

## **FAMILY AND FRIENDS AND CONNECTED PERSONS CARERS POLICY**

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## 1. Introduction

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### Who this policy applies to

This policy relates to all situations where a child / young person needs to live away from their family of origin and arrangements are being considered or have been made for a child or young person to be cared for by family and friends.

### This policy is relevant to:

- Lead Members for Children's Services in Gateshead Council.
- Directors of Children's Services
- Managers of services for referral, safeguarding and planning and looked after services.
- Social workers and other social care staff working with children in need and looked after children.
- Gateshead Council's relevant partners.
- Other providers of services to children in need and looked after children including private and voluntary sector providers.
- Family and friends carers.
- Children/young people living with family and friends carers and their parents.

The policy explains how Gateshead Council Children and Families Service and its partner agencies exercise their duties and responsibilities to children and young people living in these types of arrangements.

The policy is issued in accordance with the **Statutory Guidance for Family and Friends, Department of Education**, 2011 & 2013 and also has regard to the statutory framework including:

- The Children Act 1989
- The Children and Young Persons Act 2008
- Care Planning, Placement and Case Review Regulations 2011
- Replacement Children Act 1989 Guidance and Regulations on Private Fostering, DfES 2005
- Fostering Services Regulations 2011 and 2013
- National Minimum Standards for Fostering Services 2011

- Special Guardianship Guidance DfES 2005
- Adoption and Children Act 2002
- Adoption Agencies Regulations 2005
- Adoption Regulations amended 2011
- Adoption Statutory Guidance 2011
- Adoption Support Services Regulations 2005
- Equality Act 2010

Due regard has been given to any relevant case law at the time of writing.

For the purposes of this policy the definition of a family and friends carer is:

*'A relative, friend or other person with a prior connection with somebody else's child who is caring for that child full time. An individual who is a 'connected person' to a looked after child may also be a family and friend carer. A child who is cared for by a family and friends carers may or may not be looked after by the local authority'*

Relevant service users and stakeholders have been consulted about this policy and will be consulted with when the policy is reviewed.

### **Statement of principles underpinning this policy**

Children have the right to be brought up by their own families, so far as this is consistent with their welfare. This is one of the most fundamental rights in a democratic and civilised society.

Gateshead Council recognises the important contribution family and friends make in providing care for children who for a number of reasons cannot remain with their family of origin and supports the principle of placing children with family and friends carers as first choice, where it is safe to do so and is in the interests of the child's welfare.

If children and young people have to live apart from their family of origin, both they and their parents should be given adequate information to help them to consider alternatives and contribute to making of an informed choice about the appropriate forms of care. Parents should continue to play as full a part in their lives as possible so far as this is consistent with their welfare.

Intervention by the Local Authority against the will of the parent or child should be avoided where possible and when required should be the minimum needed to safeguard the welfare of the child. Parents and family and friends carers require information and support at different stages of the child's life. These needs may arise regardless of their legal status and not everyone's needs are the same; some need extra support during difficult or uncertain times in their own lives whilst others may need more intensive help

over a longer period of time. Children who live with family and friends need a range of services that support children and families according to their individual and changing needs.

Support to children living with family and friends carers is underpinned by the principles that a child's welfare is paramount, and respect should be given to individual, cultural, family and community diversity. Children and families should be active participants in services provided for them. Services will work in partnership with professionals, children, parents and extended family. Evidence based practice will be used to inform decision-making and practice intervention.

Gateshead Council is committed to anti discriminatory practice and will not discriminate against anyone on the basis of their age, disability (which includes mental health and people diagnosed as clinically obese), race, religion or belief, sex, sexual orientation, gender reassignment (people who are having or who have had a sex change, transvestites and transgender people), marriage and civil partnership.

