of the child with their parents.
  - When a parent may be untraceable or incapable of giving agreement to the child being cared for by the family and friends carer, legal advice should be sought about the appropriateness of a Private Law application under these circumstances.
- 15.4 The Council **remain** responsible for looked after children placed with family members or friends in the same way as they do for all other looked after children and will be subject to all of the looked after children procedures. The Fostering team must ensure that family and friends foster carers are provided with a service that is consistent with the service offered to other foster carers. The National Minimum Standards for Fostering services cover fostering services' responsibilities with respect to all their foster carers, including those who are relatives and friends.

Family and friends carers should be given a copy of the Family and Friends Guide and the involved social workers should explain the expectations and responsibilities of being approved as a foster carer.

- 15.5** Where an immediate placement is required family and friend's carers can be temporarily approved as foster carers to enable the child to be placed within their own network for up to 16 weeks while the carers are fully assessed under Regulation 24 of the Care Planning Regulations. They will be temporarily approved as local authority foster carers for that particular child. Accountability for the placement sits with the council as the placing authority.

**Children will only be placed in an emergency with a connected person where it is in the child's best interests.**

- 15.6 In order to be approved as a local authority foster carer family and friends carers need to be assessed in accordance with the Fostering Services Regulations and meet the National Minimum Standards for foster carers. This assessment will be undertaken by the Fostering Team and will be presented to the Fostering Panel.

- 15.7 Timescales for assessments of potential carers and placements are dependent on whether it is an emergency and unplanned placement or whether it is a planned move. In an emergency situation an assessment will be required and approval to place must be given by the relevant Service Manager. For those children where it is a planned move a viability assessment may be beneficial before proceeding with a full assessment to be placed before the Fostering Panel.

Further information is accessed via Swindon Borough Council's family and friends foster carers procedures.

- 15.8 A child placed by the local authority with a relative, friend or other person connected with the child is looked after until the child returns home, moves to an informal arrangement by agreement with those holding parental responsibility for the child and no longer meets the criteria in s20 or where the carer applies for an Order in respect of the child such as a Child Arrangement Order or Special Guardianship Order. In the case of a child subject to a Care Order, the Order will be discharged if the foster carer applies for an order which gives them parental responsibility for the child such as a Child Arrangement Order or Special Guardianship Order.

## **16. LEGAL OPTIONS TO SUPPORT THE ARRANGEMENTS**

- 16.1 Where a relative, friend or other connected person wishes to make a long term commitment to caring for a child, they may apply for a Child Arrangement Order or Special Guardianship Order to obtain parental responsibility. The effect of such an order will be to give the person in whose favour the order is made parental responsibility for the child. A special guardian may exercise parental responsibility to the exclusion of all others with parental responsibility, and is responsible for all aspects of caring for the child or young person and for taking

decisions to do with their upbringing. Carers should be given advice and guidance on applying for these legal orders under Private Law and will be encouraged to seek independent legal advice.

#### Child Arrangement Order (Previously Residence Order)

- 16.2 This is a Court Order which specifies with whom the child is to live with, gives parental responsibility to the person in whose favour it is made and usually lasts until the child is 18. Parental responsibility is shared with the parents but the carers can make most of the decisions about how the child is raised. Relatives can apply for this Order after caring for the child for one year or earlier with the consent of those with parental responsibility or with the court's leave. The Order may be made in private family proceedings in which the local authority is not involved in the proceedings. It can also be made in care proceedings, either by the court of its own volition or if the carer applies for the Order within the proceedings. A Child Arrangement Order in favour of a family or friend carer may be an appropriate outcome as part of a permanence plan for a child in need.

