## Children's Services Policy for Special Guardianship Order, Adoption and Child Arrangement Order Allowances and the Annual Review of such Allowances and financial support

## Date of Ratification:

## Date of Review:

1. **Introduction**
	1. Swindon Borough Council (‘the Local Authority’) pays monetary allowances to Special Guardians, Adopters and in certain cases persons who hold a Child Arrangement Order, where an assessment has concluded that this is necessary to support the placement of the child.
	2. Swindon Borough Council understands that when family and friends take on the formal care of another person’s child or children this may create financial difficulties for the carers, especially when the arrangements are not planned. The Local Authorities approach is informed by paragraph 37 of the Special Guardianship Guidance which states:

 “financial issues should not be the sole reason for the special guardianship arrangement failing to survive. The central principle is that financial support should be payable in accordance with the Regulations to help secure a suitable guardianship arrangement where such an arrangement cannot be readily made because of the financial obstacle”.

* 1. The policy on Applications for Special Guardianship Orders sets out the basis for the initial assessment for support services.
	2. This policy sets outs out the circumstances in which the Local Authority will assess, review and terminate Special Guardianship Order, Adoption and Child Arrangement Order allowances (“the allowance”)
	3. This policy replaces all previous policies concerning Special Guardianship Order, Adoption and Child Arrangement Order allowances and is binding over all such allowances paid by The Local Authority and not only the allowances which commence after the implementation of this policy.
	4. Amendments to this policy will be binding on all allowances being paid by The Local Authority.
1. **The Regulatory Framework Enabling the Payment of Allowances**
	1. Child Arrangement Order allowance is available under the provisions of Schedule 1 paragraph 15 of the Children Act 1989 (“CA 89”) which enables a Local Authority to make payment to a person to whom the child lives or will live under a Child Arrangement Order; where that person is not the parent or husband, wife or civil partner of the parent of the child. Payments are discretionary by the Local Authority where the funding is for the accommodation and maintenance of the child.
	2. Financial support for Special Guardianship is available under the provisions of the Special Guardianship Regulations 2005 as amended (“SGR 2005”).

* 1. Special Guardianship allowance is payable, at the discretion of the Local Authority, to facilitate arrangements for a person to become the special guardian of a child where the local authority consider such arrangements to be beneficial to the child’s welfare to support the continuation of such arrangements after the Special Guardianship Order is made. The allowance is payable under the SGR 2005 only where local authority consider that it is appropriate and one of the following apply
		+ it is necessary to ensure that the carer can look after the child;
		+ the child needs special care which requires a greater expenditure of resources than would otherwise be the case because of his illness, disability, emotional or behavioural difficulties or the consequences of his past abuse or neglect;
		+ it is for any legal costs of the carer in respect of the making, discharge or variation of the Special Guardianship Order, a S.8 Children Act 1989 Order or order for financial provision for the benefit of the child;
		+ it is necessary expenditure for the purposes of accommodating and maintaining the child, including the provision of furniture and domestic equipment, alterations to and adaptations of the home, provision of means of transport and provision of clothing, toys and other items necessary for the purpose of looking after the child
		+ where the proposed Special Guardian was the child’s foster parent and they received a complex needs payment as part of fostering allowances (related to that child) the Local Authority may continue this payment but only where the Local Authority determine this prior to the order being made. The element of remuneration ceases to be payable at the end of the period of two years from the date of the adoption order unless the local authority consider its continuation to be necessary having regard to the exceptional needs of the child or any other exceptional circumstances
	2. Financial support following Adoption is available under the provisions of the Adoption Support Service Regulations 2005 (“ASSR 2005”) which replaced the Adoption Allowance Regulations 1991.
	3. Adoption allowance is payable, at the discretion of the Local Authority, to support the placement of the adoptive child or the continuation of adoption arrangements after an adoption order is made. Allowance under the ASSR 2005 may only be paid where:
		+ it is necessary to ensure the adoptive parent can care for the child or meet a need which is likely to give rise to recurring expenditure;
		+ where the child has special care needs which require greater expenditure of resources by reason of illness, disability, emotional or behavioural difficulties or the continuing consequences of past abuse or neglect;
		+ where it is necessary for the facilitation of the placement or adoption to make special arrangements because of the age or ethnic origin of the child or to support the placement of the child with a sibling or a child they previously lived with;
		+ for travel related to the contact of the child and a relative
		+ for legal costs and court fees
		+ for the purpose of introductions between the child and prospective adoptive parents
		+ in order to accommodate and maintain the child, including the provision of furniture and domestic equipment, alterations to and adaptations of the home, provision of means of transport and provision of clothing, toys and other items necessary for the purpose of looking after the child
		+ where the adoptive parent was the child’s foster parent and they received an element of remuneration as part of fostering allowances related to that child the Local Authority may continue the element of remuneration but only where the Local Authority determine, prior to the adoption order being made, that is necessary to facilitate the adoption case. The element of remuneration ceases to be payable at the end of the period of two years from the date of the adoption order unless the local authority consider its continuation to be necessary having regard to the exceptional needs of the child or any other exceptional circumstances
	4. Payments or funding to carers or prospective carers maybe made outside of the provisions detailed within this section (paragraphs 2.1, 2.3 and 2.5) in line with other legislative provisions including section 17 Children Act 1989 where the child is assessed as being in need and the assessment has determined such payment or funding is required.
	5. Persons who obtain a Special Guardianship Order or an Adoption Order may access therapeutic funding under the Adoption Support Fund. This policy does not cover the process around applications to that fund.

