

Kinship Care Procedures

Relevant Legislation :

The Children (Scotland) Act, 1995
The Adoption and Children (Scotland) Act, 2007
The Looked After Children (Scotland) Regulations, 2009

Introduction

These procedures cover the processes, including assessment and approval, to be followed where a child is placed with relatives / close friends on an emergency basis or on a supervision requirement or similar legislation which makes the child looked after away from home (see definitions).

They also detail the processes relevant for Residence Orders and Residence Order Allowances.

Children placed with relatives who are not looked after away from home are not subject to the same legislative process and should be supported in term of Section 22 Children (Scotland) Act 1995.

Background:

Getting it Right in Kinship and Foster Care states: *“In the process of considering whether a child needs to become Looked After, for however short or long a period, the first option for consideration should be the ability and capacity of the wider family to provide a child with a safe and permanent home.*

This is also in line with the principles of the Children (Scotland) Act 1995 – minimum intervention and maintaining children in their families:

“In such cases, local authorities must have an assessment and approval process for potential kinship carers for Looked After children. The foundation for this is the Child’s Plan. The work with the kinship carers is to explore with them their ability and capacity to meet the needs of the child and what supports they require to do that. This is a fundamentally different approach to the assessment of foster carers.”

(Reference: The Key Objectives for Kinship Care within GIRFEC in Kinship and Foster Care, Anne Black, Chair of GIRFEC Task Group, “Assessment and Support for Kinship Carers of Looked After Children.”)

N.B. Kinship Care placements are significantly different from Private Fostering. Private Fostering Placements should be identified and responded to with reference to the [Private Fostering Procedures and Guidance](#).

Key Definitions

Looked After Child : A child may be Looked After at home or away from home. These procedures relate only to those children Looked After away from home by kinship carers. These will usually be children subject to -

- a Child Protection Order (s. 57 Children (Scotland) Act 1995)
- a Warrant (s.66 Children (Scotland) Act 1995)
- a Supervision Requirement with a condition of residence (s. 70 (3) Children (Scotland) Act 1995)
- a Permanence Order (S.80 Adoption and Children (Scotland) Act, 2007)

A child placed in terms of s.25 of the Children (Scotland) Act, 1995 is also Looked After. A child would not be placed with a kinship carer on this basis.

Kinship Carer : A Kinship Carer is defined as

“(a) a person who is related to the child or

(b) a person who is known to the child and with whom the child has a pre-existing relationship”.

(Ref : Regulation 10, *Looked After Children (Scotland) Regulations, 2009*)

N.B. Falkirk Council does not regard fathers who have not obtained Parental Responsibilities and Rights as kinship carers. Likewise adults who have acted in this role and are regarded as the parent figure would not necessarily be regarded as a kinship carer. Similarly, where a child's home is with the relative and may become subject to a supervision requirement with a condition of residence, Falkirk Council would not regard this as a kinship care placement subject to these procedures.

Section 1

1.1 Placement of Children with Kinship Carers.

A significant change brought about by the Looked After Children (Scotland) Regulations, 2009 is that kinship carers of Looked After Children must now be approved by the local authority (Regulation 10).

There are three main situations where children who are Looked After and placed with kinship carers where the Kinship Carer is required to be assessed and approved (see sections 2, 3, 4 of these procedures):

- In an emergency situation where the children are removed from their parents on a compulsory basis – e.g. Child Protection Order (s.57 Children (Scotland) Act 1995) and subsequent warrants
- where they become the subject of “compulsory measures of Supervision” and the kinship carer is named as the child’s residence – section 70 (3) Children (Scotland) Act, 1995, where this is not the child’s usual address/home
- where a relative/friend wishes to be considered as a kinship carer for a child who is currently living in foster or residential care and is the subject of compulsory measures of care.

Kinship carers must also have a case file separate from that of the child placed with them.

The requirement to approve the kinship carer does not apply where the child is not Looked After.

