

**PERTH AND KINROSS COUNCIL****Lifelong Learning Committee****4 November 2015****Update Report on Kinship Care****Report by Director (Social Work)****PURPOSE OF REPORT**

This report is to inform Committee of the current position in relation to Approved Kinship Carers. It outlines developments in national policy and raised expectations in relation to the financial support for looked after children and young people in kinship care. The report also provides an update on the impact of the decision to remove the provision of financial allowances to informal Kinship Carers.

**1. BACKGROUND/MAIN ISSUES**

- 1.1 Kinship care refers to children and young people who are looked after and placed by the Local Authority with a person who is either a relative or who has a pre-existing relationship with them. In Perth and Kinross, these carers are termed Approved Kinship Carers. Approved Kinship Carers play an important role in fulfilling the Council's aspiration for all children and young people to be nurtured and supported within their own families and communities.
- 1.2 Over the last few years, there has been legislative and national policy advances to increase the numbers of looked after children and young people placed in Approved Kinship Care and to enhance the level of support, including the payment of financial allowances. The Scottish Government announced on 10 September 2015 an extra £10.1 million nationally to ensure parity of allowances between Foster Carers and eligible kinship carers. The Scottish Government also announced that this should ensure that those kinship carers who have gained Residence Orders under Section 11 of the Children (Scotland) Act 1995 for children and young people in their care will continue to receive an allowance equivalent to a Foster Care allowance.
- 1.3 The Adoption and Children (Scotland) Act 2007 and the Looked After Children (Scotland) Regulations 2009 govern practices in relation to the assessment, approval, monitoring and support of Approved Kinship Carers. An internal audit was commissioned to verify the effectiveness of local arrangements to implement the relevant legislation and national guidance on the placement of children and young people with Approved Kinship Carers. The report published in June 2015 noted that policy and governance in relation to Approved Kinship Carers could be strengthened through regular reporting to the Lifelong Learning Committee.

## 1.4 Numbers of kinship carers

1.4.1 At 31 July 2015, Perth and Kinross Council had:

- 41 sets of kinship carers (individuals or couples) caring for a total of 56 looked after children and young people. These are **Approved Kinship Carers** who have undergone assessment and approval by the Kinship Care Panel and for whom there is ongoing consideration of their suitability through looked after child reviews.
- 10 sets of kinship carers (individuals or couples) caring for 12 children and young people who were formerly looked after but whose legal status was secured through a residence order Section 11 of the Children (Scotland) Act 1995. These are **Previously Approved Kinship Carers** who no longer require ongoing review of their suitability as this has been established in Court.

1.4.2 The Children and Familiess Service also provided, through a reciprocal arrangement, support to a further 25 children and young people who are looked after by other local authorities but live within Perth and Kinross. The approval of these Kinship Carers and the provision of financial allowances remains the responsibility of the local authority placing the child or young person.

## 1.5 Approval of and support to Approved Kinship Carers

1.5.1 The legal requirements for the approval of kinship carers for looked after children and young people are similar to those for Foster Carers. An assessment of the carer's suitability to care for a looked after child or young person must be completed within 12 weeks. Areas covered within the assessment are specified in Schedule 3 of the Looked After Children (Scotland) Regulations 2009 and include health, motivation in seeking to become a kinship carer, PVG check and references from a third party as to the character of the prospective kinship carer. The local authority must not place a child with a kinship carer unless that they are satisfied that the carer(s) is suitable, and that the placement is in the best interests of the child or young person. Approved Kinship Carers must also enter into carer and placement agreements which set out what is expected of Approved Kinship Carers, and what is expected of the Council in terms of support to be provided.

1.5.2 A Kinship Care Team was established in 2011 as part of the Family Placement Team to carry out assessments and provide ongoing support to Approved Kinship Carers. Initially the team comprised two members of staff (1.0 FTE Social Worker and 1.0 FTE Senior Social Care Officer). Perth and Kinross has seen a 50% increase in the number of looked after children and young people placed with Approved Kinship Carers since 2009. This increase in demand was recognised and the Kinship Care Team augmented to four members of staff in 2014/15 (1.5 FTE Social Workers and 2.0 Senior Social Care Workers).

