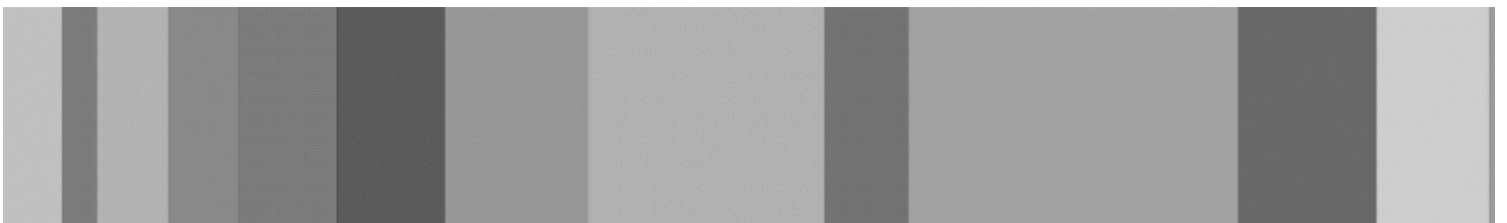


# **Bolton Council**

Children Services  
Staying Safe

Policy Procedural Document

## **Family and Friends Care Policy**



## FAMILY AND FRIENDS CARE

### 1. Values and Principles

The following values and principles underpin our policy for family and friends care.

- Children are enabled to live within their families unless this is not consistent with their welfare
- Support provided to children placed with family and friends carers should be based on and tailored to the needs of the child, rather than their legal status
- Support should be provided to family and friends carers to ensure that children do not become, or remain longer than is needed in the care of the Local Authority
- Permanence should be sought for all children to facilitate emotional, physical and legal security and also to give a child continuity, commitment and identity
- Children's wishes and feelings should be taken into account fully in all processes including assessments, planning and decisions

### 2. Legal Framework

2.1. Family and friends carers are identified as "connected persons" Section 105, Children's Act 1989 as amended by Section 75 of the Civil Partnership Act 2004. This defines relatives and friends or other people connected with the child where there is a pre-existing relationship.

Relative means grandparent, brother, sister, uncle or aunt by full blood, half blood or by marriage or civil partnership (or a step parent).

2.2. Informal family care of the child by a relative.

The child is not a looked after child.

Parental responsibility remains with birth parents but the relative who cares for the child may do what is reasonable to safeguard or promote the child's welfare. There is no entitlement to support services but the Local Authority

can assess the child to identify need and provide services and support based on assessed need under Section 17 of the Children Act 1989.

### 2.3. Care of a child by a person(s) who is not a relative. Private fostering.

This is a private arrangement where the child is being cared for a period of 28 days or longer by a person(s) who is not a close relative. The child is not a looked after child.

The carer arrangements are assessed by the Local Authority and monitored.

The relevant legislation is set out in Part 9 of and Schedule 8 to, the Children's Act 1989. This was further strengthened by measures in Section 44 of the Children Act 2004. Please refer to the PPD "Private Fostering Information for Workers, November 2010".

Parental responsibility remains with the birth parents.

### 2.4. Family and Friends foster carers

The child must be a looked after child, this would normally be an Interim Care Order or a Care Order following Care Proceedings. In exceptional circumstances the child may be accommodated voluntarily under Section 20, Children's Act 1989.

The family and friends foster carers must be approved in accordance with Fostering Services Regulations. When an emergency placement is made the carers must be approved under Regulation 24 of the Care Planning Regulations 2010.

The Local Authority have parental responsibility when the child is subject to an Interim Care Order or a Care Order.

### 2.5. Residence Orders

The child may be at risk of becoming looked after and a friend or relative applies for an Order or the child may have been looked after and the family and friends carer applies for an Order.

A Residence Order states who a child should live with. A Residence Order normally expires when the young person reaches the age of 16. Residence Orders are made by the Court under Section 8, Children's Act 1989.

Parental responsibility is shared by the holder of the Residence Order and the parents.

## 2.6. Special Guardianship Orders

Special Guardianship gives the carer clear responsibility for all aspects of caring for the child and taking decisions to do with their upbringing.

The Adoption and Children's Acts 2002 provides the legal framework for special guardianship under the Children's Act 1989.

The Special Guardianship Regulations 2005 were implemented in December 2005.

This legislation is supported by the "Special Guardianship Guidance" produced by the Department of Education and Skills.

Please refer to the PPD entitled "Special Guardianship Orders" for more detailed information.

Parental responsibility is shared with the parents, although the special guardian only has to consult with them about decisions to do with the child's upbringing in exceptional circumstances.

## 2.7. Adoption

An approved foster carer can apply for an Adoption Order after a year of caring for the child.

Other informal carers could apply for an Adoption Order if the child has lived with them for a period of three years.

Adoption gives the carers full legal and parental responsibility for a child, a commitment for life.

The Adoption and Children Act 2002 Regulations outlines the legal framework for adoption.

### **3. Services and Support**

Family and friends carers should be able to access full information about services and support which will assist them in their caring role, particularly when they have taken on the care of a child in an emergency.

They may be less aware of local services and children and young people than others who are bringing up children, particularly if they have not had children or are of a different generation to most parents.

In Bolton these services can be accessed through the Family Information Service via local libraries.

### **4. Financial Support**

4.1. Parents retain their responsibility to provide for the maintenance of their children placed with informal family and friends carers and should agree with the carers the financial support they will provide for the child.