Section 2

2 Approval of Carers : Emergency Placements

(Reference: Regulation 36, Looked After Children (Scotland) Regulations, 2009)

Where a child needs to be placed with a Kinship Carer in an emergency, the following must be addressed. (Please refer to [K.C.1](#) : Kinship Carer Assessment Timeline and [K.C.1\(c\)](#) : Flowchart of actions following Emergency Kinship Care Placement)

2.1 Prior to, or at the time of placement :

The **Social Worker** must:

- open a case record on SWIS specifically for the carers and advise the Social Worker (Kinship Care) of the placement.
- interview the proposed carers
- obtain the views of the child about the placement (depending on age and maturity)
- confirm that the proposed carers are a relative or close friend
- complete the Consent Form ([K.C.2a](#)) with regards the required Agency/ interagency 'checks' and explain their purpose
- undertake the necessary checks:
 - SWIS records
 - Police records (obtained from the Child and Family unit or local police)
 - Duty social worker of the authority the kinship carers live (if not Falkirk)
- inspect the accommodation (e.g. does the child have a bed?, is it basically safe?)
- explain and complete the 'Kinship Carer Emergency Placement Agreement' ([K.C.4](#)) with the kinship carers (have them sign and retain a copy; and retain a copy in the Kinship Carer Casefile).
- assess the need for support with reference to section 22 and 23, Children (Scotland) Act, 1995 and discuss with the local Team Manager (see guidance [K.C.6](#))
- complete 'Request for Emergency Approval' ([K.C.3](#))
- Inform the Kinship Care Panel Administrator (Kelly Young, Grangemouth SWO, kelly.young@falkirk.gov.uk)

The **Team Manager** must:

- consider emergency approval of the carer and sign form ([K.C.3](#))
- copy K.C.3 to the Social Worker (Kinship Care)
- arrange to discuss the circumstances of the Emergency Placement within three days of the placement (Regulation 38). This may take the form of a planning meeting, emergency case conference or a supervision session with the social worker and relevant people, as dictated by the circumstances of the case.

2.2. Review of Emergency Kinship Care Placement

Within **three working days** of the Emergency Placement the Team Manager should arrange consideration of the circumstances of the placement. (*Regulation 38 refers to this as a 'Review'. This term is avoided here as it may be confused with the Looked After Away from Home Review required by section 31 of the Children (Scotland) Act 1995.*)

The Team Manager should satisfy themselves that, as far as practicably possible, the following have been consulted must (Reg 38):

- the child, taking into account their age and maturity
- the person with whom the child has been placed
- any parent of the child
- any person with parental responsibilities and rights in respect of the child.

When considering the case the Team Manager should address the following (see Checklist [K.C.5](#). This checklist should be used as the record of the meeting and retained in the child's and carers file.):

- whether the child continues to require to be placed away from home and why compulsory measures of care are required
- whether placement of the child with that kinship carer is in the best interests of the child (if not, identify what action needs to be taken) with reference to the enquiries undertaken at 2.1 above and the ability of the kinship carer to meet the needs identified in the child's plan, with appropriate support.
- ensure that the kinship carer has signed and has a copy of the Emergency Kinship Carer Agreement ([K.C.4](#))
- ensure the kinship carer has all the relevant LAC material (see LAC Procedures) especially the Day to Day Placement Agreement or arrange for its completion and distribution. (A Placement Agreement Meeting could follow the Review to address these details, see LAC Procedures)
- establish what the contact arrangements should be and how they will be supported

- arrange for a Health Assessment to be completed by the LAAC and Young Person's Health Team (01786 468268). N.B. Parental consent is required for this (see LAC Procedures)
- discuss the support the Kinship Carer may need in caring for the child(ren).
- identify any legal action required and explain this to the child, family and kinship carers
- identify who will send the notifications required by Regulation 13, Looked After Children (Scotland) Regulations, 2009.
- commission completion of the comprehensive assessment of the Kinship Carer and explain what this will require of the carers, and that they must be formally approved as Kinship Carers by the local authority to be able to continue to care for the child(ren).

2.3. Following the 3 Working Day Planning Meeting:

The **Social Worker** must

- complete the actions identified by the meeting (identified in [KC5](#))
- complete /share LAC material; arrange Health Assessment; progress Disclosure Scotland enquiry; complete financial assessment (see Guidance, [K.C.6](#)); provide casework support to the child's family and kinship carers; arrange a LAC Review

The **Team Manager** must

- extend the Emergency Approval of the Kinship Carer (max 12 weeks) ([K.C.9](#)) and send a copy to the Service Manager and kinship care social worker
- arrange for the kinship carer to be assessed (see section 3 below)

N.B. Guidance suggests that consideration should be given to a social worker other than the child's social worker undertaking the Kinship Care Assessment but discretion should apply. The assessment is based on the kinship carer's capacity to meet the needs of the child as identified in the Child's Plan. Detailed knowledge of the needs of the child is therefore essential for completion of the Carer's Assessment. Falkirk Council would therefore normally expect the child's social worker to complete the Kinship Care assessment with the assistance of the Social Worker (Kinship Carer) in relation to carer issues and support.