#### Special Guardianship Order

- 16.3 This Order offers a further option for children who cannot live with their parents and need permanent care. It offers greater security without the absolute severance of the birth family as in adoption. The special guardian formally takes on the legal powers and responsibilities for caring for the child until their 18th birthday. This includes taking most of the decisions to do with the child's upbringing.
- 16.4 Carers may apply for a Special Guardianship Order after caring for the child for one year or sooner with the leave of the court. The special guardian shares parental responsibility with the parents but has greater autonomy on day to day decisions than if there was a Child Arrangement Order.
- 16.5 These Orders may be made in private family proceedings. They can also be made within care proceedings either by the court's own volition or if the carer applies for the order within the care proceedings the local authority will complete a report for the court assessing if the order is in the child's best interests.
- 16.6 All Special Guardians are entitled to counselling, advice and support in addition to an assessment of their needs. The support required is then set out in a Special Guardianship Support Plan which may include a range of support services and signposting to other services. The Adoption Team at Swindon Council is available to provide support and advice to special guardians.

#### Adoption Order

- 16.7 Adoption permanently transfers all parental rights and responsibilities for a child to an adoptive parent by a court. The child then becomes legally part of the adoptive family. Adoption is a legal means of providing permanency for a child and has very specific processes that must be followed.
- 16.8 An assessment for adoption support can be requested by the adopted child, adoptive parents and their families as well as birth relatives. The support

required is then set out in an Adoption Support Plan which may include a range of support services and signposting to other services.

For further details refer to Swindon Borough Council's specific Special Guardianship Order, Child Arrangement Order and Adoption policy and procedures.

## **17. FINANCIAL SUPPORT**

- 17.1 Parents and others with parental responsibility retain their responsibilities for the maintenance of their children placed with informal family and friends carers, including care arrangements which fall within private fostering regulations and Child Arrangement Orders. Support should be given if necessary to help those with parental responsibility to come to financial arrangements with carers.
- 17.2 Financial support is available, subject to assessment and as part of the plan for the child, to carers across the full range of different family and friends' placement options to ensure that a child is not prevented, solely for financial reasons, from being placed under the appropriate legal framework with a family who can best meet their needs.
- 17.3 However family and friends carers may experience significant financial difficulties as a result of taking on the care of a child or children. They may have limited income already, be on a pension or have to give up employment or reduce their hours of work to care for the child in the short or longer term. Carers should be signposted to information and advice to ensure they are aware of their entitlement to any state benefits and allowances such as child benefit and child tax credit, and also how to apply for any discretionary financial support which may be available, such as sec 17 of the 1989 Act.
- 17.4 In some circumstances family and friends carers may still be struggling to cope financially even when they are in receipt of all appropriate benefits. They may need financial assistance for a significant one off expenditure, on a short term basis or even an on-going and regular basis. The council has the power to make payments to family and friends carers in respect of children in need which includes the power to provide ongoing financial support. Hence a range of informal arrangements, including private fostering, can now be financially supported, where appropriate to do so following a standard financial assessment being completed.
- 17.5 Allowances payable to friends and family carers who are approved as local authority foster carers are equivalent to fostering allowances payable to all Swindon Borough Council foster carers and are not means tested. Swindon's fostering allowances recognise the cost of caring for the child plus the additional costs associated with the responsibilities and obligations which have to be met by local authority foster carers under the Fostering Services Regulations and the Fostering National Minimum Standards.

## **18. CARE PLANNING AND ALTERNATIVES TO CHILDREN BEING LOOKED AFTER**

- 18.1 Permanency planning is based on the right of every child to have a permanent and stable home, preferably with their own family. The main focus of permanency planning is to ensure that children do not remain unnecessarily in care and the child's needs are met in a secure and loving family. Swindon Borough Council will work diligently to find permanent homes for children in care in a timely manner.
- 18.2 Where it is considered in the child's best interests, consideration will be given to support the family and friend carer to apply for the appropriate legal order to achieve permanency for the child. The child's care plan will be reviewed by an Independent Reviewing Officer through the care planning process to ensure that a child does not remain looked after for longer than needed and that a child does not remain looked after due to the carer's financial situation.

