

Connected Carers (Family and Friends) Policy

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1. Introduction

1.1 Background

Our ambition is to be the best city for children and young people to grow up in. This is a crucial element of the Together for Children's (TfC) work to become the best city in the UK by 2030. There are 62,000 children and young people in Sunderland, and we want to improve outcomes for all of them. The council cannot deliver this ambition alone – we need the whole city to take part, and we are building a city-wide effort to put children and young people at the heart of our thinking, planning and action.

A child friendly Sunderland is the thread that brings together all the work we do to create better outcomes for all children and young people in our city.

TfC recognises the major contribution of connected carers as a permanent placement option for children who cannot live with their parents. Children may be brought up by members of their extended families, friends or other people who are connected with them for a variety of reasons and in a range of different arrangements.

Despite the often difficult circumstances of the carers, research shows outcomes are positive for most children living in family and friends care, and considerably better than for children in unrelated foster care. A major study published, by Buttle UK and the University of Bristol in 2013 (*The Poor Relations: Children and Informal Kinship Carers Speak Out*), shows that kinship arrangements provide stability for the children and the children have strong attachments to their carers and have good levels of academic attainment, particularly when compared to children in the formal care system. Nonetheless, over a third of the children have severe behavioural and emotional difficulties as a result of their experiences of abuse and neglect when living with their parents.

TfC acknowledges the personal cost and sacrifice that many kinship families make in order to care for their children, often having to change their life style and plans for the future. This policy sets out how Sunderland City Council will help kinship carers, in collaboration with its local partners to give all children and young people the best possible family experience whatever the child's legal status, needs and circumstances.

The Connected Carers policy was published following consultation with our partner agencies and also with local support groups in the community and national support groups, including the Grandparents Association, Grandparents Plus and the Family Rights Group.

We will review this policy every two years.

1.2 Our values and principles

The key principle of the Children Act 1989 is that children should be enabled to live within their families unless this is not consistent with their welfare.

Support for kinship arrangements in Sunderland is based on the needs of the child rather than the child's legal status. TfC recognises that kinship care is a permanence option for children and young people, as it provides high levels of stability for large numbers of children.

We will take into account children's wishes and feelings in all relevant processes and we will seek the views of family and friends carers when designing services to support kinship carers

1.3 How children come to be cared for by people who are not their parents

There are a number of ways in which children can live with people other than their parents and there are many different reasons why a child may be raised by a kinship carer, e.g. parental death, imprisonment, mental illness, substance misuse and separation of parents.

The majority of connected carers are relatives of the child as defined by section 105 of the Children Act 1989 or have acquired parental responsibility for the child through a court order and there is no requirement to notify the local authority of the arrangement. (The definition of “relative”, in relation to a child, means a grandparent, brother, sister, uncle or aunt (whether of the full blood or half blood or [by marriage or civil partnership]) or step- parent.”)

Many of these arrangements remain entirely private without the need for the involvement of TfC, although where support is needed connected carers are encouraged to get in touch with Children’s Services where help and advice is available. [Family Information Service](#) tel: 0191 5205555

1.4 Status of children living with connected carers

Children have the following status when living with connected (family and friends) carers:

- A child who is not ‘looked after’
- As a private fostered child (private fostering) (see section 3.7)
- As a “looked after” child (this includes those children in care or who are accommodated under s20 Children Act 1989.)

Where the child is ‘looked after’ by relatives or friends, we will refer to the carers as connected foster carers (when the carers have been assessed and approved as Local Authority foster carers).

2. Policy

This Policy promotes permanence for children and young people by seeking to enable those who cannot live with their parents to remain with members of their extended family or friends. For most looked after children, permanence is achieved through a successful return to their birth family, where this is not possible family and friends care can provide an alternative route to permanence for the child. The Policy also focuses on narrowing the gap in outcomes between children from disadvantaged backgrounds and their peers and sets out TfC’s approach in collaboration with its Local Partners towards promoting and supporting the needs of children living with Family and Friends Carers.

TfC believes that children and families should receive good quality services which meet their needs and by working effectively together with Local Partners and Specialist Services it will ensure there is a comprehensive approach to early intervention. This will allow family and friends to provide the appropriate care for children and young people who cannot live with their parents and have access to a range of high quality support services at universal, targeted and specialist levels.

We will strive to ensure that services are based on the needs of the child and are not allocated solely on the basis of a child’s legal status and that services will not be withheld merely because the child is living with a carer under an informal arrangement rather than in a placement with a Foster Carer or with a person with a Child Arrangements Order, Special Guardianship Order or an Adoption Order.

In drawing up this Policy we have consulted with children, young people, Family and Friends Carers and other Agencies. This Policy should help Family and Friends Carers to understand the type of arrangements that exist, the types of services available and where to go for further information. It will be regularly reviewed and be made freely and widely available.

2.1 Evidence Based

In order to draw up the Family and Friends Care Policy, key messages from research were identified and consultation was carried out with children and young people, Family and Friends Carers, parents and Partner

Agencies.

TfC will continue to meet and consult with children and Family and Friend's Carers to ensure that we listen to their views and work with them to collate evidence of what works in supporting Family and Friends Carers to meet children's needs. This will also allow additional support for carers to be identified. The evidence collated will underpin a Family and Friends Care action plan which TfC and Partner Agencies will work towards to improve communication, services and support for Family and Friends Carers and the children they care for.