As the emergency approval of kinship carers can only be for a **maximum of 12 weeks**, the assessment **must be completed in 10 weeks** in order to have the kinship carers approved at the Kinship Care Panel within this timescale.

The **Service Manager** (Resourcing) should:

- on receipt of the Notification of the Extension of the Emergency Approval by the Team Manager, set a date for the Kinship Care Panel to consider the assessment of the kinship carer(s) by referring this to the Kinship Care Panel Administrator
- consider any application for 'Payment in lieu of Benefits' (s. 22) on receipt of an application from the Social Worker. (See Financial Guidance, [K.C.6](#) & [K.C.7](#))

2.4 LAC Review Co-ordinators

This section also applies where the LAC / Child Care Review is also a Child Protection Case Conference

2.4.1 6 week Child Care Review

At the initial Child Care Review (within 6 weeks from placement) in addition to the matters relating to a Child's Plan, the chair should confirm that:

- the placement of the child with the kinship carers is meeting the needs of the child
- the Carer's Assessment is progressing
- identify any additional supports the carer may need
- ensure that the Minute of the Review can be presented to the Kinship Carer Approval Panel.

2.4.2 2nd LAC Review (3 months from 2.4.1)

In addition to the matters to be addressed in Reviewing the Child's Plan, in Kinship Care placements the Chair should ensure the Review:

- confirms that the placement continues to meet the needs of the child and is appropriate and that the kinship carers have been approved with reference to Regulation 10 of the Looked After Children (Scotland) Regulations, 2009.
- identifies any specific supports the child or carers require in order to achieve the goals of the Child's Plan

2.4.3 Next LAC Review (within 6 months of 2.4.2)

National Guidance (GIRFEC) suggests that Permanency Plans for the child should be identified within 6 months of placement. This Review will therefore require to give consideration to the permanent plan for the child, whether return to parents; remain with current kinship carers; going or moving to other carers (foster or kinship); or residential care.

Where the permanency plan identifies that the child should remain with their current kinship carers, the Review Chair should ensure that the Minute reflects the recommendation from the Review regarding the long-term plan including the way in which it should be legally underpinned (usually an s11 order). The Review chair may refer the case to the Kinship Carer Panel for advice (especially where there is substantial disagreement at the Review).

The six month decision making timeframe is based on National Guidance - [Guidance on Looked After Children \(Scotland\) Regulations 2009 and the Adoption and Children \(Scotland\) Act 2007](#). Nevertheless, care plans should meet the individual needs of each child. The reasons for exceeding the timeframe indicated in Guidance should be made clear in the minute.

2.5 Long Term Planning and Support

2.5.1 Residence Orders

Where the LAC / Child Care Review agrees that the child should remain with the approved kinship carers in the longer term, consideration should be given to this being underpinned by the carers applying for a Residence Order (section 11(2)(c), Children (Scotland) Act 1995). This is preferred to the long term continuation of a Supervision Requirement or a Permanence Order both of which lead to the child remaining 'Looked After' with the inherent obstacles to securing ordinary family life for the child.

Kinship carers are sometimes reluctant to pursue a Residence Order out of loyalty to the child's parents and the hope that one day they will improve their circumstances and be able to parent the child again. They should be reassured that in obtaining a Residence Order they are simply acquiring the rights they need to fulfil their day to day responsibilities and that it is not an irreversible process but a much more secure and stable situation for them and the child. Support to the carer can continue after a Residence Order is granted in terms of Section 22 should the needs of the child / carer require this e.g. to assist with contact.

To obtain a Residence Order the carers must instruct a solicitor to prepare an application for the court, at the same time an application for Legal Aid should be made. Should the carers not be granted Legal Aid or if they receive only a partial award, the social worker should write to the Team Manager to request that these costs be met by the Council. This requires a quote from at least one solicitor. The Team Manager should request approval from the Service Manager (Resourcing) for these legal costs to be met.

Where a kinship carer secures a Residence Order the Council should continue to support the child and their family with reference to sections 22 and 23 of the Children (Scotland) Act, 1995.