## **19. LEGAL FEES**

- 19.1 Swindon Borough Council will consider contributing to the legal costs of carers applying for a Special Guardianship or Child Arrangement Order where it supports the application and where not doing so would lead to the child remaining or becoming looked after unnecessarily. Decisions about these payments will be made by the relevant Service Manager.

## **20. ACCOMMODATION**

- 20.1 Swindon Borough Council is committed to ensuring that no child should become looked after due to inadequate housing. Housing services provided by the Council can make an important contribution to promoting family and friends care arrangements by assisting carers to secure suitable accommodation. Family and friends carers may need support with accommodation as their homes may not be of sufficient capacity to take on the care of a child or potentially a sibling group. Discussions may be required between Children's Social Care and Housing Services to ascertain the best way forward in supporting a family and friends carer to offer care and accommodation to a child
- 20.2 Financial support under section 17 of the Children Act 1989 towards accommodation costs can be considered where this is assessed as the most appropriate way to safeguard and promote the child's welfare.

## **21. SUPPORTING CONTACT**

- 21.1 In the majority of situations friends and family carers are likely to facilitate or supervise contact between children and their families themselves. However, where it is not safe to do so either because of safeguarding concerns or concerns that there is potential collusion. Children's Social Care may need to

become involved in the management, monitoring and supporting of the contact arrangement to ensure it does not become detrimental to the child.

- 21.2 Local Authorities have a duty to promote contact for all children in need, including children who are not looked after but live away from home, where the contact promotes and is consistent with his or her welfare. Contact should take place to meet the needs of the child; however management of contact can often be a source of considerable anxiety and conflict for family and friends carers. Where required, support and guidance should be provided to assist carers in meeting the child's needs in relation to contact with parents and other family members.
- 21.3 For children assessed as being 'in need' the Child in Need Plan should identify the support required to manage contact arrangements (e.g. transport to or supervision of contact) and how this will be provided.
- 21.4 In some cases there will be a court order in place which defines the contact arrangements, including supervision requirements. In relation to a **looked after** child or young person the duties of the local authority are set out in the Children Act 1989. This duty requires the responsible authority, unless it is not reasonably practical or consistent with the child's welfare, to promote contact between the child and their parents, any other person with parental responsibility for the child, and any relative, friend or other person connected with the child. The Contact arrangements for the child should be clearly recorded within the child's Care Plan.

## **22. SUPPORT AND SUPPORT GROUPS**

- 221 Family and friends carers may sometimes feel isolated. Getting together with others in similar positions can be an invaluable source of support in itself, and many family and friends carers derive great benefit from sharing their feelings and receiving peer support. Support groups are also a valuable way of helping carers to access information about services which will help them to care for the children.
- 222 Swindon Borough Council family and friends foster carers have access to support groups in accordance with fostering regulations and national minimum standards. The Fostering Team provides support groups for carers. A range of training is also available to this group of carers through the Fostering Team.
- 223 Once approved as a foster carer, the carer will be allocated a supervising social worker from the Fostering Team to provide them with support and supervision. The supervising social worker will visit the carer weekly until the child's first review and then visit at regular intervals or as requested. A foster carer agreement will be drawn up and signed by the carer, which sets out how the carer will work with the Council and what support and training will be provided
- 224 Support groups for special guardians and children subject to special guardianship orders and adopters and adopted children are provided by the Adoption Team.

225 Whilst there is no statutory duty specifically to provide support groups for other family and friends carers the value of support is acknowledged at all levels. Hence where family and friends carers request support they should be signposted to the most appropriate resource to best meet that need. This may be within universal services or further along the 'windscreen of need' where issues and needs are more complex and require a more specialist and targeted response.

### **23. INFORMATION ABOUT FAMILY AND FRIENDS OPTIONS AND SUPPORT**

231 In situations where a child is no longer able to live with their parent and an alternative care arrangement within the family is being explored it is essential that all parties are clear about the range of legal options, and their implications, are considered. This will include knowing what elements of support they can access or are entitled to, including practical or financial.