1. **The exercise of the Local Authority discretion**
	1. Allowances under this policy are payable at the discretion of the Local Authority.
	2. Whenever possible, families are expected to be financially independent from Local Authority support in the long term. The Local Authority recognises that a Child Arrangements Order, Special Guardianship Order or an Adoption Order is evidence that a family/friend carer wishes to make a permanent and substantial commitment to the upbringing of the child/young person. This commitment should be taken to include a willingness to meet the costs associated with the role of being the child's primary care-giver. The acceptance of responsibility for children always involves an element of change and sometimes this will involve a change in the standard of living.
	3. The provision of financial allowances is to support the carer to meet the basic needs of children in their care who are, or will be, subject to a Special Guardianship Order or Child Arrangement Order or Adoption Order and is not to maintain the standard of living enjoyed by the carers prior to the placement of the child or replace any income of the carer.

3.4 If the carer has adequate financial resources of their own it may be that, the Local Authority will not need to provide financial support.

3.5 The decision to pay an allowance or complete financial assessment will be based upon the carer or proposed carers meeting one of the criteria within paragraph 2 which empowers the Local Authority to provide financial support.

3.6 It is envisaged that a payment under a Child Arrangement Order would be extremely rare. By way of illustration, this may be paid in circumstances where the order was being obtained privately rather than by way of care proceedings.

