

FALKIRK COUNCIL

SUBJECT: KINSHIP CARE
MEETING: HOUSING AND SOCIAL CARE COMMITTEE
DATE: 10th NOVEMBER 2009
AUTHOR: ACTING DIRECTOR OF SOCIAL WORK SERVICES

1. INTRODUCTION

- 1.1 This report advises Members of changes in legislation in relation to placements of children with kinship carers, and seeks approval for proposals on how the Council responds to these changes.

2. BACKGROUND

- 2.1 For many years, relatives and close friends have played a significant part in caring for vulnerable children and young people. Research backs up the view that where a child cannot live with their birth parents, placements with relatives often offer the best possible alternative care, and result in better outcomes than placement with unrelated carers.
- 2.2 The Children (Scotland) Act 1995 requires local authorities to promote the welfare of children in their area, who are in need and, as so long as it is consistent with this, 'promote the upbringing of such children by their families'. Falkirk Council has sought to meet this obligation over the years by facilitating placements with relatives and thus avoiding children becoming accommodated, and supporting such situations by providing a range of supports. Kinship placements are not routinely treated as foster placements but as valuable and successful means of avoiding children coming in to the care system.
- 2.3 Following the Adoption Policy Review, the Scottish Government published the Kinship and Fostering Strategy. This outlined a range of supports to families, and placed early intervention and kinship care as a key part of the continuum of support to families of children in need. The Adoption and Children (Scotland) Act 2007 which came in to force on 28th September 2009, formalises local authorities' duties to support kinship carers of looked after children through assessment, training and review.
- 2.4 The Scottish Government has also indicated that they wish kinship carers of looked after children to be financially supported by provision of a weekly allowance equivalent to that paid by local authorities to foster carers. As part of the consultation process on the Strategy many authorities indicated that financial support to kinship carers should lie with the Tax and Benefits system, while supervision, support and assessment rightly sit with the local authority.

While accepting this as the long term aim and beginning discussions with Westminster on this area, the Government were keen to financially support kinship carers of looked after children in the interim. This commitment is part of the Concordat Agreement.

3. CURRENT POSITION

- 3.1 Kinship care is a complex area, and it is impossible to determine the exact number of children in the Falkirk area who are cared for by relatives or close family friends. Not all children cared

for by relatives are children in need, and not all will require a service from the local authority. Currently Social Work Services work with kinship care situations where the children are in need, and are either placed with relatives to prevent them becoming accommodated, or who have come to our attention for other reasons e.g. a referral to the Reporter to the Children's Panel. We estimate that we currently work with 79 such families, many, though not all of whom have come to our attention due to parental drug and alcohol misuse or related concerns.

- 3.2. These children are placed on a variety of statutory orders, ranging from Parental Responsibilities Orders (now Permanence Orders under the new legislation), supervision requirements from the Children's Hearing and simply by agreement between a parent and relative. Services are provided as part of our duties and responsibilities in terms of section 22 of the Social Work (Scotland) Act 1995, to provide advice, guidance and assistance and range from one off financial support to assistance with clothing and care arrangements.
- 3.3. In 2008, Members agreed an interim Kinship Care Policy, pending further information from the Government on how the Kinship Care and Fostering Strategy would be implemented. This policy allows provision of an interim 8 week 'payment in lieu of benefits' to kinship carers where the service has been involved in or is supporting the placement of the child with the relative. This is roughly equivalent to child benefit and child tax credit and is provided to allow carers to claim relevant benefits, and obtain a welfare benefits check from our Welfare Benefits service or the CAB. It further allows carers to continue to be supported under the terms of section 22, dependent on the assessed need, and provides an incentive for families where the placement is long term to seek a residence order. A residence order, if granted by the court, secures the children with the family, gives the carers the relevant parental rights and responsibilities and allows them to apply for a regular weekly residence allowance.

This approach has proved successful with an increased number of families obtaining residence orders, and being in a position to make key decisions for the children living with them, and able to access relevant supports. It is acknowledged, however, that the interim policy does not meet the new requirements laid out in the Adoption and Children (Scotland) Act 2007 and Concordat Agreement.

4. LEGISLATIVE REQUIREMENTS

- 4.1 The Adoption and Children (Scotland) Act 2007 outlines the new requirements to assess and approve kinship carers of looked after children. Each kinship carer should have
 - An interim assessment within 6 weeks of placement of the child
 - A full assessment within 12 weeks
 - A report on this assessment presented to a formal panel for approval
 - A separate carer file
 - Annual review of their kinship approval.