232 In assessing the suitability of a child living with a relative or friend as an alternative to care proceedings, the local authority will consider what support might be required to enable the arrangement to proceed, to meet the child's needs in the immediate future and promote these through to adulthood.

Information about the meaning and implications of different legal situations and possible options for family and friends carers, and the main differences between entitlement to support by family and friends carers under Children Act 1989 section 17 (child assessed as being in need) and section 20 (child who is looked after) is described in Appendix 1

23.4 Relevant information is accessible to parents, family, friends and children regarding the range of informal care options via the Family and Friends Guide. Family and friends carers should be signposted as appropriate to national and local voluntary organisations which exist to offer advice and support to family and friends carers in different situations.

### **24. COMPLAINTS**

24.1 Any family or friends' carer, family and friends foster carer or child or young person who feels they have grounds may make a complaint to the Council. Adopters and special guardians also have a right to make complaints about support offered to them. The procedure is provided in the link below.

[Children, families and community health complaints | Children ...](#)

### **GLOSSARY AND DEFINITIONS**

- Family and friends carers are relatives, friends and other people with a prior connection with somebody else's child who are caring for him or her full time. This includes a '**connected person**' to a looked after child.
- A '**connected person**' means a relative (as defined in section 105 of the Children Act 1989, as amended by section 75 of the Civil Partnership Act 2004 (see below)), friend of, or other person connected with a **looked after child**. A person in the last category may be someone who knows the child in a more professional capacity such as a child minder, a teacher or a youth worker although these are not exclusive categories. Such people would not fit the term 'relative or friend' but nevertheless may be an appropriate person with whom to place a child because of this pre-existing relationship.
- **Relative** as defined by the Children Act 1989 means grandparent, brother, sister, uncle or aunt (whether full blood or half blood or by marriage or by civil partnership) or step parent.
- A **looked after child** is a person under the age of 18 who is subject to a care order under section 31 of the Children Act 1989, or an interim care order under section 38 of that Act, or is voluntarily accommodated under section 20 of that Act.
- **Section 20(1) of the Children Act 1989** provides that every local authority must provide accommodation for any child in need within their area who appears to require accommodation as a result of there being:
  - no person with parental responsibility for the child,
  - their being lost or having been abandoned
  - or the person who has been caring for him or her being prevented (whether or not permanently, and for whatever reason) from providing them with suitable accommodation or care.
- A child '**in need**' is defined in **section 17** of the Children Act 1989 as a child whose vulnerability is such that they are unlikely to reach or maintain a satisfactory level of health or development or their needs or development would be significantly impaired without the provision of services by the local authority.
- **Parental Responsibility**-the legal right to make decisions about a child's care and how they are raised
- **Private fostering**-an arrangement where a child under 16 years (or 18 years if the child is 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 arrangement for longer than 28 days.

**APPENDIX 1 The Main differences between family and friends arrangements under section 17 and section 20 of the Children Act 1989**