2.2 Management

The Senior Manager for Looked After Children has the overall responsibility for the Family and Friends Care Policy and will ensure that:

- The Policy will continue to meet the statutory requirements of TfC;
- The Policy will be responsive to the needs of children and carers by regularly reviewing the Policy and providing on-going forums for consultation to allow for the provision of informed and up to date information;
- The Policy will be understood by all Local Authority staff and that they operate within its framework so that it is applied in a consistent and fair manner across TfC;
- Local Partners are aware of their responsibilities towards children living in family and friends care and are proactive in meeting those needs
- The Policy is publicised sufficiently to ensure that anyone who may be considering becoming a Family and Friends Carer are aware how to contact TfC and other Agencies for further information about relevant services;
- Staff receive the appropriate training to help them understand their obligations, powers and responsibilities and are aware of the issues which connected carers may face.

3. Our approach

3.1 Early help

The majority of connected arrangements work well and meet the needs of the child with the support of universal agencies such as health and education and housing services. It is important, however, that any difficulties are responded to early. Families may need advice and assistance during the early stages of considering whether to care for a relative or a friend's child, in order to weigh up the options and to consider what support services they might require. This advice can be obtained from a variety of sources, including the Sunderland Grandparents' Association helpline; Family Rights Group; Grandparents Plus. Contact details are provided at the end of this policy.

Partner agencies such as Health, Education and Housing have a key role to play in identifying and supporting children who are living with family and friends carers. Services need to be aware of and sensitive to the needs of these children and their families and give priority to access services wherever possible.

To enable family and friends to offer appropriate care for children and young people who cannot live with their parents, access to a range of high quality universal and targeted services may be needed. Support services should not be withheld because a child living with a connected carer is not a looked after child.

There are also a wide range of resources available to support children in the local area, including Children's centres, early year's provision, day care and out of school services, schools and colleges, health services, leisure facilities and youth support services. Connected carers are encouraged to access all the universal services available both locally and nationally. Details are provided in the list of local and national organisations at the end of this policy.

Early help, underpinned by an Early Help assessment (including CAF, Common assessment Framework) may help prevent difficulties increasing to the point where specialist services are required. Early help may be provided through an increase in the levels of universal services, or services provided or commissioned in clusters; this includes family support provided by schools, the local authority and third sector services. Contact details are provided at the end of this policy

We use a range of conversation opportunities to identify appropriate support for the child and the carer. When it is felt that the child's needs cannot be met through early help, practitioners contact the
Tel: Integrated Contact and Referral Team 0191 561 1007

TfC recognises that support may be required at different stages of the child's life, for example, during the transition to secondary school

Where a child is assessed as 'being in need'; support may be provided under section 17 of the Children Act 1989.

This may include practical, emotional and financial support

- a) s/he is unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision for her/him of services by a local authority
- b) her/his health or development is likely to be significantly impaired, or further impaired, without the provision for him of such services; or
- c) s/he is disabled

3.2 Family Group Conferences

Where there are support needs or concerns about children's welfare and those at risk of harm, TfC will always look within the connected network for a short-term and / or permanent solution for the child and will offer the family a Family Group Conference to help achieve this. Family Group Conferences are meetings with family members, which aim to achieve the best outcomes for children.

The Family Group Conference (FGC) is arranged by someone who is independent of the case. They visit the child, their parents, and members of the child's wider family in preparation of the FGC. The child should be offered support to help them participate in the meeting.

FGCs are intended as a respectful and empowering process in which parents, children and members of the wider family are given clear information about the agency's concerns and are asked to produce a plan that addresses those concerns and answers specific queries. This plan may involve extended family members supporting the child and parents but it may also involve the child living with a connected carer. The family will be made aware of the support services that are available to them.

Where the plan meets the needs to safeguard the child, the Local Authority will agree the plan. This plan can be reviewed at the request of the family or by Sunderland Children's Safeguarding Service.

Family Group Conference referrals in Sunderland are only taken from Children's Social Care. However, families can indicate to social workers that they would like to be referred for a Family Group Conference.

3.3 Housing

TfC is committed to ensuring that no child should become looked after because of inadequate housing.

Housing services provided by the Council and its partners can make an important contribution to promoting connected care arrangements by assisting carers to secure suitable housing. The Council's Access to Housing Team is responsible for carrying out homelessness assessments and based on these assessments awarding priority need where appropriate. The Council's Housing and Neighbourhood Renewal Team are responsible for the regulation and lead partnership with the private rented sector.

The Council transferred its social housing stock in 2001, therefore has no social housing stock. The Council has "nominations' agreements" with registered housing providers in the city, which enables the Council to nominate those with a priority need to housing providers. The Council also has excellent relationships with private landlords, which enables it to meet housing need for those with priority needs.

Through its Allocations' Policy the Council is obliged to ensure there is "reasonable preference" for those in the highest need, e.g., homelessness, medical, overcrowding, insanitary housing and hardship. The Council is undertaking a review of its Allocation Policy and will be considering additional reasonable preference categories as part of the review.

The Sunderland Home Improvement Agency (HIA) is responsible for carrying out disabled adaptations across all tenures. Working with Occupational Therapy the HIA assesses whether adaptations are required and provides advice to families about the options available to them. Again the provision of housing adaptations will be an option to promote the capacity of the connected carers to care for disabled children.