* 1. Funding for adopters or prospective adopters including Adoption Allowance or other funding detailed in paragraph 2 above, such as costs incurred during introductions, would be exceptional in non-agency adoptions or adoptions unsupported by the Local Authority.
	2. With regard to the payment of Special Guardians there will be consideration of the need for financial assistance during the assessment process when the Local Authority is determining the suitability of the carer / proposed carers. The Local Authority will prepare a support plan which includes financial provision following the assessment of proposed carers. Therefore, the Local Authority will always undertake a financial assessment of the proposed Special Guardians and this will be considered, as set out within this policy, by the Service Manager for Fostering, or Care and Resource Panel.
	3. With regard to Child Arrangement Order Allowance and Adoption Allowances the need for the assessment should be considered by the child’s social worker or assessing social worker during the assessment. Where it is believed there is a need for financial support there should be a request to Care and Resource Panel to consider and determine the level of support to be offered. Where an allowance or regular payment is being sought then a financial assessment should be undertaken and the outcome be provided to Care and Resource Panel, via the responsible manager.
	4. The financial assessment is used to determine the means of the applicant and therefore the amount of allowance which would be paid as a periodic payment in line with core fostering allowance paid by the Local Authority at the time of the financial assessment being undertaken. The financial assessment on which the decision to award an allowance is undertaken, both at the initial assessment stage and during any review, is based on an assessment framework provided by the Department for Education (DfE). Financial allowances are calculated according to a standardised means test, which is a guidance tool produced by the DfE. Applying this guidance and the income and expenditure of the Applicant the maximum payment per week, per child is calculated.
1. **The Financial Assessment Process**
	1. The financial assessment is undertaken by the finance team for children’s services following a referral to the finance email address which is SGOFinance@swindon.gov.uk (this email address is also used for referrals in respect of Adoption or Child Arrangement Order Allowances)
	2. The social worker should provide contact information for carers / proposed carers (“the Applicants”) to the finance team. Day one for the financial assessment team will be considered as the day when all contact information has been provided. The Swindon Financial Referral Form should be used.
	3. The child’s or assessing social worker or a member of ATV should make a referral for financial assessment where:
		* When the Local Authority has been informed that a person caring for a child would like to be assessed for a Special Guardianship Order, whether within care proceedings or in proposed private law proceedings.
		* When a person with a Child Arrangements Order or seeking a Child Arrangement Order notifies the Local Authority of their request for financial support and Care and Resource Panel agree.
		* When a person with an Adoption Order or seeking an Adoption Order notifies the Local Authority of their request for financial support.
		* Where a viability assessment has been completed and a full connected persons assessment is being completed. The referral should be made when the viability assessment is signed off.
		* Where a social worker is considering a Special Guardianship Order, Adoption Order, or Child Arrangement Order, and considers that the carer will need financial assistance and an assessment has not taken place a referral can be made. This may include cases where a foster carer is considering such orders.
		* Within care proceedings when an assessment is directed to be undertaken of a person who may have a Special Guardianship Order (such as a grandparent) the social worker should make a referral for financial assessment even if the Local Authority does not support the assessment.
		* Where a social worker considers that a carer, who falls within the criteria (set out in section 2) to obtain an allowance, requires financial assistance.
	4. The referring social worker should inform the Applicants that the finance team will be in contact.
	5. The Applicants should be provided a copy of the General Guide to Financial Assessments for Special Guardians (SGO), Child Arrangement Orders (CAO) and Adoptions. Where the Applicants are being assessed for Special Guardianship Order the fostering team will send this out; otherwise the finance officer will do so.
	6. A finance officer will be allocated to undertake the financial assessment. It is expected that the financial assessment will be completed within 6 weeks from the point of the referral by the child’s social worker and if there is any delay in the assessment being completed they will inform the social workers listed on the referral form.
	7. The finance officer will write to the Applicants within 2 weeks of the date of the request to remind the applicant of the need to provide the following:-
* A completed Swindon Financial Declaration Form to include their income and expenditure breakdown
* Statements for any bank, building society or credit card
* Annual mortgage or loan statements or the loan agreement
* Documents confirming benefit awards for themselves or anyone who is dependent upon them
* Evidence of any debts such as to a utility company, County Court Judgements or any other business.
	1. The Swindon Financial Declaration Form can be returned by post, email or through automated systems where available.
	2. If the Applicants do not respond to the request for financial information in full, additional requests will be made by the finance officer at 14 days from the initial request. If financial information remains outstanding then the officer will make a final request at 42 days for the information to be provided and confirm if the financial information is not provided then the financial assessment will not be undertaken.
	3. If the Applicants choose not to be financially assessed then they do not have to be assessed. However, The Local Authority will not pay any financial support unless a means assessment has been carried out. If Care and Resource Panel has approved an enhanced payment this may be paid in the absence of the financial assessment, subject to the decision of the Panel.
	4. In the event that partial financial information is provided by the Applicants then the finance officer will complete the financial assessment where it is possible to do so and inform the Applicants of the initial outcome based on partial disclosure and that the financial support cannot be provided until the outstanding evidence is received.
	5. Following the financial assessment for the Applicants the finance officer will inform the social workers, as named on the referral form, what the outcome of the assessment is. This will include the amount The Local Authority would pay in support allowance on a weekly basis. This notification should be in writing and can be through email. The actual payment of the allowance is on a fortnightly pay run
	6. The assessing social worker will then complete the Support Plan, in consultation with the child’s social worker. The Support Plan will include the outcome of the means assessments and the proposed support allowance. The assessing social worker will inform the Applicants of the outcome of the financial assessment within the Support Plan. The Support plan must include:-
* a statement as to the person’s needs for special guardianship support services;
* where the assessment relates to his need for financial support, the basis upon which financial support is determined;
* whether the local authority propose to provide him with special guardianship support services;
* the services (if any) that are proposed to be provided to him;
* if financial support is to be paid to him, the proposed amount that would be payable; and
* any proposed conditions

