

The background of the slide features the coat of arms of the Government of Nunavut. It consists of a shield divided into four quadrants. The top-left quadrant shows a stylized building, the top-right shows a caribou head with antlers, the bottom-left shows a sailing ship on waves, and the bottom-right shows an eagle with spread wings. Above the shield is a crown with four maple leaves. Below the shield is a banner with the text "ANE FOR A".

Agenda Item 10

Alternative Family Placement – Kinship Care Developments

Falkirk Council

Title: Alternative Family Placement – Kinship Care Developments
Meeting: Education, Children and Young People Executive
Date: 1st June 2021
Submitted By: Director of Children's Services

1. Purpose of Report

This report updates the Education, Children and Young People Executive on national developments in relation to kinship care. The report seeks approval to progress changes to Falkirk's processes to support kinship carers and improve outcomes for looked after children and young people.

2. Recommendation

2.1. Executive is asked to agree:-

- (1) that Falkirk Council note the role of the national Kinship Care Collaborative, and that local support to kinship carers is aligned to developments arising from the Collaborative;**
- (2) proposed amendments to interim Kinship Care Payments for looked after children to maximise support to carers;**
- (3) that payment to eligible carers with a Kinship Care Order are paid until a child leaves school.**

3. Background

- 3.1** Kinship care is when a child is looked after by their extended family or close friends where they cannot remain with their birth parents. Under the Looked After (Scotland) Children Regulations 2009, a kinship carer is defined as "a person who is related to the child (through blood, marriage or civil partnership) or a person who the child has a pre-existing relationship with".

Kinship care includes both:

- looked after children who have been placed with kinship carers by the local authority;
- non-looked after children who live in an informal kinship care arrangement (these children may be subject to an Order under Section 11 of the Children (Scot) Act 1995 or may be living in a completely private arrangement with extended family, with no local authority involvement).

Kinship carers are recognised for the important role they play in providing secure, stable and nurturing homes for children who cannot be cared for by their parents. Research shows that for many children care within the extended family leads to better outcomes.

To ensure kinship carers are suitably supported financially, they are able to claim child related benefits. In certain situations, such as where a looked after child is placed with a relative, additional allowances are paid which cover the costs of accommodation and maintenance.

- 3.2 The Adoption and Children (Scotland) Act 2007 introduced a requirement to assess and approve kinship carers. This led to the development across Scotland of processes to assess, approve and review kinship carers of looked after children. This was the subject of reports to Members in 2009, when approval was given to the approach to implementing the legislation in Falkirk and the level of payment to be provided. Subsequent reports in 2011 increased this payment. In 2015, following resolution of a UNCRC challenge on parity of allowance between kinship carers of looked after children with foster carers, the payment was raised to the equivalent of the allowances paid to foster carers. A regulatory extension of this requirement to eligible kinship carers holding a Kinship Care Order was reported to Members in 2016.
- 3.3 As part of the Children and Young People (Scotland) Act 2014, additional statutory duties on local authorities were introduced. This related to support and payments to certain eligible kinship carers of non-looked after children who had obtained a Kinship Care Order, also known as a Section 11 or Residence Order.
- 3.4 The above has led to a complex legislative landscape around kinship care, with the level of support, and particularly financial support, provided to kinship carers varying significantly depending on the legal status of the child in their care. Across the country there are different interpretations of the legislation and payment schemes, confusion amongst carers and those who support them and ongoing inequalities.
- 3.5 In recognition of this, the Scottish Government established the Kinship Care Collaborative in January 2021. This is part of the Programme for Government and aims to deliver improvement in the support for kinship families across Scotland by considering current policy and legislation and “exploring collectively the changes that are required to drive improvement, including prioritising and developing timescales and a work plan”. The Collaborative specifically links this work to The Promise.

A focus of the work of the Collaborative is the importance of providing practical and emotional support to kinship carers to sustain placements for children with their extended family. This support might include training and dedicated support but also acknowledges the importance of wider family support, also a core aspect of The Promise.