<b>Child in need supported under section 17</b>	<b>Child accommodated under section 20</b>
<ul style="list-style-type: none"> <li>• the child is not looked after by the local authority</li> <li>• the child will not have a care plan but there may be a child in need plan</li> <li>• if there is a child in need plan a social worker or other worker may visit the child and carers</li> <li>• the child may be offered access to an advocacy service</li> <li>• the carers will not usually have a separate social worker</li> <li>• the local authority has discretion to give financial assistance (which can be on the basis of regular payments) but there is no entitlement and payments may be means tested</li> <li>• Child Benefit and Child Tax Credit may be payable</li> <li>• support may be offered to the carers and/or child but is discretionary</li> <li>• there is no entitlement to leaving care support</li> <li>• any support offered will cease when the young person becomes 18, unless criteria are met for support from adult services</li> </ul>	<ul style="list-style-type: none"> <li>• the child is looked after by the local authority</li> <li>• the child must have a care plan (including health plan and personal education plan) which will be reviewed by an independent reviewing officer</li> <li>• a social worker will visit the child and carers and oversee the child's welfare</li> <li>• the child must have access to an independent advocate</li> <li>• a supervising social worker will be appointed for the foster carers</li> <li>• weekly fostering allowances will be paid in accordance with national minimum allowance</li> <li>• there is no entitlement to Child Benefit or Child Tax Credit</li> <li>• training and support must be offered to the foster carers</li> <li>• on leaving care the young person may be eligible for ongoing support under the Children (Leaving Care) Act 2000 .Privately fostered young people aged 16 years are qualifying young people</li> </ul> <p>the local authority is able to offer continuing support, including financial support, to the carers until the young person is 21</p>

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

### **LOCAL ORGANISATIONS/SUPPORT SERVICES**

Information regarding local support services in Swindon can be found at:-

website [www.swindon.gov.uk/info/20018/children\\_and\\_young\\_people](http://www.swindon.gov.uk/info/20018/children_and_young_people)

[www.mycaremysupport.co.uk](http://www.mycaremysupport.co.uk)

<http://schoolsonline.swindon.gov.uk/Pages/Home.aspx>

[http://www.swindon.gov.uk/info/20025/homes\\_and\\_property](http://www.swindon.gov.uk/info/20025/homes_and_property)

### **FAMILY GROUP CONFERENCES**

A Family Group Conference (FGC) provides an effective mechanism for engaging with families at an early stage to support them in identifying solutions to difficulties they face in caring for their own children. It can provide an opportunity to discuss contingency plans with families, such as potentially a family and friends care arrangement or even provide time to undertake a viability assessment of a potential future carer if initial plans do not succeed. For those children who have become looked after by the local authority a FGC should be convened as soon as possible to identify family members or friends who may be able to offer a placement for the child as a foster carer or under a friends and family arrangement. For more information see

[fgc leaflet parents.pdf](#)

[fgc leaflet children.pdf](#)

**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](http://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) 50

**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) 51

**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) 52

**Family Rights Group (FRG)** 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)

**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) 53

**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) 54

**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 Address: 320 City Road London EC1V 2NZ Tel: 020 7833 5792  
Young person's advice line: 0808 800 5792 Email: info@voiceyp.org 56 57

**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 Address: 48-50 St John Street London EC1M 4DG Tel: 020 7336 8445 Parents helpline: 0808 802 5544

## ANNEX A: CARING FOR SOMEBODY ELSE'S CHILD – OPTIONS

	<b>Private Fostering</b>	<b>Family and Friends Informal</b>	<b>Family and Friends Foster care</b>	<b>Unrelated Foster Care</b>	<b>Child Arrangement Order</b>	<b>Special Guardianship Order(SGO)</b>	<b>Adoption</b>
<b>Route into 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 not a close relative.</p> <p>Relative means grandparent, brother, sister, uncle or aunt (by full blood, half blood or by marriage or civil partnership) or a step parent.</p> <p>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. The child is not a looked after child. The 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, because the person who had been caring for the child was deemed not to be providing suitable care. The child is a looked after child and so the local authority must approve the relative or friend as a local authority foster carer. 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; but has been placed with a foster carer by the local authority. (Alternatively, the local authority may choose to place a child into residential care where this is considered to best meet the child's needs</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. In either circumstance</p> <p>In application can be made without the support of the parents or the local authority. Relatives may apply for an order after the child has lived with them for one year.</p> <p>Or there can be benign reasons, e.g. after parents' death and in line with a prior agreement between the birth parents and the carer.</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. An approved foster carer can apply for an adoption order after a year of caring for the child. Other informal carers could apply for an adoption order if the child has lived with them for a period of 3 years</p>	