* 1. The child’s social worker will consider and agree the Support Plan which is then sent to the fostering team manager to agree and send for approval to the Service Manager, together with the minutes of Care and Resource Panel, should enhanced payments be included in the package of support.
	2. The Service Manager will consider and approve the financial support allowance being offered at the same time as considering and approving the Support Plan.
	3. The Applicants will be informed of the outcome of the financial assessment within the Support Plan; a copy of which will be provided to them by the child’s social worker or assessing social worker as appropriate. Within care proceedings the legal team will share the Support Plan with the court and parties however it is the responsibility of the assessor to share the completed assessment with the applicants.
	4. Unless there are compelling reasons not to do so, the Support Plan should be provided to the applicants at least 14 days before the proposed date of any order being made (within care proceedings that would be the Issues Resolution Hearing) to enable the Applicants to seek advice and make any representations about the proposed Support Plan and financial package.
	5. The social worker for the child or assessing social worker if appropriate will then confirm the agreement of the carers / proposed carers to the support plan and obtaining the signatures of the Applicants on the Support Plan. Any proposed changes (representations) will need to be approved by the Service Manager for Fostering Services. Certain requests may require Care and Resource Panel approval.
	6. If representations are made, the Service Manager for fostering will then confirm the final decision. If no representations are made within 28 days then the approval at 4.15 will stand as the final decision
	7. A letter will be sent to the proposed recipients of the allowance confirming the following, which will stand as notification of the decision as to support services:
* the method of the determination of the amount of financial support;
* the amount of financial support;
* the frequency with which the payment will be made;
* the period for which financial support is to be paid;
* when the first payment of financial support is to be made;
* the arrangements and procedure for review, variation and termination of financial support;
* where financial support is to be paid as a single payment, when the payment is to be made;
* any conditions imposed upon the financial support;
* a copy of the support plan
1. **Disregard’s within the means assessment**
	1. Regulation 13 of the SGR 2005 and Regulation 15 of the ASSR 2005 set out that Local Authorities must take into account  any other grant, benefit, allowance or resource which is available to the person in respect of his needs as a result of becoming a special guardian or adopter of the child. This is to include the person’s financial resources, including any tax credit or benefit, which would be available to him if the child lived with him; and must take into account reasonable outgoings and commitments.
	2. The Local Authority must have regard to the maximum fostering maintenance element (which would have been payable if the child were fostered) when calculating how much allowance will be paid under this policy.
	3. The financial means assessment undertaken will not take into account all income and expenditure.
	4. The following are likely to be disregarded by the finance officer undertaking the assessment unless there is a compelling reason to include them.
* Income from DLA or PIP payments (which do not relate to carers allowance) are not considered to be part of the household income when they are made to the child for whom the special guardianship or adoption allowance would be paid for or any other person under 18 in the household.
* Income from fostering allowance is not considered to be part of the household income when they are made to the child for whom the special guardianship or adoption allowance would be paid for.
* Income from Special Guardianship Allowance or other similar financial support payments paid by a Local Authority for children whom the applicants hold parental responsibility is not considered.
* From expenditure the initial costs of accommodating a child who has been Cared For by the Local Authority and any recurring costs such as costs for the travel to contact
	1. Carers allowance for any child is considered as income within the means test
	2. The financial means assessment will consider benefits including PIP or DLA payment for any adults in the household as income subject to paragraph 4.2.1
	3. The Service Manager for Fostering may determine disregards to income or expenditure due to illness, disability, emotional or behavioural difficulties or the consequences of the past abuse or neglect of a child previously cared for by the local authority;
	4. Where one (or both) of the applicants is self-employed, the only income which should be considered is ‘drawings’ as this is the equivalent of pay from an employer.
	5. Dividends and interest from investments should be assessed in terms of net monthly interest only, as paid, as a regular income that is routinely available to the family, and should be clearly shown on statements/similar
	6. Personal loans (secured or otherwise) cannot be included as legitimate outgoings unless there is clear evidence of the purpose of the loan. The Service Manager for Fostering may permit the regular outgoings for such loans to be considered as an expenditure if it is for essential maintenance works associated to the property or if this is directly attributable to the young person(s) in their care as a result of the order (i.e. extension for an extra bedroom). Car loans are unlikely to be considered as directly attributable to the young person(s).
1. **Financial support for legal advice**
	1. Financial support in respect of legal costs, including fees payable to a court or for independent legal advice or representation may be offered to a carer or a prospective carer.
	2. The Local Authority will not fund legal costs where the Local Authority is not in support of the order being sought.
	3. All decisions to fund legal costs are based on the needs of the child and are at the discretion of the Local Authority. The Financial Assessment should not be considered when determining whether to fund legal costs.
	4. The Service Manager for the child’s social worker will be responsible for approving the payment of legal fees connected to Special Guardianship Orders or Child Arrangement Orders, and if it exceeds their authorisation level the social worker is required to present the request for legal funding to Care and Resource Panel for approval.
	5. The payment of legal fees connected to Adoption Orders will be approved through Adopt Thames Valley.
	6. Where legal funding is being offered for initial advice following a positive viability assessment and the Local Authority has commenced legal proceedings, to include the pre-proceedings process, with regard to a child then funding for legal advice at LAA rates for two hours. Any other requests will be considered on an individual basis.
	7. The Local Authority will pay legal costs in line with Legal Aid Agency rates unless there is an exceptional reason to fund a higher rate.
	8. Following the making of the Special Guardianship Order, Child Arrangement Order or Adoption Order, which arose through care proceedings or in order to divert a case from care proceedings, The Local Authority will consider funding legal representation if a parent seeks contact with the child or to discharge the Special Guardianship Order / Child Arrangement Order. The request can be made by the child’s social worker or a social worker through Adopt Thames Valley to the Care and Resource Panel and should express an opinion on the application before the Court and include an estimation of cost from the solicitor the carers wish to instruct.
	9. When considering the funding of independent legal advice or representation Care and Resource Panel should consider whether the carer might be entitled to Legal Aid or a fee remission for Court Application fees. In certain circumstances the social worker assessing the suitability of the carers or the child’s social worker may recommend that a higher level of financial support is needed by the carer. Such additional financial provision maybe as a temporary measure to ease transition for the family, cover lost earnings or additional costs associated with caring for the child(ren).