- 1.5.3 Practices in relation to the assessment and decision-making in this area have developed rapidly over the last six years. There has been a realignment of budgets for staffing to allow for a post of Senior Practitioner for a period of 18 months from November 2015. This post will help to ensure that systematic and continuous improvement is achieved and maintained.
- 1.5.4 A Kinship Care Panel was set up in March 2014 to consider and make recommendations in relation to Approved Kinship Carers and ensure that the child or young person's best interests are advanced by the placement. This panel functions in a similar way to the Fostering and Permanence Panel. The panel makes recommendations to the Head of Children and Families' Services who is the Decision Maker for both the Kinship Panel and the Fostering and Permanence Panel. The Kinship Panel has representation from Health, Legal Services and Children and Families' Services, and will be expanded in the next year to include Education Services. It is not a legal requirement to have such a Panel, but this model is good practice and brings appropriate levels of independence, quality assurance and authorisation to often complex decisions.
- 1.5.6 Perth and Kinross Council provides support through financial allowances which are equivalent to foster care allowances with a deduction for child benefit and no holiday allowance. The Scottish Government has set out increased expectations in relation to the payment of weekly allowances to Approved Kinship Carers equivalent to that of the foster carer allowance plus four week holiday allowance each year. This was set out in a letter dated 5 October 2015 and there is an expectation that this will be met from 1 October 2015. Recent information from Her Majesty's Revenue and Customs also indicates that Approved Kinship Carers will no longer be entitled to child benefit.
- 1.5.7 The financial implication for Perth and Kinross to meet the increased expectations of the Scottish Government will be £73k per annum (£34k to meet the additional four weeks holiday allowance and £39k per annum to meet the loss of income through Child Benefit).

## **1.6 Previously Approved Kinship Carers**

- 1.6.1 Many Approved Kinship Carers will now apply for, and be granted, a Residence Order by the court, which secures the child or young person in their care. This allows the carers to gain parental rights and responsibilities and is a positive step as it provides long term security and legal certainty for the child or young person. It allows the carers to obtain legal authority to make key decisions in the best interests of the child or young person. When a Residence Order is granted, the child or young person will generally no longer be looked after, and so those carers no longer require to be an Approved Kinship Carer because the legal status of the child or young person has changed. The child or young person is no longer subject to six-monthly reviews by the Local Authority or Children's Hearings. In certain circumstances, and where appropriate, the Council will meet up to £3,000 of the associated legal costs of seeking a Residence Order.

- 1.6.3 The payment of financial allowances by the Council to those now termed Previously Approved Kinship Carers is variable due to a lack of national guidance and the complexity of providing financial support to families in receipt of welfare benefits. Some are being paid allowances at the same rate that was in place prior to the Residence Order being granted. The Scottish Government has raised its expectations in relation to the continued financial support to Previously Approved Kinship Carers by Local Authorities. The Scottish Government is clear that Approved Kinship Carers who have legally secured children and young people in their care should not be disadvantaged by obtaining a Residence Order. The Scottish Government expects that carers who were Previously Approved Kinship Carers should continue to receive financial allowances. However, local authorities may deduct the amount of any child-related welfare benefits from these allowances. This was set out in a letter dated 5 October 2015 and there is an expectation that this will be met from 1 October 2015.
- 1.6.4 At 31 July 2015, Perth and Kinross was providing support to 10 sets of Previously Approved Kinship Carers (individuals and couples) who were caring for 12 children and young people who were formerly looked after and have secured a Residence Order. In order to comply with the raised expectations of the Scottish Government, the Council must ensure that Previously Approved Kinship Carers should receive a financial allowance at the rate equivalent to Approved Kinship Carers minus any entitlement to child-related welfare benefits. This additional expenditure has already been taken into account and included in the financial projections for this year for all Previously Approved Kinship Carers. These projections may decrease which will be dependent on the outcome of an individual Welfare Benefits Assessment for each Previously Approved Kinship Carer.
- 1.6.5 Entitlement will be determined by an individual assessment of income which will be carried out alongside an offer of advice from the Council's Welfare Rights Team. Previously Approved Kinship Carers will now be obligated to inform the Council of their income from child-related benefits, and, it is anticipated that some may now experience a reduction in their entitlement to kinship care allowances from the Council. If the assessment indicates that there would be a reduction in entitlement to allowances from the Council it is intended that the carer would be given three months notice of the reduction in allowances.