4. Considerations

4.1 Wider National Context

The Promise is the Scottish Government commitment to looked after children. This is a long-term reform of the care system and childcare practice in Scotland, with a promise to have children and relationships at the heart of these changes. The Action Plan for the first three years was published in March 2021 and has a strong emphasis on early intervention and support to families, including families caring for a relative. The Kinship Care Collaborative seeks to improve the landscape of kinship care with The Promise principles and goals underpinning this work.

4.2 Closer to Home

Children's Services Closer To Home Strategy focuses on supporting children to remain safely at home with their families and, where that is not possible, to look after them in a family setting within Falkirk. Closer To Home is one of the Council's priority projects within its Council of the Future Change Programme and is linked to delivering on our Communities Priority in the Corporate Plan. Recent data demonstrates that 16% of Falkirk's children and young people are currently cared for within residential settings; these are high cost and often result in poorer outcomes for these young people. The Closer To Home Strategy seeks to adjust the balance of care so that 90% of looked after children and young people are cared for in community-based family settings, whether that be at home with parents, in kinship care or in foster care.

One of the key workstreams within Phase Two of the Strategy focuses on Alternative Family Placement; this being a specific project with identified targets. This expands the foster carer recruitment focus from Phase One to include external foster placements and kinship care placements. Within this there is a greater focus on promoting and supporting kinship carers, thus allowing more relatives to provide alternative care for children who are unable to remain with their parents. This is both better for the children and young people, and will contribute to the targets we seek to achieve through the Strategy.

4.3 Procedural Processes

4.3.1 Falkirk Council procedures for kinship care were originally agreed in 2010 and have been updated and amended in light of the changes outlined in section 3 above. A comprehensive review has been undertaken over the past year, utilising feedback from carers and staff, analysis of complaints and with reference to national developments. This will be an ongoing process as changes unfold nationally.

4.3.2 The assessment process for kinship carers of looked after children means that a carer is approved on an emergency basis when a looked after children is placed with them, with the full assessment then being undertaken and presented to Kinship Care Panel within 12 weeks.

Falkirk pays a flat rate to carers approved on an emergency/interim basis along with set up costs and any other assistance a carer may require e.g. transport or nursery costs. The fostering equivalent allowance is paid once the carer is approved, with a financial assessment included as part of this process.

The challenge for front-line staff in meeting the timescales for assessment and approval, particularly over the past year, has led to challenges in this area. For some carers there is little difference between the interim allowance paid and that which is provided following full assessment and approval, but for others the difference can be more significant.

There are differing interpretations of the regulations across the 32 local authorities and, while some followed a similar process as Falkirk, distinguishing between payments for interim and approved carers, the majority of Councils now provide fostering equivalent allowances from point of placement.

It is therefore proposed that full allowances are now paid from the point of placement.

4.3.3 To further improve the service, staffing within the Family Placement Team has been re-focused to ringfence additional capacity to allow this team to take on the majority of assessments of kinship carers. This will both provide consistency of assessment, minimise delay for carers and allow the Council to meet our statutory timescales in this area.

4.3.4 Many kinship carers of looked after children go on to seek a Kinship Care Order in relation to the child in their care. This occurs where a return to the care of a parent is not possible for a child and an alternative permanence plan is necessary. This follows appropriate consideration of the best interests of the child. The revised kinship procedures strengthen the robustness of scrutiny in relation to the suitability of the carer to look after the child on a long-term basis, contingency plans and any support required to such placements.

4.4 Financial Considerations – Kinship Care Orders

Kinship carers of children who were previously looked after and who have obtained a Kinship Care Order are deemed eligible in terms of the Children and Young People (Scotland) Act 2014 and are provided with an allowance equivalent to that paid to foster carers. Regulations covering this indicate that payments must be made until a child reaches the age of 16 years, following which the legislation determining their residence is no longer applicable.

Falkirk Council makes these payments until the age of 16 years. It has, however, become clear that many of those young people remain at school beyond the age of 16 and that, while they can apply for EMA, the loss of a regular allowance where care costs remain significant is detrimental to their wellbeing.