1. **Additional financial support / Enhanced payments**
	1. Where the recipients of an allowance were previously the child's foster carers, the local authority can maintain the fostering allowance for a transitional period of two years but with discretion to extend if necessary (‘Match Funding’). The social worker is required to include within the Support Plan whether the higher financial support allowance will be required and for what duration this is agreed for.
	2. The Service Manager for Fostering can approve Match Funding of the fostering payments for any carer for up to a 2 year period from the date of the Order being made. If a longer duration is requested the social worker must make a request for funding approval to Care and Resource Panel using the requisite form before seeking approval of the Support Plan.
	3. The child’s social worker is the responsible social worker in respect of any enhanced payments proposed following an assessment of need. The child’s social worker or assessment social worker may believe that the family may require enhanced funding for which panel approval is required.
	4. The agreement of the Team Manager and Care and Resource Panel should be gained before communicating to the carer or the proposed carer what enhanced payments are being considered.
	5. Enhanced payments are considered to be any payment or allowance outside of the means tested financial support allowance. Enhanced payments may be ‘one-off’ or periodic payments and may include but are not limited to:
		* Skills payments for carers who were previously foster carers which will automatically cease at the end of two years;
		* Additional needs payments for children with complex needs and/or disabilities;
		* Respite care arrangements;
		* Funding for purchasing furniture, carpets, clothing for the benefit of the child
		* Housing costs including rent or deposit payments
		* Any salary/loss of earnings requests which will be time limited;
		* Nursery / child minder fees to include funding for children under the age of 2 or wrap around fees for school age children;
		* Contact costs including transportation, venue and supervision and who holds responsibility for arranging sessions following the order;
		* Any therapeutic work outside the remit of the Adoption Support Fund complete with costings based on actual costs not estimated costs;
		* Extension to homes/works to homes;
		* Purchase/ lease of car
		* ‘Match Funding’ for longer than two years
		* Funding for allowances prior to the making of an Order
		* A decision may be made to not deduct child benefit from means tested allowance paid.
		* Payments under the ASSR 2005 as set out under paragraph 2.5
	6. Where a carer or proposed carer seeks or requests additional or enhanced funding the social worker should consider whether they support the request based on the needs of the child(ren) and all of the circumstances of the family. They should explain their decision to the carer and record this within the Assessment. Where the proposed carer continues to seek the enhanced funding the social worker should still progress the request to Care and Resource Panel for a senior management decision on the enhanced/additional payment.