## **1.7 Informal Kinship Carers**

- 1.7.1 Informal kinship care arrangements are made frequently by families in order to make appropriate provision for children when parents are temporarily or permanently unable to fulfil the day to day responsibilities of parenting. Examples might include Grandparents who take on the care of their grandchildren while a parent is hospitalised, working abroad or dies. These arrangements are private to the individual family and do not require any statutory intervention by the local authority. These children and young people

are not looked after by the local authority and there is no obligation on the Local Authority as a Corporate Parent.

- 1.7.2 The Lifelong Learning Committee approved the removal of allowances for children and young people in informal kinship care in May 2015. The report on the Review of Kinship Care Arrangements (Report no. 15/212 refers). This was to be achieved through the phasing out of these allowances over a three-year period commencing in September 2015.
- 1.7.3 A letter was issued to each of the 19 sets of informal kinship carers on 23 June 2015 informing of the Committee's decision to remove allowances and gave just over 8 weeks' notice of the intention to phase the payments out over a three year period from September 2015. Each informal kinship carer was informed about the rate of the allowance they would receive from 1 September 2015 and how this would reduce over the next three years. They were also informed that the allowance would cease if the child or young person to whom the allowance related was no longer living with them or if they left school. The allowances to informal kinship carers have now been reduced by one third for the period September 2015 to end of August 2016.
- 1.7.4 All 19 informal kinship carers were offered an appointment with the Kinship Care Team and a confidential consultation with the Council's Welfare Rights Officers. Three Welfare Rights Advice Surgeries were arranged in June and July and telephone advice offered to those unable to attend. Seven out of 19 families sought advice. One young person has returned to the care of their birth parent without financial support from the Council. Five should receive substantial increases in their household income as a result of the advice they have received. The potential increases range from £34 to over £220 per week.
- 1.7.5 It is hoped that these families will give consent to publish anonymised case studies on the Council's website with the aim of encouraging kinship carers to seek advice. This successful approach to maximising household income through welfare benefits will also be rolled out for all Approved Kinship Carers. The impact on informal kinship carers of the decision to phase-out allowances over three years from September 2015 will be monitored and a further report on the progress and impact of the phasing out of allowances to informal kinship carers will be submitted to the Lifelong Learning Committee by October 2016.
- 1.7.6 As a result of the Scottish Government's update on 5 October 2015 there is greater clarity in relation to national policy and allocation of funding for kinship carers. This has assisted officers to identify a further 6 sets of carers looking after 7 children who are informal kinship carers. The decision of the Lifelong Learning Committee on 27 May 2015 to remove the provision of financial allowances will also apply to these informal kinship carers.

## **2 PROPOSALS**

The following proposals are made to the Committee:

- (i) The Committee is asked to note that a post of Senior Practitioner will be appointed within the Kinship Care Team to lead developments and ensure that processes are robust and secure systematic and continuous improvement in the assessment, approval, and review of Approved Kinship Carers;
- (ii) Perth and Kinross Council has achieved parity in the rate of allowances for Approved Kinship carers and Foster Carers since 2008. Budgets have been realigned to achieve this. It is proposed that changes are made to the provision of financial allowances to Approved Kinship Carers to bring these into line with Scottish Government expectations. It is proposed that an additional four week holiday allowance is introduced and that the base allowance is enhanced to compensate for the loss of Child Benefit. It is proposed that both changes will take effect from 1 October 2015 following confirmation of additional funding from the Scottish Government;
- (iii) Perth and Kinross Council has been allocated £99,024 for 2015/16 and provisionally £198,049 for 2016/17 on a recurring basis from the Scottish Government. This will require approval at the next Strategic Policy & Resources Committee to adjust the Education & Children's Services Revenue Budget for 2015/16.; and
- (iv) It is proposed that a revised Kinship and Fostering Allowances Policy is prepared to take account of the above and published by January 2016.