The Council works very closely with its registered housing provider partners to ensure that the impacts of Welfare Reform in respect the spare bedroom subsidy are mitigated, particularly through the use of Discretionary Housing Payments. Assistance with accommodation costs can be also provided where families are eligible for Section 17 support.

3.4 Education

TfC recognises the importance of continuity of education for children and young people. Advice and guidance on educational matters for children cared for by family and friends will be provided, by directing carers to the most appropriate helplines or services.

Young people aged 16 -19 in connected placements may be entitled to the Government funded bursary scheme. For more information contact:

www.gov.uk/1619-bursary-fund.

Priority schools admissions are available for those children who were in Local Authority care but who are now placed with their family under a Child Arrangements Order, Special Guardianship Order or Adoption Order. This is under [Schools Admission Code 2012](#)

3.5 Support Groups

Family and Friends Carers may sometimes feel isolated when they take on this role, particularly when they are dealing with the complex needs of vulnerable children for which they had not planned. Getting together with others in a similar position can often be an invaluable source of support in itself. Support Groups are a valuable way of helping carers to access information about services which will help them to care for the children, as well as ensuring that they are treated with understanding and respect and receive emotional support. Therefore, TfC will continue to work with its Partner Agencies and the Voluntary and Faith Sectors to find ways to encourage peer support and access to Support Groups. There are currently Support Groups for Grandparents and Foster Carers and we are seeking to look at feasibility of a group for Special Guardians.

4. Arrangements for children living with connected carers who are **not** 'looked after'

4.1 About these arrangements

When families have difficulties and the child cannot at that time live at home with their parents, an arrangement may be made with a member of the family or a friend for them to live with them for a short period of time or longer term.

The arrangement can be made directly between the parents and the connected carer or a social worker may also be involved because the child is a child in need or at risk of harm. Where the social worker plays a major role in making the arrangement and/or stipulates what may or may not happen to the child whilst in the arrangement, (e.g. supervised contact with the child's parents) the child is likely to be considered a "looked after child".

Parental responsibility will generally remain with the birth parents but with day to day parenting tasks and decisions delegated to the carers. On the whole, these arrangements work well and will rarely come to the attention of the council although there may be a need for some advice and support during the placement.

Children cared for under the following arrangements are **not** looked after children. The arrangements may be made under the following circumstances:

- Children living with close relatives (as defined by Children Act 1989; see also Appendix 1) as agreed by parents at the parents' own initiative

- Children living under a child arrangements order or special guardianship order made in favour of a family and friends carer
- Children living with close relatives as agreed by parents and with the support of the council, the arrangement may have been identified as part of a Family Group Conference
- Young people aged 16+ who are living with a relative or family friend of their own volition
- Children and young people living with friends or non-close relatives as agreed by parents for a period of less than 28 days
- Parents have made an arrangement with friends or non-close relatives for over 28 days under Private Fostering Regulations 2005. (NB: in such cases the Local Authority has a role to play in safeguarding these placements under the Private Fostering Regulations 2005. See section below about Private Fostering.) It is the responsibility of the Parents and the carer to inform the Local Authority of the arrangements they have made for their child.

4.2 Arrangements made without the involvement of the local authority

Where connected carers have stepped in to protect and care for the child without the involvement of the Local Authority, parental responsibility remains with the parents but day-to-day parenting tasks and decisions are delegated to the connected carers. It is good practice for an agreement to be drawn up between the carer and the parents, so that everyone knows the arrangements for the care and protection of the child.

The carer may do what is reasonable to safeguard and promote the child's welfare (s.3 (5) Children Act 1989) but should be supported to refer back to the parent or other person with parental responsibility about significant decisions. It is acknowledged that many of these arrangements will be temporary and short term but, if the arrangement continues, plans need to be made to secure permanence for the child.

Some arrangements may have been formalised by the court and in these cases the parental responsibility, delegated to the carers is much more clearly prescribed. Advice about legal options available to carers can be provided from.

Children's Social Care as well as the local Grandparents Association helpline Carer; Family Rights Group and local child care solicitors.

In these arrangements, connected carers may require support services and can request advice about what is available in their local areas or clusters. There are four locality teams in the City, providing a range of universal and targeted services including Children's centres, youth services and child and family support.

The CAF and Children's Centre lead in each area can provide information on the services available and advice on how to access services.

The Contact for these teams is through the Strengthening Families Team on Tel: 0191 5614084 email: ecaf@sunderland.gov.uk

4.3 Request for services

Families requiring support will be assisted and signposted by workers to appropriate services that will help them care for the child, including access to any state benefits they may be entitled to. Support and access to services

will be based on the needs of the child rather than their legal status, in order to ensure that family and friends carers are provided with support they need.

TfC will provide advice and guidance to carers requesting information about connected care and will signpost carers to appropriate organisations. These may include voluntary organisations, health and education services and welfare benefit services as well as independent legal advice, e.g. from Family Rights Group or Grandparents' Plus.

Where there is a request for services to the Children's Safeguarding Services, children who are not looked after and living with connected carers will be treated as potential 'children in need' and entitled to an assessment for support services.

The assessment will determine if the child is in need and a plan will agree practical and any other support needed, including emotional support; access to psychological services or financial support and the role and responsibilities of the child's parents.

