

FALKIRK COUNCIL

Subject: KINSHIP CARE
Meeting: POLICY & RESOURCES COMMITTEE
Date: 31ST MAY 2011
Author: ACTING DIRECTOR OF SOCIAL WORK SERVICES

1. INTRODUCTION

- 1.1 This report updates Members on developments in Kinship Care and seeks approval for the revised policy and procedures which have been developed in response to the decision taken by the Policy & Resources Committee on 17 November 2009. The report also proposes an increase to the allowances paid to kinship carers of looked after children and to other linked payments

2. BACKGROUND

- 2.1 In November 2009, Housing and Social Care Committee and Policy and Resources Committee considered a detailed report on Kinship Care, following publication of the Adoption and Children (Scot) Act 2007, and commitments made in the Concordat Agreement. Members agreed to:

- Provide financial support to kinship carers of looked after children
- Approve proposals for assessment, support and training of kinship carers, and the redesignation of a social worker post to facilitate this.
- Deploy an existing clerical post to facilitate administration of the new arrangements.
- Request that the interim policy on Kinship Care be revised and reviewed to reflect decisions taken by members and the content of Government guidance once published.
- Request that the revised policy be presented to Policy and Resources Committee for approval at the earliest opportunity.

- 2.2 The Adoption and Children (Scotland) Act 2007 was implemented on 28th September 2009, and the relevant guidance received in June 2010. The section on Kinship Care has been considered, and Falkirk Council's draft Kinship Care procedures amended to reflect the content. These are attached as Appendix 1.

- 2.3 The main changes in the procedures, required by the legislation and guidance, relate to the assessment and approval process for kinship carers of looked after children, which largely mirrors that required in relation to the assessment and approval of foster carers.

Additionally, in the light of the decision taken by members in relation to the level of payment to approved kinship carers, other related payments to non-approved carers and carers who have obtained a Residence Order have been reviewed to ensure consistency and fairness.

3. RECENT DEVELOPMENTS

3.1 The guidance on the Adoption Children (Scot) Act 2007 published in June 2010 stated that:

- Retrospective approval of kinship carers of looked after children is not required, though it is recommended
- Annual reviews of approval of kinship carers is also not required but is considered to be good practice.
- Kinship carers of looked after children should be supported in a manner similar to that of foster carers. The guidance specifically highlights the benefits of training and support groups.

As a result of this, existing kinship carers of looked after children in Falkirk are being retrospectively approved on an incremental basis, as part of the review of the child's plan. Carer Reviews are also undertaken in this way with an option of referral to the Kinship Care Panel in complex situations e.g. where de-registration is indicated.

3.2 Following Committee approval an existing social worker post was redesigned to create a post specifically to support and train Kinship carers with the post ultimately being appointed in December 2010. The post is focusing on assisting with assessment of carers and developing support and training for carers. This latter aspect is being developed in conjunction with kinship carers, and making use of existing systems in place for foster carers. It is anticipated that this post will be central to the development of co-ordinated and responsive assistance to kinship carers, thus allowing placements to be sustained and improving outcomes for young people. The administrative post has also been filled, and is significantly improving the co-ordination of work in this area.

3.3 In line with the legislation, a Kinship Care Panel has now been established and is considering all assessments of kinship carers. The complex administration required to support the Panel is a key role of the new administration post.

3.4 As requested by members, other payments to kinship carers have been reviewed in the light of the decision to pay approved carers £30 per week per child. These are:

- a. Payment in lieu of benefits, available to all kinship carers whether the child is looked after or not, for the first 8 weeks of placement. The purpose is to provide financial assistance while benefits claims are made and processed. This payment was £60 per week, and it is proposed that it be set at the same rate as that paid to approved kinship carers.
- b. Residence Allowance. Where a carer has successfully applied to Court for a Residence Order in relation to a child in their care, the local authority may set up a scheme to provide regular financial assistance. Falkirk Council has had such a scheme for many years. The attached procedures continue the existing means tested criteria for application and it is recommended that the allowance be set at £10 above the approved kinship carer rate. This provides an incentive to carers to pursue a Residence Order, thus legally securing the child with the carer for the long term. It also removes the child from the care system while still allowing appropriate support and training to be provided and improves the financial position of such carers as Residence Allowance, unlike Kinship Care payments, are disregarded by DWP.