2.5.2 Residence Order Allowances

Financial support to kinship carers who obtain a Residence Order *may* be provided on a regular basis with reference to section 50 of the Children's Act, 1975. These are known as Residence Order Allowances (see Guidance [K.C.6](#)). Before applying for this and as part of the considerations in respect of carers applying for a Residence Order, the social worker should refer the carers to the Community Advice Team to complete a comprehensive benefits and Tax Credits check to ensure that any local authority payments would lead to the carers being 'better off'.

Application for a Residence Order Payment should be made to the Service Manager, using Form [K.C. 8\(b\)](#) & [\(c\)](#), as soon as possible after the Order is granted. Payment will only be made from the date of application. These Allowances are means tested

The Service Manager should only approve payment of a Residence Order Allowance where the carers would be 'better off'. Should they approve the payment they should send the Residence Order Allowance Agreement ([K.C.8\(d\)](#)) to the carers (the return of which would trigger the payment) and arrange for an Annual Review of the payment ([K.C.8\(e\)](#)) to be put in place.

2.5.3: Permanence Orders

A Permanence Order is rarely the most appropriate way of securing a child's placement with a kinship carer in the longer term and inconsistent with the 'minimum intervention principle'. If pursued it should be pursued as the option of first choice rather than to avoid the Residence Order route largely because a carer does not want to upset the birth parent or another family member.

Should the Review recommend that the most appropriate way of underpinning the long term plan is by the Council applying for a Permanence Order, the case must be referred to the Fostering and Adoption Panel. In this instance the Chair should set clear timescales for the completion of the assessments and reports (BAAF Form F2 and Form E) required for this Panel including Health assessments and legal advice. The permanence procedures should be consulted and followed where this route is being pursued.

3. Procedure where child is already living with the kinship carer

This part of the Procedures apply where a child is **already living** with a kinship carer with the agreement of the parent(s) but the social worker wishes to recommend to a Hearing that the child be made the subject of compulsory measures of care with a condition of residence with the Kinship Carers.

Where the decision to do so is made at a **Child Protection Case Conference** the Chair should ensure that the duty to approve the kinship carer is addressed at the Case Conference. Where there is time prior to the Hearing to complete the Kinship Carer Assessment and gain approval with reference to section 4 below this should be put in place immediately by the Team Manager.

When there is insufficient time to arrange for the full assessment and approval of the kinship carer prior to the Hearing the **Team Manager** should convene a planning meeting and set timescales for the assessment and approval of the kinship carers (as identified in Sections 2 and 4 of these procedures). The **Team Manager** should arrange for the 'emergency checks' to be completed (2.1 above) and ensure that the **social worker's** report to the Hearing indicates that the carers are subject to interim approval and that a full assessment of the kinship carer is underway.

4. Assessment and Approval of Kinship Carers

4.1 Overview

The **social worker** should complete the assessment in **10 weeks**.

The Kinship Carer assessment and supporting documents should be presented to a Kinship Carer Panel (see section 5 below) within 10 weeks of the start of the placement. A date for the Panel should therefore be obtained from the Panel Administrator (Kelly Young, Grangemouth Social Work Office, kelly.young@falkirk.gov.uk) as soon as possible after allocation. All the required reports should be with the Panel Administrator at least 7 working days in advance of the Panel date.

The Kinship Carer Assessment is fundamentally different from a Foster Carer Assessment. The focus is on the ability and capacity of the kinship carer to meet the child's needs, with support, as identified in the Child's Plan. The paramount consideration must be the welfare and safety of the child.

The assessment should address the following areas:

- the views of the child (taking account of their age and maturity)
- identifying the child's strengths and vulnerabilities. These should be analysed using a resilience model
- gathering information with the carers on their lifestyle and the impact that caring for children will have on this (e.g. hobbies; interests; smoking; use of alcohol; holidays; work patterns)
- ensuring carers fully understand the implications of the legal framework regarding looked after children, including consent issues
- the impact caring for children will have on family relationships (e.g. less availability to care for other grandchildren/ nieces and nephews/ elderly relatives etc...)
- the views of the carers own children who may have to share personal space and their parents with others
- their capacity to move from adult centred loyalty (the child's parents are usually a child, sibling or friend of the kinship carer) to loyalty to the child as the priority
- look at managing contact in a way which has the child's needs as the paramount consideration
- their capacity to work in partnership with professionals and agencies (school; health; social work...)
- the demands that caring for children will make on them – physically and emotionally- and how it may impact on other commitments such as supporting their own children or elderly relatives
- identifying with the carers their support and learning needs

4.2 Completing the Kinship Carer Assessment : General Guidance

[Guidance on Looked After Children \(Scotland\) Regulations 2009 and the Adoption and Children \(Scotland\) Act 2007](#)

The assessment of kinship carers should be completed in partnership with the carers, the child (depending on maturity) and with the family.