Children may be cared for by members of their extended families, friends or other people who are connected with them for a wide range of reasons and in a variety of different arrangements:

- In informal arrangements with a relative
- In informal arrangements with friends or other family members which last for a period of less than 28 days.
- As a **Private Fostering** arrangement (see also **Private Fostering Procedure**).
- As a **Looked After** child placed with relatives approved as Foster Carers (see also **Placements with Connected Person Procedure**)
- Under a **Residence Order** or **Special Guardianship Order** (see also **Applications for Special Guardianship Orders Procedure**)
- In arrangements which may lead to an Adoption Order

Local Authority responsibilities will vary depending on the legal status of the child and the arrangement.

Whether or not a child who is cared for by a family and friends carer should be Looked After, or whether that child's needs should be met by providing support under Section 17 of the Children Act 1989, will be a matter to be decided by the Local Authority on a case by case basis.

## **2. Principles underlying the policy**

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Gateshead Council aims to improve outcomes for children and young people who are unable to live with their parents, and are cared for by immediate or extended family, friends or others who are known to them.

**Children who are unable to live with their parents and who are being brought up by people who know them, should receive support to safeguard and promote their welfare irrespective of their legal status.**

This policy sets out the range of arrangements that enable children and young people to be cared for by people they know, if they are unable to remain in the care of their parents.

The policy outlines the assessment, planning and decision making process as well as the support services, which may be available from the Local Authority (LA), partner agencies, such as health and housing, and voluntary agencies.

The policy is available to family, friends and connected persons who are caring, or wish to apply to care, for a child or children who are known to them and are unable to live with their parents. A connected person is a relative, friend or other person who is 'connected' with a child. This could include a person who is known to the child in a professional capacity, such as a childminder or teacher.

The policy should be read in conjunction with the Information Booklet for Family, Friend and Connected Person Carers, which is available on the website or as a hard copy.

All decisions made in relation to children will have their best interests as the paramount consideration. The primary aim of the LA is to ensure that children and young people are safeguarded and their welfare promoted so that they can achieve their full potential.

Children and young people will be encouraged to express their wishes and views about any decisions that will affect them. Their views will be taken into account and where they cannot be acted on, a clear and honest explanation will be given. Children and young people will be supported and assisted to become independent, to reach their full potential and play an active part in their community and society as a whole. Where a decision is made that a child or young person cannot safely return to the care of their birth parents the Local Authority will make plans for permanence in a time-scale appropriate to the child's needs.

Contact between children and young people and those important to them, including immediate and extended family, friends and community links, will be actively promoted as long as it is in the best interests of the child.

Family, friends or connected persons will be supported to enable them to care for a child to the best of their ability. Advice and information will be given regarding partner or voluntary agencies that can also provide the services and support required. Services to children and young people, family, friends and connected persons will respect their race, culture, language, disability, sexuality and faith.

Children and young people, family, friends and connected persons who are dissatisfied with the service or support they have received will be provided with information on the complaints procedure of the Local Authority.

### **3. Accountability**

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The Senior manager with overall responsibility for the family and friends policy is the Children and Families Director. Management information is provided to the senior management team and operational management team. This includes the number of children subject to Special Guardianship support arrangements, adoption support, the number of children in formal family and friends arrangements and data about private fostering arrangements.

### **4. Family Group Conferences**

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#### **A family group conference should be held:**

If a parent or other person with Parental Responsibility asks the LA to provide accommodation for a child, or When a decision is made to start Care Proceedings

If there are serious concerns regarding a child's safety or welfare the Local Authority may take immediate action to remove a child from their parents, or those who have parental responsibility. In such situations a family group conference should be held once the child is safeguarded.

Parental responsibility may be held by a child's parent or parents, or someone who has been given Parental Responsibility through an order made in court, for example, a Residence or Special Guardianship Order. (Definition: Parental responsibility means all the rights, responsibilities, duties and powers which a parent of a child has which enables them, by law, to make decisions about a child and their property).

A Family Group Conference is organised by a co-coordinator and will bring together all those who are involved with a child to discuss and plan for the child's future. The co-ordinator helps those attending to formulate a plan, within their own resources, to support the child and, where appropriate, their current carers. The plan is recorded and regularly reviewed.