* 1. Upon determining (granting or refusing) any enhanced payments Care and Resource Panel will specify the reasons within the panel decision. Where payment is being agreed the minutes should set out what the funding is to cover; the amount to be paid and whether the payment is a one off or periodic payment. For all periodic payments Care and Resource Panel will set out the timescale of the agreement and whether the enhanced payments should be reviewed at the annual financial review and presented back to panel. Care and Resource Panel should state if the enhanced payment is agreed at a fixed rate until a certain age of the child and if the enhanced amount would increase with the child’s age in line with the fostering age groups at 9.1.1. A reason should be provided why the review / incremental increase should not take place for example where match funding is agreed for the minority of the child’s life at a level higher than the core fostering rates paid by The Local Authority to a previous foster carer.
	2. The minutes of Care and Resource panel will be sent to the finance team and fostering team once approved by their team manager.
	3. The social worker for the child will then confirm the outcome of Care and Resource Panel to the Applicant.
	4. Care and Resource Panel may consider the financial assessment unless they are determining support for legal costs or expenses connected with placement introductions pending adoption.
1. **Payment of the Allowance**
	1. After the Court has made the Special Guardianship Order, Child Arrangement Order or Adoption Order, the child’s social worker or referring social worker should inform the fostering team who will then inform the finance team that the Order has been made. The fostering team will provide the finance team with a copy of the financial section of the final, approved and signed Support Plan and any Care and Resource Panel minutes agreeing any enhanced payments.
	2. For ongoing allowances the finance team will arrange for payments to be made on a 2 weekly basis to the carer upon the Order being granted. Payment is by BACs payment transfer and is paid in advance on a fortnightly basis to the bank account nominated during the assessment process. Payments are paid on a full week basis although the first and last payments may include a part week payment.
	3. One off payments are made by BACs payment transfer to the bank account nominated during the assessment process in accordance with the minutes of Care and Resource Panel.
	4. Payments will be calculated from the date of the making of any Special Guardianship Order, Adoption Order or Child Arrangement Order subject to any alternative arrangements proposed by Care and Resource Panel.
	5. Split payments can be arranged upon request to the finance team, by illustration split payments may be desirable following separation or divorce. Split payments cannot be arranged until the finance team have the agreement of all persons entitled to receive the financial allowance (named in the Support Plan) or upon presentation of a Court Order and confirmation of both nominated bank accounts. The administrative process for the change in payments can take up to four weeks from the finance team having all information. The Local Authority are not liable to either Applicant for any additional payments or back payments as a result of delays in arranging split payments and will not attempt to seek to recoup payments from one Applicant to pay to the other.
	6. Payments can only be made where the recipient of the allowance agrees the following conditions, which should be included within the Support Plan;
		* That the recipient will inform the Local Authority of any change of circumstances as detailed in paragraph 12 below.
		* That the recipient will complete and supply the Local Authority with an annual statement as to the following matters -
		* his financial circumstances;
		* the financial needs and resources of the child;
		* his address and whether the child still has a home with him
2. **Child related benefits**
	1. Assistance will be provided to enable Applicants, once the child(ren) are in their care, to access any benefits to which they are entitled; this will usually include disability or carers allowances, child benefit and tax credits or child related universal credit or pension tax credit. This support will be through the child’s social worker in the first instance however the finance team can support and signpost to the relevant department if the carer makes contact with them.