As such, it is proposed to continue payments until young person leaves school and is able to either claim benefits in their own right, obtain employment, or access the care experienced bursary if progressing to further study.

5. Consultation

- 5.1 Developments in kinship care have been the subject of extensive consultation over the years. The specific proposals outlined in this paper have been the subject of informal consultation with kinship care staff and carers involved in our support services, who are supportive of both the financial change and the goal to simplify processes and provide equity with other settings. Analysis of complaint responses also highlighted the views of kinship carers and those who support them of the need to update Falkirk's procedures and payments, and a commitment by the service to undertake this work.

6. Implications

Financial

- 6.1 The cost of paying fostering equivalent allowances from the start of placement of a looked after child with a kinship carer equates to additional spend of approximately **£70,810**. Kinship carers are eligible to claim child benefit and some can also claim child tax credit. As a result, the actual costs may be slightly lower than the additional spend value.

Payment of allowances to kinship carers with a Kinship Care Order until a child leaves school rather than these ceasing at the age of 16 years would incur additional expenditure of approximately **£70,780**. This is based on the numbers over the last two years and the current 16+ fostering allowance rate.

Kinship care is considered for children before placement of a child in foster care, and in line with the Closer To Home strategic aims to increase support and encourage family members to become kinship carers. Foster carers receive age-related allowances and, in addition, a fee for the work they are undertaking. The fee element of a foster carer payment is paid per child depending on the skill level of the foster carer and is not applicable to kinship carers. Kinship costs therefore remain significantly less than the expenditure incurred if a child is placed in other types of family care settings. Supporting more family members to fulfil the role of kinship carer for children will support the delivery of savings in line with commitments of Closer To Home.

The additional expenditure to support these proposals will be met from reduced expenditure on alternative placements by placing more children in kinship care, with additional contribution from the adoption cost centre which is traditionally an area of underspend.

The costs will be met from existing resources; savings will be delivered and better outcomes achieved for children and young people.

Resources

- 6.2 There are no resource implications.

Legal

- 6.3 The proposed changes will allow Falkirk to meet our statutory duties, and the aims of the Closer To Home Strategy.

Risk

- 6.4 The current payment system for kinship carers has resulted in inequalities and a number of formal complaints. Moving to the proposed position would reduce this risk and contribute to greater stability of kinship care placements.

Equalities

- 6.5 Kinship care legislation does not currently provide an equal level of support for all kinship carers.

Sustainability/Environmental Impact

- 6.6 There is no sustainability/environmental impact.

7. Conclusions

- 7.1 The national focus, and particularly the Kinship Care Collaborative, is seeking to move towards greater equity and a simpler landscape with short-term and longer-term actions. In the interim, there are steps which Falkirk Council can take to achieve more consistency and equity by bringing both procedures and payments more in line with other areas of the country, simplifying processes and moving to a position which reflects the expectations of both The Promise and our local Closer To Home Strategy.

Director of Children's Services

Author: Vivien Thomson, Service Manager; vivien.thomson@falkirk.gov.uk;
Tel 01324 508704

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Appendices

Appendix 1 – Falkirk Council Foster Carer Fees and Allowances

List of Background Papers

None

Falkirk Council Foster Carer Fees and Allowances

Foster Carer Fees

Band A £150 week
Band B £200

Bespoke packages individually agreed

Fees are paid per child per week.

Fostering Allowances 2021/22

Allowances 2021/22	
0-4	£137.18
5-10	£156.26
11-15	£194.53
16+	£226.84

Allowances are paid over 56 weeks as additional allowances are paid for Christmas/religious festival, birthdays and two weeks additional allowances for holidays. Allowances are paid per child.

Kinship Carers

Kinship carers of looked after children are paid the fostering equivalent age-related allowance minus any child benefit and child tax credit, where applicable. As looked after children, the additional allowance for birthday, religious festival and holiday period are applicable.

Eligible kinship carers with a Section 11 Order are paid the age-related fostering equivalent allowance minus child benefit and child tax credit where applicable. As non-looked after children, the additional allowances are not applicable.