Residence Allowance payments were originally linked to COSLA recommended rates for allowances to foster carers. Residence Orders have not been a preferred route for carers over the past 15 years, possibly due to concerns about support to the placement diminishing once an order is in place. Consequently there are only 9 such placements, all of older children and it is intended to continue to pay these carers at the previous level. The uptake of Residence Allowances since the new interim procedures were put in place has increased and with the commitment to support kinship carers has resulted in positive placements for an additional 10 children.

- 3.5 Children placed with kinship carers on supervision requirements are considered to be looked after away from home. As such, if they fulfil the criteria laid out in Section 6 of the Leaving Care Act 2000, they are exempt from claiming benefits until the age of 18, and the local authority remains responsible for their maintenance, support and accommodation.

Outcomes for care leavers are consistently poorer than the general population, and the revised kinship care procedures therefore encourage young people in kinship care placements to remain there as long as possible. This is seen as an appropriate position in terms of corporate parenting, and to facilitate this, the weekly payments will be continued until a young person is 18 years of age, as long as they remain in the care placement, regardless of their legal status.

4 RESOURCE AND FINANCIAL IMPLICATIONS

- 4.1 The Scottish Government provided additional funding to allow local authorities to implement the new requirements in relation to Kinship Care. As outlined in the report to Housing and Social Care Committee in November 2009, Falkirk Council was allocated £112,000 for 2008/2009, with a further £112,000 for 2009/2010 and 2010/2011. Members' agreement to pay approved carers £30 per week per child reflected the estimation of what could be achieved within the available funds. The above funds have allowed the appointment to the kinship care social worker and administration posts, (approximately £60,000 per annum) with £185,910 being paid in the various allowances during 2010/2011. In addition, the procedures encourage local teams to support carers in practical ways, in terms of Section 22 Children (Scotland) act 1995 e.g. by purchasing beds for the children or essential school clothing.
- 4.2 Since the new legislation came into force, there has been a steady increase in the number of kinship care placements. This is a positive change which maintains children within their extended family. The full extent of the financial implications of this change is still unclear, however, given the concordat commitment, members were keen to consider increasing the allowance when possible. Based on the figures outlined above, there would be scope to increase the allowance within the resources made available. It is therefore proposed that the allowance be increased to £40 per week per child with payments in lieu of benefits being similarly increased and residence allowances increased to £50 per week. It is also proposed that these rates should be reviewed annually to assess if further increases are affordable taking account of any increased demand and update.

- 4.3 As indicated in the previous report and in the attached Procedures, calculations would be undertaken to ensure that kinship carers would not be rendered “worse off” by the payment of a relevant allowance. This has, on occasion, resulted in carers opting not to accept allowances.
- 4.4 The implications of increasing the allowances as described is that additional expenditure of £27,600 would be incurred and this would require to be met within allocated budgets.
- 4.5 It should be noted that numbers of kinship placements continue to rise across the country. The process in Falkirk is still in the early stages, and the financial implications will be kept under close review.

5 CONCLUSIONS

- 5.1 Since approval of the Kinship Carers policy and payments arrangement in November 2009, considerable progress has been made in developing appropriate systems for assessing and approving kinship carers and for providing them with financial and other forms of support. Based on patterns and trends to date, there is scope to increase the allowances paid to kinship carers, in line with the aspirations of Members in 2009 and the financial implications of this will be carefully monitored.
- 5.2 Kinship carers provide very valuable support to children and young people within their family circles and make a significant contribution to achieving positive outcomes for looked after children.

6 RECOMMENDATIONS

It is recommended that Members of Policy & Resources:

- 6.1 approve the Kinship Care Procedures as amended**
- 6.2 agree that the 8 week payment in lieu of benefits be aligned with the Kinship Care Allowance**
- 6.3 agree that the Residence Allowance rate be set at £10 above the approved Kinship Carer weekly allowance**
- 6.4 agree that the Kinship Care Allowance is increased to £40 per week, effective from 1st July 2011**
- 6.5 request that the Acting Director of Social Work update Members on developments in this area as appropriate.**

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Acting Director of Social Work Services

Date: 15 February 2011

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LIST OF BACKGROUND PAPER