Outline formats for these processes have been published, and indicate an expectation of a thorough assessment process which will have significant resource implications in terms of both staff time and support systems. Based on recent figures, we are currently working with just over 70 kinship carers who are caring for 80 children, 53 of whom are subject to a supervision requirement and therefore looked after. 50 carers come in to the category of caring for looked after children and are therefore subject to the new requirements. There is also a likelihood that these numbers will increase over time.

- 4.2 The Adoption and Children (Scotland) Act 2007 came into force on 28th September 2009 and the related Regulations were published over the summer period. The Guidance, which will contain the detail of how the legislation should be implemented, is not yet available, with no timescale for receipt of this. In relation to kinship care assessments, it is therefore not known if the requirement to assess kinship carers of looked after children will be retrospectively applied.
- 4.3 The Kinship Care and Fostering Strategy 'Moving Forward in Kinship and Foster Care' also makes it clear that kinship carers should receive individual support to assist them in their care of children placed with them. It encourages and emphasises the value of an independent social worker to support the carer, a role similar to that provided to foster carers. Currently within Falkirk such carers are supported by the child's social worker.

5. OPTIONS AND WAY FORWARD

- 5.1. Staffs within Social Work Services have considered various options for responding to the new legislation and strategy in relation to kinship care. As a service we are committed to providing support to kinship carers, who provide a valuable service to the children they care for, and the service is acutely aware of the key benefits to children of remaining within the family. It is also clear that the numbers of children in kinship care placements is likely to increase over time, in reflection of both the increased numbers of children requiring care, and the provision of additional support to kinship care situations.
- 5.2. A successful system for assessment and approval of foster carers already exists within the Council and it is proposed that a kinship care system is set up to mirror this. This would involve an assessment of carers using the template outlined in the Strategy with this then being presented to a Kinship Care Panel, with recommendations made to a Senior Officer within Social Work Services. This panel would also undertake the required annual reviews of kinship carers and monitor the quality of the placements.
- 5.3. All children who are looked after and looked after away from home are required to have their care plans independently reviewed on a 6 monthly basis. Within Falkirk these reviews are undertaken by dedicated Child Care Review Co-ordinators, one of whom is now undertaking reviews of children who are looked after and placed with kinship carers. Processes for setting up, requesting reports, and minuting these reviews are already in place.

It is, however, a system which is already significantly under pressure with the increase in numbers of children in care, and the addition of more extensive reviews for kinship care placement has added to this pressure.

- 5.4. There is an additional requirement that kinship carers are supported through training and that support groups and other assistance will be provided.

Evidence suggests that carers find facilitated support forums particularly useful, and support groups have been central in assisting the Scottish Government in the task of developing the framework and legislation. A system of support and training is therefore crucial to ensuring successful kinship care placements which can prevent a child subsequently becoming accommodated by the local authority. As a Council we would be proposing to deploy a vacant social worker post to provide and facilitate the training and support, co-ordinate the assessment systems, and provide expert advice on this new area to front line staff. Given the size of the task and the level of administrative need to meet our responsibilities, an admin post would also be required to support the staff member and administer the kinship care panel and reviews.

5.5. A vacant social work post currently exists within the Social Work establishment linked to the Integrated Learning Community. With the move into a locality model of service delivery, this post is no longer required and can be utilised to allow the Council to meet our new kinship care duties.

5.6. As indicated, the Guidance relating to the Adoption and Children (Scotland) Act 2007 is still awaited. Consequently, Falkirk Council, along with other authorities, are working with a degree of uncertainty about the detail of what will be required in relation to assessment support and training of kinship carers. In particular

- whether the requirement to assess and review will be retrospectively applied. Should this be the case, there are major resource implications.
- the detail and depth of the assessment process.

Work is already underway on developing an assessment framework and internal guidance for staff based on the content of the Kinship Care & Fostering Strategy and related working documents. A final policy and procedure will be developed on receipt of the Guidance.

5.7. It is also proposed that certain definitions are applied. Kinship care can be defined in various ways. In its widest sense, it refers to any relative or close friend caring for a child; in relation to the Strategy and support requirements it refers only to those children placed with relatives in terms of a supervision requirement from the Children's Hearing system. It is proposed within Falkirk :-

- that advice guidance and assistance continue to be provided to all kinship carers of children in need, but that the assessment, training and support requirement is applied only to those carers caring for looked after children, in line with the legislative requirement and strategy.
- that 'at home' is defined as the child's main place of residence.
- that individuals with parental responsibilities and those in that role e.g. step parents are defined as parents and therefore not eligible to be considered as kinship carers.