Where, in the child's best interests, an arrangement by the parents is facilitated by the council, but the council did not play a major role in making the arrangement or stipulating what can happen to the child whilst in that arrangement, the child is likely to be subject to a child in need plan or, where there are serious safeguarding concerns, a child protection plan. This will ensure the coordinated provision of a range of support to meet the child's needs, and ensure the arrangements are in the best interests of the child, and that the child's need for permanence is being met in the current arrangement.

Following assessment, TfC may also provide financial support under Section 17 of the Children Act to support a child to live with connected carers, to promote their best interests and prevent the child becoming looked after. Advice about entitlement to universal benefits will be provided.

In all cases, it is essential that the parents and the connected carers have a clear understanding of the status of the arrangements and are able to make informed decisions, with the opportunity to access independent advice and advocacy.

4.4 Arrangements made where there has been involvement of the local authority

The Council has a duty to safeguard and promote the welfare of children who are 'in need' and to consider how such children can live with their families and friends before considering any action that may result in them becoming 'looked after'

Where TfC are supporting a child in need and it is clear that they cannot continue to live with their parents, either on a short term or long term basis, then we will broker or assist the family in discussing their care by a close family member or connected person.

In most cases this assistance will involve support in making decisions about whether or not legal orders are required and whether on-going financial support and social work support is available and how it can be accessed. This could include offering the family a Family Group Conference (for details see below). This type of assistance will be provided under section 17 of the Children Act 1989 and so does not constitute a placement by TfC.

In some circumstances TfC will play a major role in facilitating and supporting the arrangement. This may happen when there is concern that the child may be at risk of significant harm and if an arrangement is not made to care for the child by a close family member or connected person and not return to the care of their parents, then the child would become looked after by the local authority. The basis of support being offered by TfC will always be clarified in writing to the parent and the proposed connected carer.

Where there is are serious child protection concerns or a possibility of the child becoming looked after, the family will be offered the opportunity of a Family Group Conference (FGC) to ensure the best arrangements are made to secure the child's welfare. The FGC will assist families in making support plans for children and potential connected carers will be provided with advice and information to help them care for the child.

It is essential that everyone has a clear understanding of the status of the arrangements, is in agreement and that this is recorded in writing with a copy given to parents and carers.

The suitability of the arrangements to meet the child's needs and the range of support, including any financial support to meet the child's needs, will be reviewed via TfC's Child in Need or Child Protection review procedures.

If the assessment is that the child may need to remain with the carers, even if the parents don't agree or the child's contact with parents needs to be supervised, legal advice for all parties may be appropriate to assist with the decision.

4.5 Support for connected carers

Our aim is to ensure that connected carers receive the support they need to meet the needs of the children they are caring for.

4.5.1 Contact

Children benefit from having contact with their parents unless there are specific reasons why this would not be safe or in the child's interest. In some cases, older children will want to make their own decisions about keeping in contact with their parents.

Contact arrangements must meet the needs of the child rather than just be for the benefit of the parent. It is acknowledged that management of contact can be a source of considerable anxiety and sometimes conflict for connected carers. Advice and support may be needed to manage contact and TfC will undertake to provide this advice or signpost the carer to another organisation / helpline who may be able to provide more specialist advice.

Local mediation services can help parties to communicate better and resolve disputes taking account of the child's wishes in a supported environment and organisations like The Grandparents' Association may be able to help with such issues. Similarly if the courts are involved with the children, the CAFCASS officer may assist you in drawing up safe contact arrangements for you and your family. If necessary Contact Orders, (now called Child Arrangements Orders) can be made in the courts which spell out the arrangements by making a legal order about contact, although there is an expectation that families have tried mediation first.

Legal aid may be available for mediation in such circumstances if carers and parents meet the criteria.

4.5.2 Financial responsibility and benefit entitlement

Parents can elect to make arrangements for their children to live with close relatives for as long as they choose or with friends for a limited period (under 28 days for non-close relatives), without the involvement of TfC.

The responsibility for funding these private arrangements rests with the parent(s) and or others with parental responsibility. Parents will always be expected to make appropriate financial arrangements with the carer to enable them to care for the child.

Arrangements can be made for the carer to claim Child Benefit or any universally available benefits for children payable by contacting the Child Benefit Centre. Only the person caring for a child is entitled to claim Child Benefit. Other benefits may be claimed.

4.5.3 Financial support

In some situations, if a child's needs cannot be met by a family member or friend without additional financial support, Section 17 (children Act 1989) support can be provided where the child is assessed as being in need.

In all cases, the carers will be expected to access universal benefits in the first instance as the Local Authority cannot duplicate state benefits. Before considering taking on a commitment to a child, carers can access information from the Local Authority about the level of support, including any financial assistance, that they may be offered. This will include how finances have been or will be calculated and how long this support will last on a case by case basis from the team involved. Advice, information and assistance on how to claim Welfare Benefits can be sought from the Sunderland Welfare Rights Service; Tel 0191 5205551
Email homeandmoney@sunderland.gov.uk

It is an expectation that any connected Carer will access universally available financial and practical support in advance of approaching the local authority for financial assistance:

- Child Benefit
- Child Tax credits (or Universal benefit when this applies)
- Welfare benefits (or Universal benefit when this applies)
- Support available via Welfare Reform

Carers for example, who would have to give up their job to care for the child(ren) will then be able to make an informed choice about whether the placement is feasible for them to enter into.

Any payments made by TfC will be monitored and reviewed regularly to ensure that they are still required.