## **5. Range of outcomes for children and young people who are not able to live with their birth parent(s)**

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### **5.1 Informal placement with a family member**

Birth parents or those with parental responsibility may ask a relative to care for their child, either temporarily, or on a more permanent basis. The legal definition of a relative is:

A grandparent, aunt or uncle, brother or sister (whether full blood or half blood or by marriage or civil partnership) or step-parent. If there are no concerns for the child's safety or welfare the LA will have no involvement in the arrangement, but relatives who need help or advice could request assistance and can contact the Local Authority for support under Section 17 of the Children Act 1989.

Following an assessment the Local Authority will determine what support is required. This depends on the needs of the child in placement and those who are caring for them. The child or young person does not become a Looked After Child because the Local Authority is not involved in making the placement.

### **5.2 Private fostering**

If a parent places a child with someone who is not closely related to him or her for more than 28 days, either continuously or over the course of a year, the placement becomes a private fostering arrangement. It is a legal requirement for either the parent, or the person having parental responsibility, and the person providing the care, to contact the Local Authority and inform them of the arrangement.

The financial arrangements for caring for the child are made between the parent and the person caring for the child, but the child and their carers have the right to be assessed for advice and support. This right is outlined in Section 17 of the Children Act 1989. Once a Local Authority is made aware of a private fostering arrangement there is a duty to make sure that the child is safe and that their needs are being met. A visit will be made to the placement to assess that it is satisfactory. Statutory checks, including Disclosure and Barring Service record checks, will be carried out on all adult members of the household. Contact will be made with the person who placed the child and regular reviews and visits will be carried out. If the Local Authority was involved in making the placement it is not private fostering.

The Local Authority following an assessment may form the view that the placement is not in the best interest of the child and in those circumstances the child will need to return to the person with parental responsibility and they, or the Local Authority if requested, will make other arrangements for the child.



### **5.3. Immediate or Emergency Placement by the Local Authority with a Connected Person**

A child who is placed by the Local Authority with a family member, friend or connected person, will be a Looked After Child. A Looked After Child is a child or young person up to age of 18 years who:

Birth parent(s), or anyone having Parental Responsibility, has asked the Local Authority to care for them on their behalf. The child is 'accommodated' under Section 20 of the Children Act 1989, or is subject to a Care Order, including an Interim Care Order, under Section 31 of the Children Act 1989.

A Looked After Child can only be cared for by an approved Foster Carer. If a family member, friend or connected person has been asked to care for a Looked After Child they will have to be assessed to become a Family and Friends Foster Carer. An immediate or emergency placement with a connected person can be made under Regulation 24 of the Case Planning, Placement and Case Review Regulations 2010. The Local Authority will ensure that family, friend and connected person carers, regardless of whether they have temporary or full approval, will be fully supported in the care of any child placed with them. This will include assistance in making and supervising contact between a child and other members of their immediate or extended family.

Carers with temporary approval will have access to support groups and relevant training and the Local Authority will facilitate access to professional support, for example the Looked After Children; Children and Adolescent Mental Health Service psychologist, if it is assessed to be appropriate to meet the child's needs.

### **5.4. Immediate Placement with a Local Authority Whilst a Connected Person is Identified or Assessed.**

In an emergency the Local Authority may place a Looked After Child in a foster placement whilst they make enquiries as to whether there are any relatives, friends or connected persons who could care for the child. This information can be gathered from the child's parents or through a family group conference.

If there is a relative, friend or connected person who is a potential carer the Local Authority may make a decision to undertake an assessment. This requires the family member, friend or connected person to work with the placing social worker to complete a report that considers their suitability to care for the child. If the outcome is positive the child may be placed immediately or a full assessment will be carried out by the Fostering Service whilst the child remains in an approved foster placement.