6. RESOURCE AND FINANCIAL IMPLICATIONS

6.1 There are significant resource implications connected to the new requirements, in terms of both staff to assess, support and train kinship carers, and finance to pay kinship carers a regular weekly allowance. The Scottish Government has provided some financial assistance and Falkirk Council was allocated £112,000 for 2008/2009, with a further £112,000 in 2009/2010 and 2010/2011, giving a cumulative total of £336,000.

6.2 Existing payments to relatives amount to £177,000 per annum. These costs will continue to be incurred in the foreseeable future.

6.3 In addition to this, additional social work resources will be required to meet the need for assessment, training and support for kinship carers. To manage this sensitively and still provide a quality service to kinship carers and the children they care for, the primary assessment responsibility will lie with the child's social worker. However, the additional pressure this will place on already busy front line teams, and the additional requirements to review, approve and train clearly identify the need for a dedicated Kinship Care Post with administrative support who can assist with these assessments. Should the requirement to assess be retrospectively

applied, this post would initially be dedicated to assessment of carers. The cost of a social work post based on midpoint of the scale and including travel amounts to £40,040, and a clerical assistant at mid point on the scale would cost £18,950, giving a total of £58,990 in staff costs.

- 6.4 In relation to the payment of allowances to kinship carers, if payment are made in respect of an estimated 53 children, at the recently approved 2010/2011 rates of fostering (see Appendix 1) this would cost £300,000, rising to £400,000 in 2012/2013. It is also anticipated that paying kinship carers will result in numbers of care placements with relatives rising, as has been evident in other authorities, therefore these figures should be regarded as minimum figures.
- 6.5 To implement the new requirements as outlined in the legislation and to fully meet the concordat commitment would therefore cost the Council £535,990 in the financial year 2010/2011. This comprises of £177,000 in existing costs, £58,990 in staff costs and £300,000 in costs of allowances. As indicated above, the resources available to underpin these new requirements are £336,000 therefore there would be a deficit of £199,990 which could not be met from within mainstream budgets. For this reason, other options for the payment of allowances have been considered and these are outlined in the next paragraph.

	Fostering Rates 2010/2011	£60 per week	£30 per week	No Payment
Additional costs for allowances	£300,000	£165,360	£82,680	-
Existing payments	£177,000	£177,000	£177,000	£177,000
Staffing costs	£58,990	£58,990	£58,990	£58,990
TOTAL COSTS	£535,990	£401,350	£318,670	£235,990
TOTAL RESOURCES AVAILABLE	£336,000	£336,000	£336,000	£336,000
DEFICIT/ (SURPLUS)	£199,990 rising to £300,000 in 2012/2013	£65,350	(£17,330)	(£110,110)

- 6.6 It is therefore proposed that the rate of payment to kinship carers is set at £30 week per child, a level which is within the budget, but that this is set within the context of all carers being provided with a 'better off' calculation by the Welfare Benefits service to ensure they are supported in the best financial manner and that this becomes operational in April 2010 and applies to new cases from that date. It is also proposed that this payment level is kept under review with a view to increasing support if resources permit.
- 6.7 Certain aspects of our Interim Policy on Kinship Care agreed by members in 2008 require to remain in place, pending receipt of the Adoption & Children (Scotland) Act 2007 guidance. In particular, the responsibility to support kinship carers where the Service has been involved in the placement, via Section 22 Children (Scotland) Act 1995, and the elements relating to

residence orders. It is, however, proposed that the level of payments outlined in the interim kinship care policy be revised in the light of members' decision on Kinship Care Payments.

7.0 RECOMMENDATION

It is recommended that Members

- 7.1 endorse the proposals outlined in 6.6 and 6.7 to provide financial support to kinship carers of looked after children and refer these to Policy & Resources Committee for approval;**
- 7.2 approve the adoption of the proposal for assessment support and training of kinship carers of looked after children and the redesignation of a social worker post to facilitate this;**
- 7.3 ask the Acting Director of Social Work Services to identify, within Council resources, a clerical assistant post which can be deployed to facilitate the administration of these arrangements; and**
- 7.4 ask the Acting Director of Social Work Services to revise the interim policy on Kinship Care to reflect decisions taken by members and the content of Government guidance and to present this to Policy & Resources Committee at the earliest opportunity.**

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ACTING DIRECTOR OF SOCIAL WORK SERVICES

Date: 22 October 2009

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BACKGROUND PAPERS

1. Kinship and Fostering Strategy 'Moving Forward in Kinship and Foster Care'
2. Kinship Care Procedures