Some families may be resistant to being assessed or find such formal intrusion into their lives unnecessary – it is their grandchild(ren)/niece/nephew/friend after all whom they have known all their lives. It is nevertheless important:

- it is a legal requirement
- it is designed to safeguard the welfare and interests of children
- it is aimed at assisting families to care for vulnerable children at times of crisis or stress immediately and in the long term

Ideally the family should be encouraged and enabled to contribute to the assessment. They may be able to provide a written personal and family history; a lifestyle profile; or even a “week in the life of...” Where the contribution is mainly verbal based on structured interview with the social worker, the social worker should share what they write up with the family and have them sign agreement to the content.

The assessment is exactly that. It must go beyond describing the family and should set the description and facts into an analytical framework. Ultimately, the relevance of each section to the carer’s ability and capacity to meet the needs of the child must be made explicit:

- Areas where the carer clearly demonstrates competence e.g. getting the children to school and health appointments must be addressed
- Areas which raise concern about the suitability of the placement must be made explicit e.g. where the carer continues to doubt that the child’s parents were responsible for the child’s neglect/abuse.
- Likewise, where the carer needs support to meet the needs of the child e.g. completing homework; transport; childminding; contributing to planning meetings; managing contact; responding to challenging behaviour, this should be addressed in the assessment

4.3. Part 1 Kinship Carer Assessment (K.C.14a)

Part 1 of the Kinship Carer's Assessment details the carer's circumstances. The various inter-agency enquiries required to safeguard the child are detailed here with a checklist for easy reference. ([K.C.10a](#) for applicants; [K.C.10b](#) for other significant adults). Some of these may already be in place as part of the Emergency Approval process detailed in section 2 above.

Checks are required on the kinship carer(s) and any adult members of the household whether they intend to be involved in caring for the child or not.

Likewise, any adult who will play a **significant** role in supporting the kinship carer – friends, neighbours, extended family – should also be interviewed and be made subject of Disclosure Scotland checks and local authority enquiries. Such people are often nominated as referees thereby satisfying that enquiry too.

References ([K.C.13\(a\)](#) & [\(b\)](#)) should be obtained from at least two referees who know both carers well. One may be a relative. Ideally a written reference ([K.C.13\(b\)](#)) should be obtained from each referee followed by an interview. If a written reference cannot be obtained then the social worker's written record may be acceptable but must be signed by the referee.

The social worker undertaking the assessment of the kinship carers should make the following enquiries (checks):

- Medical – G.P. ([K.C.11\(a\)](#) and [11\(b\)](#))
- Disclosure Scotland
- Local Authorities the carer has lived in, including Falkirk ([K.C.12\(a\)](#); [K.C.12\(b\)](#))
- References x2 ([K.C.13\(a\)](#); [K.C.13\(b\)](#))
- Health Visitor

The Consent Form ([K.C.2\(a\)](#), [\(b\)](#) [\(c\)](#) as appropriate) must be sent with these enquiry letters (a photo copy is usually accepted) Disclosure Scotland forms require consent by the applicant.

N.B. there are supporting letters and forms relating to adults in the household or adults who will have significant contact ([K.C.2b / c](#); [10b](#); Disclosure Scotland)

4.4 Part 2 Kinship Carer Assessment (K.C.14b)

This is the main body of the assessment and has been designed with headings to promote the completion of an analytical narrative. It invites the writer to address the most relevant aspects in whatever detail is required.

Each heading has some examples of the issues which need to be explored. The social worker should use their professional judgement to address these as relevant to the kinship carers and the Child's Plan.

4.5 Kinship Care Assessment, Part 3 : Profile of Child(ren) (K.C.14(c))

The assessment and approval of a kinship carer is based on the ability and capacity of the carers to meet the needs of the child as identified in the Child's Plan.