## **6. Placement of a Child or Young Person with a Connected Person**

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### **6.1. Criteria for Making a Regulation 24 Placement**

When an immediate or emergency placement is required it can only be considered under Regulation 24. Although the determining factor in the placement being made is that it is assessed as being in the child's best interests, the Local Authority must be satisfied that those who will be caring for the child will be able to prioritise and meet their needs, and will work in partnership. Therefore an assessment is carried out prior to the child being placed.

### **6.2 Pre-Placement Assessment (Schedule 4 report)**

The proposed carer(s) for the child have to be approved and an assessment is carried out using Schedule 4 of the Care Planning, Placement and Case Review Regulations 2010.

This schedule outlines the information and checks, including a local police check, required before a child can be placed. The Local Authority has a duty to safeguard and promote a child's welfare and before a decision can be made it is important to have as much information as possible about the carers and all those living in the household.

The assessment is carried out by the placing social worker in consultation with a worker from the fostering service. The assessment, which must be substantially completed before a child is placed, will determine if approval is given.

### **6.3. Approval of a Placement with a Connected Person**

The assessment is considered by the manager of the placing team in conjunction with the relevant the Service Manager. If they are in agreement, the potential carers will be granted approval as Foster Carers for 16 weeks only. Immediately the child is placed a further assessment will be carried out by a fostering social worker. If the assessment is not completed within 16 weeks, temporary approval can be extended for up to 8 weeks in line with the statutory guidance. Prior to an extension being considered the view of the Fostering Panel must be sought.

## **7. Responsibilities of the placing Social Worker**

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### **7.1. Notification of the Placement**

The child's social worker must notify all those involved with the child that the placement has been made and an initial Looked After Child review should be arranged to take place within 20 working days of the placement starting.

Prior to, or within 5 working days of making the placement a Placement Plan should be drawn up. The information to be recorded in the Placement Plan is specified in Schedule 2 of the 2010 Regulations. Carers need to have as much information as is available to support them in caring for the child.

## **7.2. Financial Support for the Placement**

Arrangements for financial support must be made by the placing social worker once the child is placed. Payments will be made in line with the age related fostering allowances for the 16 weeks of approval and, if a further extension of approval is granted, until such time as the carer receives full approval or the child is moved from the placement or alternative legal order is made.

If a carer requires additional initial finance to enable them to care for a child. The social worker will submit a request to the manager of the Fostering Team.

During the assessment and subsequent approval by the fostering panel the Carers skills, knowledge and experience will have been assessed and the Carers may be eligible for a Skill Level payment. They will be required to undertake training in order to receive a payment in addition to satisfying competence from their skills, knowledge and experience.

## **7.3. Visits to the Placement**

If a child is placed under Regulation 24 a visit must be made at least weekly, until such time as the first Looked After Child review is held. Following this, visits must take place not less than once every 4 weeks until the carer is granted full approval under Regulation 27 of the Fostering Services Regulations 2011, or the final hearing of the care proceedings has taken place.

## **8. Responsibilities of the Fostering Service**

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### **8.1 Assessment of Connected Person Following Temporary Approval**

The assessment will comprise of a series of interviews with all members of the household. Checks and references will be required, which will include contact with the Disclosure and Barring Service, friends, family and employers. Confirmation of income and housing status will also be required. The assessment is the same as is carried out for any prospective Foster Carer regardless of whether or not they are related to the child.

However, there is greater flexibility in the assessment of family and friends and connected persons in respect of certain issues, such as accommodation. Looked After Children are expected to have their own room but if the child is a family member or a relative of a friend it may be appropriate for the child to share a bedroom with the carer's own child. This arrangement would be considered as part of the Regulation 24 Assessment.

If a family member, friend or connected person is unable to take on the care of a child due to limited accommodation, the Local Authority will undertake to liaise on their behalf with relevant agencies.

## **8.2. Assessment of Prospective Family, Friend or Connected Person Where the Child is Not Placed Under Regulation 24**

A full assessment will be undertaken by the Fostering Service where a child will not be placed with the relative, friend or connected person. This does not fall under Regulation 24 or 27 arrangements.