4.2. However it is recognised the carers may experience financial difficulties as a result of taking on the care of a child or children, particularly in an emergency. Also if the child's parents are on benefits or unwilling to provide financial support, the carers can apply for benefits.

4.3. Carers will need to be aware of their entitlement to any state benefits and allowances, such as Child Benefit and Child Tax Credit and also whether they are able to apply for any discretionary financial support.

Bolton residents have access to a free Welfare Rights service provided by the council. This service is based in the Town Hall in Victoria Square, Bolton, tel no: 01204 333820 and is open between 8.30 – 17.30 Monday to Friday.

For an overview of benefits information, visit Money, Tax and Benefits at Directgov.

Additionally advice can be provided by the Citizen's Advice Bureau.

Also, for details of other providers an advisor can be accessed using the Community Legal Advice website "links section on right" or by telephoning directly 0845 345 4345.

#### 4.4. Children in Need and Section 17, Children Act 1989.

This imposes a general duty on the Local Authority to safeguard and promote the welfare of children within their area who are in need. Also in so far as is consistent with that duty to promote the upbringing of such children by their families, in particular by providing a range and level of services appropriate to those children's needs. These are generally referred to as family support services.

In undertaking an assessment to see whether a child is in need of support services under Section 17, social workers must ensure firstly that families are accessing the full range of support services and benefits they are entitled to.

Section 17 provides that family support services via the local authority may include giving assistance in kind and may include giving financial assistance.

Section 17 has been amended by the 2008, Children and Young Person Act in order to remove the restriction on the Local Authority to provide financial assistance only "in exceptional circumstances".

A local authority may now provide financial support on a regular basis under Section 17.

In undertaking an assessment of the need for financial support full details need to be taken of the family's income and outgoings. As mentioned earlier, access to benefits the family are entitled to must be ensured.

Financial support can usually be provided in one off payments for essential equipment for the family or immediate assistance whilst the family wait for benefits to be secured. In such circumstances the family should be required to repay this funding when the benefits have come through and been backdated.

Regular financial payments can be considered in circumstances where it is felt necessary to prevent a child becoming looked after.

Regular financial payments should only be made in relation to specific, defined, ongoing need, after a full assessment. The payments can be tailored to fit each individual situation. There should always be a defined time limit for the need for the payments and regular reviews. It is important that the need for this provision is fully considered so that access to financial support is never a reason for a child becoming looked after.

## 5. Supporting Contact

For children who are not living with their parents, contact with them and their immediate family is generally a positive experience, and also helps them to maintain a sense of identity and belonging.

However managing contact can be a source of conflict and anxiety for some family and friends carers. It can place emotional and practical strains on families.

Families should be referred to family mediation services so that the issues creating contact difficulties can be worked through and resolved.

When there are safeguarding concerns there may be a need for involvement of Children's Social Care to ensure the contact arrangements are safe.

## 6. Family Group Conferences

When difficulties arise the families may need support to help them identify resources available to them with a potential to enable children to remain within the extended family.

Family Group Conferences are an effective way of engaging the support of either family or friends at an early stage when there are concerns about a child who may not be able to live with their parents.

A Family Group Conference should be considered at an early stage. The requirements of the Public Law Outline (PLO) state that a family group conference must be considered prior to the initiation of Care Proceedings.

If a child becomes looked after following an emergency or crisis without a family group conference this should be considered as soon as possible.

In Bolton family group conferences are provided through Barnardos and referrals are taken through the family support centres.

## **7. Family and Friends Foster Carers**

There is a "Statement of Purpose for the Fostering Service" which is a Policy and Procedural Document endorsed by the Council. This sets out the aims and objectives of the Fostering Service and this is applicable to family and friends foster carers. It also sets out in detail the composition of the Fostering Service and the range of services including financial support that are available to foster carers including family and friends foster carers.

There is a tailored specific workbook for family and friends foster carers produced by the Children's Workforce Development Council (CWDC). All approved family and friends foster carers will be required to undertake this training.

Within the wider Fostering Service there is a small specialist team specifically for family and friends foster carers, this comprises of a half time Team Manager and the equivalent of four Social Worker posts, full time. This team has expanded in recognition of needs of family and friends foster carers and the new Regulations, Minimum Standards and Guidance.

There is a PPD entitled "Family/Friends Foster Carers" which outlines in detail the arrangements for assessment, approval and ongoing support of family and friends foster carers.



## 8. Permanence

Please refer to PPD on Permanence.

It is the policy of the department to promote the best form of permanence for all children, whether this be with their own family or through adoption , special guardianship, residence orders or long term fostering.

The Department's library of PPDs provides detailed guidance in all these areas.

In principle it is believed that children develop and reach maximum outcomes better when they have the optimum, most secure and appropriate permanent family relationship,

Children's Services staff are available to offer advice on how to achieve the best form of permanence for a child, or to signpost a carer to where this can be provided.

## 9. Complaints

The Fostering Service Statement of Purpose referred to earlier provides detailed guidance on how family and friends foster carers can complain if they are unhappy with the service.

Children's Services also has a customer relations officer Angela Lohan who can be contacted on 01204 332007 [angela.lohan@bolton.gov.uk](mailto:angela.lohan@bolton.gov.uk). Carers may contact her if they have concerns in relation to how Children's Services have exercised any of their social care functions.

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