The Child's Plan should be in place by the time the kinship carer's assessment is complete. Part 3 is therefore a compilation of information and assessments of the child(ren) which should already be in place.

The headings in Part 3 should be used to profile the needs of the child.

4.6: Review of Approval and De Registration

Unlike foster carers there is no requirement to formally review the approval of kinship carers. This is partly because they are specific placements and also because it was anticipated that where the child remains with the Kinship Carer in the longer term, this would be underpinned by a Residence Order and therefore it is unlikely that the child would be 'Looked After' or subject to compulsory measures of care.

Likewise the updating of checks is not required at specific intervals but Criminal Records checks should be updated every two years on all adults in the household. It is important that any significant change in the circumstances of the carers such as a change in the composition of the household, any new caring commitments, or a health problem be addressed and updated reports obtained as required. This may require referral to the Kinship Care Panel (see 4.6.1 below)

The LAC review should always address whether the Kinship Carers continue to have the capacity to meet the needs of the child. Where the LAC Review has concerns about the continued suitability of the kinship carers' capacity to meet the needs of the child, the safety and welfare of the child must be the first priority.

The minute of the LAC review should confirm that the placement remains in the best interests of the child. Where concerns are raised at the LAC Review consideration should be given to requesting a Review of the Kinship Carers approval by a Kinship Care Panel.

4.6.1: Referral of approved kinship carers to the Kinship Care Panel

Approved Kinship Cares should be referred to the Kinship Carer Panel for two main reasons:

1. Where there are no significant concerns about the care of the children but the child no longer lives with them

Where the child moves on a planned basis the kinship carers should be formally deregistered unless they continue to act in that capacity for other children. This may be because the child(ren) returns home; is no longer Looked After (e.g. the subject of S.11); or is no longer a child.

In these circumstances a brief report by the social worker should be sent to the Panel Coordinator outlining:

- the reasons for de-registration,
- a short summary of the placement,
- a statement that the carers would be deemed suitable to continue as Kinship carers but for the change in circumstances.

The carers should read and sign this report before submission. The Kinship Carers would not be expected to attend this Panel unless they wished to and the social worker should discuss their need to attend with the Panel Chair.

2. Where there are significant concerns about their capacity to care for the child(ren) as approved Kinship Carers either due to significant changes in their personal circumstances or following allegations or serious concerns being raised such as:

- Where the child no longer lives with them following an unplanned move necessitated by concerns about the welfare of the child
- Where there have been significant changes in the kinship carers circumstances which could put into question the suitability of the carers to be approved (e.g. a serious offence, significant change in the household composition, a serious health problem)
- A serious breach of the Kinship Carer Agreement
- A serious allegation or cluster of welfare/lifestyle concerns about the kinship carers

Where the above is evident the social worker should discuss this with their Team Manager who may refer it to the Service Manager before taking further action. The needs of the children are paramount and would have to be addressed before other matters.

Where the carers registration is to be reviewed following concerns it is important to avoid delay as families find these situations highly stressful and they need to be resolved as soon as possible.

The **Social Worker for the kinship carers** (often the same social worker as for the child) should prepare a report for the Panel and detail the nature of any serious concerns, the significant change in circumstances, or the reason for any proposed de-registration. Concerns expressed by other professionals or agencies should be requested to be put in writing. The kinship carers should be invited to comment and submit their own views.

A Review Kinship Carer panel can be arranged by contacting the Service Manager Resourcing who will request the Kinship Carer Panel Administrator to arrange a Panel (kelly.young@falkirk.gov.uk).

In such situations, consideration should be given to whether the Kinship Carers are deemed suitable to care for children in the future.

5. Kinship Care Panel

5.1. Functions of Kinship Care Panel

The Kinship Care Panel is separate from the Fostering and Adoption Panel but nevertheless is a formally constituted Panel. Its primary function is to **recommend** whether Kinship Carers should be approved and review the approval of kinship carers referred to it by the Council. Unlike foster carers or prospective adoptive parents there is no legal requirement that a kinship care assessment be considered by a Panel but Falkirk Council has put this in place to provide some degree of independent scrutiny.

It may also consider early referrals from social workers for advice on matters relating to kinship care assessments e.g. where the carer or a member of the household has an offence history or medical issues which may compromise the carer's capacity to care for the child.