### **3. CONCLUSION AND RECOMMENDATIONS**

The last few years has seen significant and rapid developments in the area of kinship care. Approved Kinship Carers perform an important role in providing secure and nurturing care for our looked after children. They play a crucial part in assisting children and young people to remain within their own extended families and communities when they are unable to remain in the care of their birth parents. The Scottish Government's update on 5 October 2015 there is greater clarity in relation to national policy and allocation of funding for kinship carers. The proposals contained in this report will help to ensure that our arrangements for the assessment and approval of kinship carers are robust and that our arrangements for support and the payment of financial allowances are in keeping with national expectations and the policy accessible to the public.

It is recommended that the Committee:

- (i) Notes the proposals to secure continuous improvement in the assessment, approval, and review of Approved Kinship Carers;
- (ii) Approves changes to the provision of financial allowances to Approved Kinship Carers to include additional four week holiday allowance and an increase to compensate for the loss of Child Benefit from 1 October 2015;
- (iii) Approves the changes to the allowances paid to Previously Approved Kinship Carers and agrees to implement the new rate subject to an individual assessment from 1<sup>st</sup> October; and

- (iv) Approves that a revised Kinship and Fostering Allowances Policy is prepared and published by January 2016.

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#### Approved

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Bill Atkinson	Director (Social Work)	24 September 2015.

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## 1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

<b>Strategic Implications</b>	<b>Yes / None</b>
Community Plan / Single Outcome Agreement	<b>Yes</b>
Corporate Plan	<b>Yes</b>
<b>Resource Implications</b>	<b>Yes</b>
Financial	<b>Yes</b>
Workforce	<b>No</b>
Asset Management (land, property, IST)	<b>No</b>
<b>Assessments</b>	<b>Yes</b>
Equality Impact Assessment	<b>Yes</b>
Strategic Environmental Assessment	<b>No</b>
Sustainability (community, economic, environmental)	<b>No</b>
Legal and Governance	<b>Yes</b>
Risk	<b>Yes</b>
<b>Consultation</b>	<b>Yes</b>
Internal	<b>Yes</b>
External	<b>No</b>
<b>Communication</b>	<b>Yes</b>
Communications Plan	<b>Yes</b>

### 1. Strategic Implications

#### Community Plan / Single Outcome Agreement

1.1 The proposals relate to the delivery of the Perth and Kinross Community Plan/Single Outcome Agreement in terms of the following priorities:

- (i) Giving every child the best start in life

The support offered to Approved kinship carers ensures that the most vulnerable children and young people who are accommodated within kinship care settings are given every opportunity to reach their potential

#### Corporate Plan

1.2 The proposals relate to the achievement of the Council's Corporate Plan Priorities:

- (i) Giving every child the best start in life;

The support offered to Approved kinship carers ensure that the most vulnerable children and young people who are accommodated within kinship care settings are given every opportunity to reach their potential

1.3 The report also links to the Education & Children's Services Policy Framework in respect of the following key policy area:

- Supporting vulnerable children and families

## 2. Resource Implications

### Financial

2.1 The projected cost of implementing the equivalent rate for Approved Kinship carers and foster carers is detailed below:

- (i) The financial implications for Perth and Kinross to meet the increased expectations are £34k per annum to meet the additional four weeks holiday allowance and £39k per annum to meet the loss of income through Child Benefit;
- (ii) The Scottish Government has confirmed national funding of £10.1 million to meet these additional costs. Perth and Kinross Council were informed of a provisional annual allocation of £198,049 and £99,024 in 2015/16.

## 3. Assessments

### Equality Impact Assessment

3.1 Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties. The Equality Impact Assessment undertaken in relation to this report can be viewed clicking [here](#).

3.2 Under the Corporate Equalities Impact Assessment process (EqIA) the following outcome:

- (i) Assessed as **relevant** and actions taken to reduce or remove the following negative impacts:
  - Social Environment - The initiative will help to create a healthier social environment for all
  - Mitigation - State benefits may be available to the carers following assessment.

### Strategic Environmental Assessment

3.3 None

### Legal and Governance

- 3.4 The Council has a legal obligation to make payments to Approved Kinship Carers, and powers to make payments in other circumstances. The proposals in the report are compatible with the Council's legal obligations and powers.

Risk

- 3.5 There may be a risk of negative publicity surrounding Kinship Carers and who's income may be reduced.

**4. Consultation**

Internal

- 4.1 Consultation took place with the Kinship Care Team, Finance and Legal Services.

External

- 4.2 None