Time limited payments may assist carers at any stage of the child's life. Examples of time limited financial support might be a contribution towards nursery care fees where the carer is working and the child is not of school age or where the carer needs to manage a change or interruption to their work commitments or to respond to the child's needs.

Basic equipment may be required, e.g. bed, bedding, clothing where the carer does not have essential equipment in the family home and cannot access these from other sources or it is required immediately for the child to be able to live with carer.

Where longer term support is required to maintain the child in the connected placement including those on a Special Guardianship Order, Child Arrangements Order and Adoption Order, TfC has the discretion to, subject to a Child and Family Assessment and a financial means test to pay an allowance to carers.

Those carers who may only be in receipt of welfare benefits payments for children, or who are on very limited incomes, may be able to receive a top-up payment for the child up to the age-related fostering allowance. This top-up will usually only be payable for a maximum of two years. These payments are to cover costs, for example, during the transitional period and to assist the carer in realigning their financial commitments. This would need to be agreed by a Head of Service within Children's Social Care. Any payments will be reviewed on a regular basis via the Child in Need plan or equivalent.

The relevant start date of the payments would be the date that TfC assessed that this was a child in need and the arrangement has commenced where the child is living with the connected carer.

The following criteria will be applied to all such payments:

- The purpose of the payments must be to safeguard and promote the welfare of the child and to assist the carer in meeting the basic needs of the child
- As part of the Child in Need assessment, a view should be taken as to whether the carers need financial support based on their reasonable requirements in taking on the care of the child
- There are no other legitimate sources of finance. Benefits advice should be sought immediately if carers are struggling with the costs of caring for the children. Where children are not looked after by the Local Authority, carers can access child benefit and child tax credits and other universally available benefits
- Payments will be paid to the carer, not the parents
- The payment would not place any person in a fraudulent position

4.5.4 Legal Aid ('public funding') and legal fees

Where an assessment of need has been carried out or where there is a child protection plan, family and friends carers will be given advice on how to apply for legal aid ('public funding') in order to secure legal orders for the child. In order to qualify for legal aid, a merits and means test is applied.

TfC will consider the payment of the legal costs and / or early legal advice so that connected carers can make an informed decision about taking on the care of the child, the legal status and the consequences for access to support at the outset. This will assist carers in considering whether to apply for a Special Guardianship Order or Child Arrangements Order where it supports the application and where not doing so would lead to the child becoming looked after or remaining looked after unnecessarily.

Decisions about these payments will be made by a Head of Service in the Children's Social Care. It is an expectation that legal aid eligibility will be explored before any payments are made by the TfC. If payments are made, they will be paid at legal aid ('public funding') rates and be subject to a review.

4.6 Legal orders to support these arrangements

There are legal orders that can be applied for by connected carers who care for a child (or who wish to) and want to offer a greater level of security within the arrangement. These orders are: Child Arrangements Order, Special Guardianship Order and Adoption Order.

Carers may be given advice and guidance on applying for Child Arrangements Orders or Special Guardianship Orders under Private Law and will be encouraged to seek independent legal advice.

4.6.1 Child Arrangements Order

A Child Arrangements Order is a Court Order which specifies with whom a child is to live with, gives parental responsibility to the person in whose favour it is made, usually lasting until the child is 18. Parental responsibility is shared with the parents but the carer can make most major decisions about how the child is raised. Relatives may apply for a Child Arrangements Order after caring for the child for one year or earlier, with the consent of others who have parental responsibility or with the Court's leave.

Child Arrangements Orders may be made in private family proceedings in which the local authority is not a party nor involved in any way in the arrangements. It can also be made in care proceedings, either of the court's own motion or if the carer applies for a Child Arrangements Order within the care proceedings. In this situation, where the arrangement is an alternative to care, a Child Arrangements Order allowance will be payable up to a maximum of two years to assist with the transition to the new arrangement

A Child Arrangements Order in favour of a connected carer with whom a child is living may be an appropriate outcome as part of a permanence plan for a Child in Need.

4.6.2 Special Guardianship Order

Special Guardianship offers a further option for children who cannot live with their parents and need permanent care. It can offer greater security without absolute severance from the birth family as in adoption. A special guardian formally takes on the legal powers and responsibilities of parenting a child until their 18th birthday. This includes taking most decisions to do with the child's upbringing, including where the child lives and goes to school, and what medical treatment they receive. A Special Guardian can appoint a Guardian to care for the child after their death. This is not the case with Child Arrangements Orders.

Connected carers may apply for a Special Guardianship Order after caring for the child for one year, or sooner with the leave of the court. As Special Guardians, they will have parental responsibility for the child which, while it is still shared with the parents, can be exercised with greater autonomy on day-to-day matters than where there is a Child Arrangements Order.

Special Guardianship Orders may be made in private family proceedings and the local authority may not be a party to any such arrangements. However, TfC will be responsible for sending a report to the court regarding whether a Special Guardianship Order is in the child's best interest. It can also be made in care proceedings, either of the court's own motion or if the carer applies for a Special Guardianship Order within care proceedings. A Special Guardianship Order can be made in favour of a connected carer with whom a child is living and may be an appropriate outcome as part of a permanence plan for a Child in Need.

All Special Guardians are entitled to counselling, advice and support in addition to an assessment of their needs.

4.6.3 Adoption Order

Adoption is the process by which all parental rights and responsibilities for a child are permanently transferred to an adoptive parent by a court. As a result the child legally becomes part of the adoptive family.