	2. Entitlement to any child related benefits and child tax credits or other child related benefits, in respect of the assessed child/children, such as universal credit or pension tax credit may be deducted from the amount payable and will be considered during the financial assessment. These benefits can be deducted even where the family choose not to claim such benefits and the applicants are entitled to do so. A decision not to deduct a child related benefit following assessment would need to be considered at Care and Resource panel or by the Director for Corporate Parenting prior to support plans being reviewed.
	3. The finance team will estimate the amount which would be payable if these benefits are not yet being claimed. This is to ensure that The Local Authority is not duplicating or substituting such benefits.
	4. Where the Applicants are not entitled to these benefits such as where they are above the financial limits to qualify for such benefits (such as for child benefit including where this is paid but reclaimed though enhanced taxation) the benefits will not be deducted. The applicant must provide evidence of this where requested to do so by the finance team.
	5. Applicants are required to inform the finance team immediately when they have started to receive child benefit and child tax credits. The information required is the exact entitlement amount and the date entitlement commenced for each benefit award. The finance team will then adjust the allowance to take into consideration the amounts received in benefits and any underpayment will be made to the recipients of the allowance limited to 3 months which is in line with the backdating arrangements for child benefit.
	6. The Applicants are expected to make their claim for child benefit and / or child tax credits (or universal credit) as soon as practicable after the child is placed in their care, or fostering allowance stops, whichever is the later date.
	7. Applicants must inform the Local Authority should their claim for child benefit or child tax credits, unemployment benefits such as income support or universal credit, income from salary or other sources / benefits or expenditure change (either increase or decrease).
	8. Any reference to child benefit or child tax credits within this policy also applies to the child element of universal credit and pension credit or any other benefit which replaces or supplements child benefit or child tax credits
3. **Cessation of Entitlement to the Allowance**
	1. Unless an earlier end date for the allowance stopping has been subscribed within the Support Plan or Court Order the entitlement to an allowance under this policy will end automatically upon one of the following events occurring (referred to as a ‘trigger event’):
* The child dies;
* on the child's 18th birthday where the child is not in full time education or training;
* upon a child over the age of 18 years old completing full time education or training, when the allowance will cease at the end of the academic year in which they turn 18;
* The child/young person begins full-time employment or an apprenticeship;
* The child/young person begins to qualify for Universal Credit, or other equivalent benefits, in his/her own right;
* A change in financial circumstances of the recipient of the allowance which results in the Local Authority assessing that the allowance is no longer needed;
* A change in the financial resources of the child/young person which results in the Local Authority assessing that the allowance is no longer needed;
* the child ceases to live with the carers;
* the recipient of an allowance dies and there is no other recipient of an allowance still living
	1. In the event that the child ceases to live with the recipient of an allowance they will stop being entitled to the allowance and payments will cease.
	2. The Service Manager for Fostering has the discretion to continue payments where the child is not living with the recipient of an allowance. Such circumstances will be limited and will include:
* Where the child is living in an educational placement;
* Where the child has temporarily left the care of the recipient of an allowance and will return within 28 days.