The LAC Review Chair may also refer a case to the Kinship Care Panel where they feel that advice or additional scrutiny would be useful especially where considering long term plans.

Kinship carers are required to be approved within 12 weeks of an emergency placement or in anticipation of a planned placement.

The Kinship Care Panel should also review the approval of Kinship Carers referred to it with reference to the circumstances detailed in section 4.6.1 above.

5.2. Composition of Kinship Care Panel

The Panel will have a range of members who have qualifications, knowledge and experience of Child Care such as social work, education, health or fostering

The Service Manager (Resourcing) will be responsible for ensuring that the Kinship Care Panel has a sufficient number of members to fulfil its functions.

The Kinship Care Panel should have at least two members who can act as the chair. The chair should be a Service Manager, a Team Manager with no responsibility for the child or carers, or an appointed independent chair from another service or agency.

5.3. Conduct of the Panel (see [K.C. 16 - Checklist for Panel Chair](#))

The Panel must be attended by a Chair and two other members.

The Chair must ensure that a competent record is prepared of each Panel and present this to the Head of Service (acting as decision maker) within two weeks of the Panel

The Record of the Panel should contain a clear statement as to whether :

- in the case of Kinship Carers, that they be approved or not as Kinship Carers and the reasons for this

- any comment in relation to the Care Plan for the child arising from the Panel's consideration of the case
- consideration of a request to de register an approved carer (see 4.6.1 above)
- consideration of a review of a carers approval following a referral based on concerns about their capacity to care for the child(ren) see 4.6.1 above

5.4 Attendance at the Panel

The Kinship Care Panel should be attended by:

Initial Approval:

- the Social Worker who completed the Kinship Care Assessment
- the Child's Social Worker (if different)
- the Child's Team Manager
- the Kinship Carers (they may also bring a supporter with agreement of the chair)
- the child (if appropriate depending on their age and views)

Review based on concerns:

- All of the above though it may not be appropriate to bring the child

De-registration:

- Social worker for the carers
- Carers if they wish to attend

5.5. Reports required for the Kinship Care Panel : see Checklist

- The Social Worker's Kinship Care Assessment Report, Parts 1 and 2 (K.C.14a&b)
- Child's Plan and profile (K.C.14c)
- Minute of LAC Review (6 week)
- Social Worker's Report to LAC Review
- Education Report
- Health Assessment of the Child
- Hearing Report
- Chronology (if not in the above)

See 4.6.1 for Review Panels where discretion should apply to meet the circumstances of the case

5.6. Decision Maker

The Head of Service will act as the decision maker in respect of recommendations made by the Kinship Care Panel. They must decide whether or not to accept the Panel's recommendation on any matter referred to the Panel and advise the social worker, the Service Manager (Resourcing) and the kinship carers of their decision in writing within 3 weeks of the date of the Panel.

Should the Head of Service decide not to approve the kinship carers he/she must immediately inform the Team Manager and social worker with a view to the Child's Plan being urgently reviewed.

The Head of Service should write to the Kinship carers outlining their decision and advise the kinship carers of their right to appeal this decision.

5.6. Action following Approval

Following approval of a kinship carer by the Head of Service, the **social worker** should arrange to have the **“Kinship Carer Agreement: Approved Carers” (K.C.15)** completed by the carer and the **Service Manager (Resourcing)**. The original should be retained in the carers' file with a copy to the **Service Manager (Resourcing)** and the carers.

Should the carers be 'better off' by receiving a Kinship Care Allowance (Approved Carers), the social worker should apply for this to the Service Manager (Resourcing) using [K.C.8\(a\)](#) and referring to [K.C.6](#) for guidance.

5.7. Appeals

The Kinship Carers must be given the opportunity to appeal the decision of the Head of Service. They should do so in writing to the Service Manager within 28 days of receipt of the letter advising them of the decision.

On receipt of an appeal, the Head of Service should refer the kinship carers to another Kinship Care Panel composed of a different Chair and members from the first Panel. The kinship carers should again attend and be given the opportunity to make submissions and have an independent advocate come with them. All the others who attended the first Panel should attend the Appeal Panel.

The Head of Service should consider the recommendation of this Panel and make a decision within 21 days of the Panel. This decision will be final.

5.8 Complaints

Should the applicants wish to complain about the Service, they should do so with reference to the Council's Complaints Procedure. They should be offered assistance and advice to do this.