An Adoption Order in favour of a connected carer with whom a child is living may be an appropriate outcome as part of a permanence plan for a Child in Need. However it is more unusual because of the impact it has on changing the family relationships order, e.g. the child's grandmother would become the child's mother and the mother, the child's sister. TfC's Adoption Service provides a range of adoption support services in conjunction with partner agencies. An assessment for adoption support services can be requested by the adopted child, adoptive parents and their families, as well as birth relatives. The support required is then set out in an Adoption Support Plan and this may include a range of support services and signposting to other services.

4.7 Private Fostering arrangements

A Privately Fostered child is a child under 16 (or 18 if disabled) who is cared for by an adult who is not a parent or close relative, where the child is to be cared for in that home for 28 days or more. A close relative is defined as 'a Grandparent, Brother, Sister, Uncle or Aunt (whether of the full blood or half blood or by marriage or civil partnership) or step-parent.' It does not include a child who is looked after by a Local Authority. In a Private Fostering Arrangement, the parent still holds Parental Responsibility and agrees the arrangement with the Private Foster Carer.

The Local Authority has a duty to assess and monitor the welfare of all Privately Fostered children and the way in which they carry out these duties is set out in the Children (Private Arrangements for Fostering) Regulations 2005. However, the Local Authority may also become involved with a child in a Private Fostering Arrangement where the child comes within the definition of a Child in Need. In such cases, the Local Authority has a responsibility to provide services to meet the assessed needs of the child under Section 17 of the Children Act 1989. Following assessment, a Child In Need Plan will be drawn up and a package of support will be identified. This can comprise a variety of different types of services and support, including financial support. For more Information see Sunderland City Council Safeguarding Children Board, Private Fostering Procedure.

5. Arrangements for children living with connected carers and are 'looked after'

5.1 Definitions of a looked after child

A looked after child is 'in care' or 'accommodated' by the local authority under s20 Children Act 1989. To be 'in care', the court has made an order on the child giving the local authority the power to remove the child from the care of their parents. These orders are:

- interim care order
- full care order or
- an emergency protection order

A child is 'accommodated' by the local authority with the agreement of the parents / others with parental responsibility and there has not been one of the orders stated made.

This may include the situation where the Local Authority has played a major role in making arrangements for the child to live with a relative because they are concerned about the child's safety.

In both cases, children may be cared for by family and friends only if the carers have been approved as Local Authority Foster Carers under the Fostering Regulations 2011 and where they meet the requirements of the National Minimum Fostering Standards 2011. Children may also be placed in an emergency, by approving the connected carer on a temporary basis under Regulation 24 of the Care Planning Regulations 2010.

5.2 Reasons why a child may be looked after

In Sunderland the Child in Need Assessment is used to identify a child's needs. The child may need to be looked after for a short period or longer term if some or all of the circumstances below apply. Each case must be assessed on its own facts. This list is not exhaustive and other factors may be relevant:

5.2.1 Where no known and suitable connected carer options are available and

- A child is at risk of or experiencing significant harm and it is not safe for them to stay living at home
- Both of the child's parents may be deceased

5.2.2 Where connected carer options are available:

- Birth parents may not agree, or may be inconsistent as to their agreement for their child being cared for by family and friends carers
- There may be a concern that an arrangement for a child to live with family or friends carers may be seriously disrupted by a birth parent, whose behaviour may have been assessed as being potentially dangerous, or as posing a significant risk to the child or family
- A birth parent may be untraceable, or incapable of giving agreement to the child being cared for by family/friends carers

- TfC assesses that it needs to share parental responsibility with the birth parents in order to promote and safeguard the child's welfare and secure the placement

5.3 Looking within the family network

Where a child is looked after, and it is the most appropriate placement, TfC will ensure that they will give preference to a member of the family/relative, or friend (connected persons) as the placement of choice for the child. The person will need to be assessed as a Foster carer under the Fostering Regulations 2011.

TfC will take a pro-active approach to identifying, considering and supporting family and friends carers in the child's network who may be able to care for the child. There is an expectation that a Family Group Conference will be held as soon as possible to help identify any potential carers or family support (see earlier on Family Group Conferencing).

5.4 Assessment of connected carers

When a child is looked after and placed with a connected carer, the carer must be assessed and approved as a **connected foster carer** by the local authority.

The child can be placed with a connected carer on an emergency basis under Regulation 24 to grant the carer temporary approval as a foster carer for a period of 16 weeks. During this period of time, a full assessment of the carer and the arrangement is undertaken. This temporary approval can only be extended in exceptional circumstances for a further 8 weeks. In this context the carer is referred to as a Connected Person.

The assessment and approval process for family and friends who apply to be connected foster carers for a specific looked after child will be the same as for any other foster carer except that the timescales for the assessment are different where a child is already in the placement as indicated above. In all other respects the requirements are the same as for any other potential foster carers and the National Minimum Standards for Fostering apply, in particular Standard 30 refers directly to connected foster carers. The aim of the assessment is to help the local authority decide whether to approve the prospective carer as a connected foster carer and to consider what support needs the carer may have when caring for the child. The connected carer will need to be registered as a connected foster carer following approval.

In considering whether a relative, friend or other connected person should be approved as a foster carer, account must be taken of the needs, wishes and feelings of the child whom it is proposed to place with them and the capacity of the carer to meet those particular needs.