10.4 Should carers fail to complete the initial or review financial assessment entitlement to the allowance will cease and the local authority may suspend payment of the financial support provided until the financial assessment has been completed. Back payment will not be made in these circumstances.

1. **Notification of Changes in the Carer and Child's Circumstances**
	1. The recipient of any allowance must notify the Local Authority of any significant changes in the family and child/young person's circumstances. The finance team can confirm whether an event is a notifiable change in circumstances. This will include, but is not limited to:
* Any of the trigger events noted above occur;
* There is a change of home address;
* The recipient of an allowance dies
* The recipient(s) or the child’s financial situation changes
* Changes in bank account or payment arrangement
* The recipient of an allowance is hospitalised or diagnosed with long term illness (especially if this alters their ability to care for the child(ren) as this may trigger an assessment of needs).
1. **Over payment**
	1. The local authority will recover any overpayments that have been made.
	2. This includes, but is not limited to, failure to notify the finance team of:
		* + Any of the trigger events listed above having occurred
			+ a change in the financial position of the house hold such as a change in income from salary, benefits or other sources or reductions in expenditure (i.e repayment of loans or mortgage/ decreases in housing costs)
			+ the commencement of payment for child benefit and child tax credits
	3. The Service Manager for Fostering has a discretion to
	* consider not claiming an overpayment where representations are made and agreed that doing so would lead to a hardship for the family;
	* arrange a schedule of repayments where payment is full is not possible or would lead to a hardship for the family;
	* seek payment in full of any overpayment;
	* reduce the financial allowance to enable the Local Authority to recoup the overpayment, up to the full amount of the allowance and even in the absence of recipient(s)
2. **Arrangements and procedure for review of financial support allowance**
	1. The provision of an allowance must be reviewed if
		* + a relevant change in circumstances are known or believed to have occurred
			+ the recipients of an allowance request a review
			+ if the recipients of an allowance are seeking an enhanced payment after the commencement of the allowance.
			+ If it is considered necessary to do so by the Service Manager for Fostering
	2. The provision of an allowance will be reviewed annually unless
		* It has been agreed by the Service Manager for Fostering that the review is not appropriate. The reasons should be recorded for not undertaking the review.
		* Where recipients of an allowance have had Match Funding agreed no financial re-assessment will be under taken during the period of the agreed Match Funding (subject to the decision of Care and Resource Panel who may request reviews to take place).
	3. As stated above, the protected remuneration element paid to previous foster carers, who obtain a Special Guardianship or Adoption Order, will cease 2 years after the order was made unless the review of that element of the allowance considers its continuation necessary.
	4. The financial officer responsible for monitoring the allowance and financial support will write annually to the recipient of an award with the relevant form to be completed, together with a request for information about any change in circumstances for them or the child.
	5. Where financial provision is being reviewed the same procedure for the initial assessment for an allowance must be followed as set out at paragraph 4.6 – 4.11 with reference to the remainder of this policy.
	6. The format and content of the review may vary depending on the circumstances of the case. The financial assessment follows the initial assessment process set out above unless the financial officer determines that on the basis of the financial information provided there has not been a change which requires a full financial assessment.
	7. Where there is a need to consider previously agreed enhanced payments, following review, it will be the responsibility of the Service Manager for Fostering to confirm the next steps, which may include discussion with Access to Resource Panel whether payments continue.
	8. If any change in financial support is considered appropriate the relevant paragraph of the Support Plan setting out financial provision, should be amended and the recommended change should be forwarded to the Service Manager for Fostering for approval.
	9. The finance officer will write to the recipients of an allowance setting out the outcome of the financial review. If there is a change in financial support the letter must include those points set out above.
	10. If the Local Authority proposes, as a result of the review, to reduce or terminate financial support or revise the plan, before making that decision the Local Authority must give the person an opportunity to make representations or the time frame for doing to has expired (28 days from the date of notice).
	11. The finance officer when communicating the outcome of the review must give the person notice of the proposed decision and the time allowed for making representations. The Local Authority may suspend financial support pending review of the representations if they think it appropriate.
3. **Arrangements and procedure for termination of payments**
	1. Recipients of an allowance who are assessed, or being re-assessed, or for whom there is a decision to cease payments, must be given an opportunity to make representations before change is made to the payments they receive.
	2. The recipients of an allowance have 28 days from the date of the letter informing them of any change in allowance to make representations. All representations will be considered within 21 days and the recipients of an allowance will receive written confirmation of the reasons given for accepting or rejecting their representations and the a decision about the final allowance to be paid will be reaffirmed in that letter
	3. Where recipients of an allowance do not return the Assessment Review Forms within the required time scale, the finance officer should send a reminder letter, giving 28 days notice of the suspension of payments if the information requested is not received.
	4. An allowance remains at the discretion of The Local Authority and is paid for the benefit of the child. In the event it is determined that the recipients of an allowance are not using the allowance for the benefit of the child for which the allowance was intended, the Service Manager for Fostering, having regard to the circumstances of the allowance and the needs of the family, and after considering any representations received within the period specified in the notice, may decide to vary or terminate payment of the financial support or to seek to recover all or part of any financial support that has been paid; and where appropriate, revise the Support Plan.
	5. As set out above, the remuneration element paid to previous foster carers, who obtain an Special Guardianship or an Adoption Order, will cease 2 years after the order was made unless the review of that element of the allowance considers its continuation necessary.