Preparation Training Group is available to all those who are caring or wish to care for children known to them and this will provide greater understanding of the expectations of the LA and the support and advice carers can access.

All family and friends carers are considered on their ability to meet the individual needs of the child related or known to them. However, following approval, carers will be expected to meet the National Minimum Standards for Foster Care.

At any time during the assessment the Local Authority can make a decision not to proceed. A meeting will be held to explain why this decision has been made and applicants will be advised to seek independent legal advice.

## **8.3. Role of the Fostering Panel**

On completion of the assessment a report will be presented to the Fostering Panel by the assessing social worker. Temporarily approved carers and applicants will be given a copy of the report prior to the meeting. The recommendation of the assessing social worker will always be discussed with applicants or carers before the Panel. Reg 24 approved carers and applicants are encouraged to attend the Fostering Panel and may bring a friend or family member with them who will act as a supporter.

## **8.4. Role of the Decision Maker**

The Panel will make a recommendation for the Regulation 24 carer or applicants to be: Approved, or Not approved The Panel may also recommended that the case is deferred for further information. The Panel acts independently of the Fostering Service and can only make a recommendation.

This is forwarded to the decision maker. The decision maker must make a decision within 7 working days of receiving a final copy of the minutes and the Fostering Panel's recommendation. The decision will be verbally communicated to applicants within 2 working days and a letter confirming the decision will be sent out within a further 5 working days (Standard 14.9, Fostering Services, National Minimum Standards).

All applicants, including those who are currently caring for a child, can make a representation if they do not agree with the decision made by the decision maker. If the carers have been given time limited approval this will be extended until such time as the appeal process is completed.

Representation must be made within 28 days of receiving the decision letter, which will give details on how to appeal. Applicants may appeal through the Local

Authority's own appeals process or use the Independent Review Mechanism. This is an independent body, which will be convened to review all of the information presented to the original panel. Details on how to contact the Independent Review Mechanism (IRM) will be included in the letter from the Decision Maker.

## **8.5 Support After Approval**

Following approval a supervising social worker from the fostering team will be introduced to the carers. Details will be given on the frequency of supervision visits, and the support groups and training available. Visits will be made not less than once every 4 weeks, or more frequently if it is felt that the carer requires additional support. Following approval family and friends carers will continue to be paid an allowance in line with the Fostering Network recommendations and are eligible to apply for a Skill Level payment on the basis of their Skill Level and knowledge which will include training.

## **9. Responsibilities of Connected Person Carers**

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Regardless of the existing relationship between the carer and the child, carers are expected to sign a Foster Carer agreement, which confirms that they will:

- Care for the child as a member of the family.
- Agree not to use any physical punishment.
- Inform the Local Authority of any serious injuries, accidents or illnesses the child may experience.
- Inform the Local Authority if a child is missing.
- Maintain confidentiality.
- Advise the Local Authority of any change of circumstances affecting the child, the carers or any member of the family.
- Allow the Local Authority access to the child at any time.
- Allow the Local Authority to remove the child at any time

## **10. Support Services to Connected Person Carers**

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The Local Authority gives an undertaking that children in placement will have an allocated social worker and that all Foster Carers will have a named supervising social worker. Training, support and advice will be made available to facilitate carers in meeting the needs of the child placed with them. On approval carers will also be joined as members of Fostering Network. Carers and Looked After Children (LAC) also have access to the services such as education support and the LAC nurse and Children and Adolescent Mental Health Services.

## **11. Housing Accommodation**

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Housing Authorities and registered social landlords are engaged to ensure that their policies recognise the importance of the role performed by family and friends carers and that whenever possible, family and friends carers living in social housing are given appropriate priority to move to more suitable accommodation if this will prevent the need for a child to become Looked After. Gateshead Council's Lettings policy incorporates measures to ensure that preventative actions can be taken to avoid the need for a child to become "looked after".