The assessment will balance the strengths of the carers arising from their position within the family network against any aspects which may make them less suitable. The carer's past experiences of parenting will be assessed as part of a fuller picture of their capacity to care for the child.

5.5 Support for connected foster carers

Connected foster carers will be involved with all the processes that are in place to ensure that the child receives appropriate care and support, for example, contributing to reviews of the child's Care Plan, working with professionals, including the child's social worker and promoting the child's education and health needs.

Once approved as connected foster carers, connected foster carers will receive support from the local authority. In addition the child will have a placement plan which sets out the specific arrangements surrounding the child and the carers, including the expectations of the connected foster carers and the support they can expect to receive to enable to fulfil their responsibilities for the child. A Delegated Responsibility agreement will be drawn up in order to clarify day to day/specific and longer term decision making the carers and child are allowed to make. The support that is provided to connected foster carers is set out below.

5.5.1 Supervising Social Worker

When looked after by a connected foster carer, the child's care continues to be managed by a social worker to ensure their needs are being met. The connected foster carer on being approved will be allocated a fostering officer from the fostering team connected care team to provide them with support and supervision. The supervising social worker will meet with the connected foster carer weekly until the child's first looked after child review. Following this, the visits will take place on a regular basis by both the child's social work and the supervising social worker.

A foster carer agreement will be drawn up and signed by the connected foster carer which sets out how the carer will work with the local authority and about the support and training that will be provided.

5.5.2 Financial support – fostering allowance

Connected foster carers will receive a weekly fostering maintenance payment to cover the costs of caring for the child. This is in line with all foster carers and is based on the age of the child and is set out in the placement plan.

When receiving this allowance, the carers **will not** be able to claim other benefits, such as Child Benefit or Child Tax Credits because the fostering allowance includes this element of payment. Connected foster carers will receive fostering allowances for as long as they care for the child as a foster carer, following approval.

5.5.3 Training, development and support groups

All connected foster carers, temporarily approved or fully approved under the Fostering Service Regulations 2011, are in all respects foster carers and entitled to the same level of training and support as unrelated foster carers.

The allocated fostering officer will be responsible for the connected foster carer's support, supervision, training and development.

TfC's Fostering Service ensures that all connected carers temporarily or fully approved will receive support which is equivalent to that provided for unrelated carers, including basic and incremental fostering allowances. Connected foster carers are able to progress within the payment for skills model should they meet the Tasks, Skills and Competency requirements of the levels.

TfC will ensure that connected foster carers have access to the 'skills to foster course', post approval training and support in order to achieve the Children's training, support and development standards within 18 months of approval.

There are a number of support groups that they are able to access.

Further training and development needs will be identified with the carer by the supervising social worker and recorded in the connected foster carer's personal professional development plan.

5.6 Care planning and alternatives to children being looked after

Permanency planning is based on the philosophy that every child has the right to a permanent and stable home, preferably with his or her own family. The primary focus of permanency planning is to prevent children remaining unnecessarily in care and to ensure the child's needs are met in a secure and loving family.

TfC, as corporate parent for children looked after, will work diligently to find permanent, safe homes for children in care, in a timely manner. The best possible care involves giving children security, stability and love through their childhood and beyond.

At any stage of the assessment process where it is considered in the child's best interests, promote their welfare and achieve a permanence arrangement, consideration will be given to supporting the connected foster carers to apply for an appropriate legal order giving them parental responsibility. The relevant orders are a Child Arrangements Order, Special Guardianship Order or an Adoption Order. See 3.6.1 to 3.6.3 for an explanation of these orders.

TfC will review the child's care plan through the care planning process to ensure that the child does not remain looked after for longer than is needed and where financial support is not the primary reason for maintaining that status. The review will be chaired by an Independent Reviewing Officer for the child.

5.6.1 Legal fees

TfC will consider the payment of the legal costs of carers to apply for a Special Guardianship Order or Child Arrangements Order where it supports the application and where not doing so would lead to the child/ren remaining or becoming looked after unnecessarily. Decisions about these payments will be made by a Head of Service in Children's Social Work Service.

5.7 Care leavers and 'Staying Put'

TfC is committed to young people staying with their connected foster carers after the age of 18 and has a 'Staying Put' policy. 'Staying Put' is the name that the government has given to arrangements whereby a young person aged 18 and above, remains living with their former foster carer. The aim of "Staying Put" is to help young people make the transition to independence and adulthood at a pace, and within a timescale that suits them, rather than having to move when they reach the age of 18.

Planning for a 'Staying Put' arrangement in Sunderland starts to take place before a young person reaches the age of 16. The supervising social worker and the young person's social worker will meet with the carer and young person prior to the young person's 16th birthday to explain the 'Staying Put' policy and to discuss options. The Social Work from Care Leavers Team will provide guidance and support to young people and their carers.

6. Complaints

Where a Family or Friends Carer is not satisfied with the level of support provided to enable them to care for the child, then they have access to the Local Authority's complaints process. Our aim would be to resolve any such dissatisfaction without the need for a formal investigation but where an informal resolution is not possible, then a formal investigation will be arranged.

The timescales and process are set out in the TfC Complaints Procedure.

7. Glossary and definitions

Looked after child – the child is ‘in care’ or ‘accommodated’ by the local authority.

In care – a court has made an interim or full care order, or an emergency protection order on the child which gives the local authority the power to remove the child from the care of their parents.

Accommodated – the child is being looked after by the local authority with the agreement of the parents / others with parental responsibility under s20 Children Act 1989.

Connected person – the term used in regulations and guidance to include relatives, friends, and other persons connected to the child and who are approved as foster carers to look after the child.

Parental Responsibility – the legal right to make decisions about a child’s care and how they are raised.

Child in Need – Under Section 17 (10) of the Children Act 1989, a child is a Child in Need if: he/she is unlikely to achieve or maintain, or have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision for him/her of services by a local authority; his/her health or development is likely to be significantly impaired, or further impaired, without the provision for him/her of such services; or the child is a disabled child.

Private Fostering – an arrangement where a child under 16 (or 18 if the child is disabled) who is cared for by an adult who is not a parent or close relative, where the child is to be cared for in that arrangement for 28 days or more.

Close relative – is defined as: grandparent, brother, sister, uncle, aunt or step-parent by marriage or civil partnership.

Child Arrangements Order specifying with whom a child will live. It usually lasts until the child is 18. Parental responsibility is shared with the parents. Carers can apply **after caring for the child for one year.**

Special Guardianship Order – Like a **Child Arrangements Order specifying with whom the child will live**, this court order states where a child should live and gives the carer parental responsibility. An SGO gives the carer more authority to make decisions than a residence order.

Adoption Order – a court order made as part of the adoption process. All parental rights and responsibilities for a child are permanently transferred to the adoptive parent.

Family Group Conference – a decision making meeting in which a child’s wider family network come together to make a plan about the future arrangements for the child

Arrangements where Children and Young People live with Kinship (family and friends) Carers

Kinship Care Arrangements	Child was previously Looked After	Special Guardianship Order	Child Arrangement Order	Child was NOT previously looked after	Private Fostering
Who made the arrangement?	Local Authority placed the child	Local Authority placed the child or child's parents made the arrangements or carer stepped in because the parents were not available	Local Authority placed the child or child's parents made the arrangements or carer stepped in because the parents were not available	Child's parents made the arrangements or carer stepped in because the parents were not available.	Child's parents made the arrangements or carer stepped in because the parents were not available.
Is the child looked after?	Child is looked after	When a Special Guardianship Order is in place, the child is not looked after but may or may not have been prior to the arrangement	When a Child Arrangements Order is in place, the child is not looked after but may or may not have been prior to the arrangement	Child is not looked after	Child is not looked after
Did the local authority approve this arrangement?	Local Authority approved the carer	A Special Guardianship arrangement may be made in private law proceedings or be a permanence outcome identified by the Local Authority	A Child Arrangements Order may be made in private law proceedings or be a permanence outcome identified by the Local Authority	No approval made	Arrangement is assessed for suitability but not approved by the local authority. Arrangement may be prohibited if assessed as unsuitable because of the carer or the premises
What relation is the carer to the child?	The carer is a relative or friend of the family	The carer is a relative or friend of the family or may have been a non-related foster carer	The carer is a relative or friend of the family or may have been a non-related foster carer	Carer is a close relative of the child defined as: grandparent; brother; sister; uncle; aunt; or step- parent	Carer is not a close relative of the child defined as: grandparent; brother; sister; uncle; aunt; or step- parent. May be a more distant relative, or a friend or a teacher

Kinship Care Arrangements	Child was previously Looked After	Special Guardianship Order	Child Arrangement Order	Child was NOT previously looked after	Private Fostering
Is there a legal order?	Available legal orders: Adoption Order; Care Order; Special Guardianship Order, Child Arrangements Order	Available legal order: Special Guardianship Order (SGO). Section 8 contact Order or Supervision Order (usually for up to one year) can be considered alongside the SGO	Available legal order: Child Arrangements Order (CAO). Section 8 contact Order or Supervision Order (usually for up to one year) can be considered alongside the CAO	Special Guardianship or Child Arrangements Orders or Adoption Orders are available as legal orders under private law.	Not supported by a legal order
How long will the arrangement last?	Arrangement is intended to last as per the requirements of the care plan or the making of an alternative order	Arrangement is intended to last until the child becomes 18 unless varied or discharged by the court before age 18	Arrangement is intended to last until the child becomes 1	Duration of the arrangement is subject to the discretion of the person with PR or dependent on a legal order	Arrangement is intended to last for 28 days or more
Who has Parental Responsibility (PR)?	Remains with birth parents if the child is accommodated under s20 Children Act; or if the child is subject to a care order or Emergency Protection order, the Local authority shares PR and determines the extent it is delegated to others	Birth parents retain PR but do not exercise it and share this with the Special Guardianship carer. There are decisions that cannot be made without the consent of the parents; or if parents do not consent, without the permission of the court. These include: changing the child's last name; removing the child from the UK for more than three months; situation where consent is required by law, e.g. male circumcision; and giving consent for the child to be	Birth parents retain PR but do not exercise it and share this with the Special Guardianship carer. There are decisions that cannot be made without the consent of the parents; or if parents do not consent, without the permission of the court. These include: changing the child's last name; removing the child from the UK for more than three months; situation where consent is required by law, e.g. male circumcision; and giving consent for the child to be placed for adoption	PR remains with birth parents but the carer may do what is reasonable to safeguard or promote the child's welfare; and has delegated responsibility unless an alternative legal order is in force.	PR remains with birth parents

		placed for adoption			
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