### **The Lettings policy States:**

#### Safeguarding Children

Applicants who meet this criterion must be re-housed to prevent a child being taken into care or to ensure the safety of children under the terms of current legislation.

Assessments become appropriate when a placement or a child's welfare is at risk and is not covered by the lettings policy. An example of such a situation may be where a child cannot be discharged from Local Authority care due to the fact that their guardian/parent does not have a home for them to go to. In this case, their specific housing needs would not be covered within the general lettings policy, therefore Critical Need status would be granted under the "Safeguarding Children" category. In all cases there will be a recommendation from the appropriate body within the Council.

The above is intended to give priority for housing where children are at risk for reasons such as family breakdown, child abuse etc. It is anticipated that these cases will be within the remit of the "Child Protection Criteria."

When such a case emerges the issue must be highlighted to the caseworker dealing with the application for housing.

## **12. Supporting Contact with Parents/Family**

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Where a child is Looked After, Gateshead council is required to promote contact between the child and his or her family 'unless it is not practicable or consistent with the child's welfare'. The overall objective of the contact arrangements will be included in the child's Care Plan and the specific arrangements will be set out in the child's Placement Plan. It may be identified that specific assistance is required to ensure that any such contact can be managed safely.

## **13. Long Term Options**

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### **13.1 Residence Order**

A Residence Order (RO) determines where a child will live and a report has to be completed and presented to court. This should incorporate the views of all those involved, including the child. Carers cannot apply for a Residence Order until the child has been resident for a year. The Local Authority or the parent of the child does not have to be in agreement with an application for a Residence Order for it to be made.

The order lasts until a child reaches 18 and the carer may receive child benefit and child tax credit. The Local Authority can agree to the payment of a Residence Order allowance but this is discretionary, means tested and subject to annual review.

The parent or those who had parental responsibility for the child prior to them being looked after, retains parental responsibility but the carer is able to make day to day decisions.

### **13.2 Special Guardianship Order**

A Special Guardianship Order (SGO) can be applied for, with or without the support of the LA or the parent of a child, after the child has been resident for a year. A report is completed by the Local Authority and presented to the court. Although parental responsibility continues to be shared by the carers and the child's parents the carers are able to make a final decision. The order lasts until a child is 18 unless it is varied or discharged prior to that age. A parent must obtain leave of the court to apply for a SGO to be revoked.

As part of the report submitted to court the Local Authority must outline the support plan for the child and the carers, both now and in the future. This may include financial assistance, which can be paid either as a one off payment or as regular payment. Any allowance is means tested and reviewed annually. The carers may be eligible to apply for child benefit and child tax credit.

The Local Authority has discretion to provide services or support to the child or the family and, if the child was a looked after child prior to the making of an SGO, they may be entitled to leaving care services and support.

### **13.3 Adoption**

Approved Foster Carers, including connected persons carers, can apply to adopt if a child has been resident for a year.

Adoption transfers all of the parent's parental responsibilities to the adoptive parents. The Local Authority, acting as an adoption agency, assesses and approves potential adopters and the court makes the order. If the child is a looked after child the carers must give the LA notice that they intend to apply for adoption.

Until such time as an adoption order is made, the Local Authority will continue to supervise the placement of the child with the carers. Once the order is made the Local Authority withdraws, unless their on-going involvement is part of the support plan drawn up at the time the report was presented to court. Adoptive parents have an entitlement to be assessed for support and services and may receive either a one off payment or a regular allowance, which is means tested and reviewed annually. Adoptive parents can claim child benefit and child tax credit.

## **14. Complaints/Compliments**

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Gateshead Council fostering service has a clear complaints, compliments and comments policy. Formal complaints are dealt with through the complaints and representation procedure. These are monitored centrally and all complaints received should be responded to within 20 working days of receipt and recommendations are shared with senior managers.

Please look on the council website [www.gateshead.gov.uk](http://www.gateshead.gov.uk).