

**Renfrewshire Children’s Services**

**Kinship Care Policy**

**Owner: Head of Child Care and Criminal Justice**

**Operational date: 16 January 2020**

**Review date: 31 January 2025**

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18. **Introduction**

1.1 All local authorities are required under the Kinship Care Assistance (Scotland) Order 2016 to prepare and publish a policy in relation to the provision of kinship care assistance. This document is Renfrewshire Council’s Kinship Care Policy and has been prepared to meet the requirement and provide clarity on how the Council will discharge its responsibilities on supporting kinship carers. This document replaces all previous policy and procedure documents for kinship care in Renfrewshire

1.2 Renfrewshire Children’s Services aims to support children in the care of their own parent(s) where it is safe and appropriate to do so. It is recognised however, that some children are not able to be cared for by their parent(s) and that alternative care arrangements will be required.

1.3 In circumstances where a child can’t remain with their own parent(s), Renfrewshire Children’s Services, will ensure the most appropriate alternative arrangements are made to meet the child’s needs. When social work places a child with their friends or relatives, this is known as a kinship care arrangement.

1.4 Some families make alternative care arrangements without the involvement of social work. Where those carers are caring for an “eligible child” the Local Authority has a duty to provide support and assistance and parts of this policy refers to this.

1.5 Getting it right for every child in Kinship Care and Foster Care (Scottish Government 2007) states:

*“The starting-point in considering kinship care arrangements should be:*

*It is the right of every child to have their family and friends explored as potential carers if they need to leave the care of their parents.*

*Any arrangement for care by family or friend must be in the best interests of the child.*

*The safety and needs of the child in any assessment of family or friends as carers must be paramount.*

*A child’s needs for good family and friends carers should take precedence over the wishes of a parent to exclude the family from care.*

*Support to a family or friend placement should be available when needed.”*

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**2. Legislation, regulations and guidance and policy**

2.1 This policy has been developed to meet the requirements detailed in the following:

* Children (Scotland) Act 1995
* The Adoption and Children (Scotland) Act, 2007
* Looked After Children (Scotland) Regulations 2009
* National Guidance on the Looked After Children (Scotland) Regulations 2009 (in particular part V, Kinship Care)
* Getting it right for every child in Kinship Care and Foster Care (Scottish Government 2007)
* Children’s Hearing (Scotland) Act 2011
* Children and Young People (Scotland) Act 2014
* Kinship Care Assistance (Scotland) Order 2016
* National Guidance on parts 10, 11 and 13 of Children and Young People (Scotland) Act 2014.

**3. Definitions**

**Kinship Care -** Kinship care is when a child is placed with extended family members or a close family friend by the local authority, the children’s hearing system or the courts because they can no longer be cared for by their parent(s) and that child is defined as looked after under section 17(6) of the Children (Scotland) Act, 1995.

Kinship care may also include children who are no longer looked after by the local authority but live in a kinship care arrangement. These children are likely to be subject to an order under Section 11 of the Children (Scotland) Act 1995.

Those living in a private arrangement with extended family with no involvement from Renfrewshire Council are not considered to be in a formal kinship care arrangement.

**Kinship Care Allowance –** Financial support provided by Renfrewshire Council to kinship carers approved by Renfrewshire Council.

**Kinship Care Order –**An order under section 11 of the Children (Scotland) Act 1995 which secures the placement under a legal order. This order removes the child from the children's hearing system (if subject to supervision requirement) and reduces the need for statutory social work intervention as the child no longer has looked after and accommodated status.

**Kinship Carer –** Under Regulation 10 of the Looked After Children (Scotland) Regulations 2009 a kinship carer is defined as “a person who is related to the child (through blood, marriage or civil partnership)” or “a person with whom the child has a pre-existing relationship”. A kinship carer for Renfrewshire Council has been assessed and approved to provide care for a specific child(ren).

**Kinship Care Support –** Overall term to describe financial and emotional support provided to a kinship carer to parent the child they care for.

**Looked after child –** a child who is subject to a Compulsory Supervision Order under Section 83 of the Children Hearing (Scotland) Act 2011 or an interim Compulsory Supervision Order under Section 86 of the same Act;; or a child placed with a kinship carer under Section 25 of the Children (Scotland) Act 1995 or a child subject to a Permanence Order under the Adoption and Children (Scotland) Act 2007. We have the same duties to a child subject to a child protection order under section 38 or 39 of the Children’s Hearing (Scotland) Act 2011.

**Eligible child -** is a child who was “previously looked after” (and is no longer) or is “at risk of becoming looked after”.

**Private Fostering/ informal Care Arrangements –** arrangements made by a family for a child to live with relatives or friends and neither social work, the children’s hearing system or the courts have been involved.

**Kinship Care Assistance -** advice and support given to carers who look after a child who was “previously looked after” or is “at risk of becoming looked after”.

**4. Private fostering/private care arrangements**

4.1 Some families make their own arrangements for a child to live with relatives or friends and neither social work, the children’s hearing system or the courts have been involved. This is known as a private fostering or private care arrangement. Carers in such circumstances have not been assessed by the local authority as kinship carers and do not care for looked after children. Such carers may receive advice and support if they are caring for a previously looked after child or a child who is at risk of being looked after.

**5. Emergency placements**

5.1 In some circumstances the local authority will place a child under section 25 of the Children (Scotland) Act 1995 with someone who is known to the child and who has a pre-existing relationship with the child on an emergency basis. When the arrangement is made the child becomes a **looked after child.** Financial support will be provided to support the placement on an interim basis, pending the assessment of the carers as kinship carers for the child.

5.2 When the local authority places a child in an emergency, an initial assessment of the suitability of the carer(s) will include the following:

* social work records check on everyone in the household;
* police check on every adult in the household over 16 years old:
* suitability of the accommodation; and
* initial health check.

5.3 The social worker must explain in detail to the kinship carer the expectations of the care and safeguards to be provided to and for the child. The social worker **must** ensure that the kinship carer, and the local authority sign an agreement form (appendix 1). The kinship carer will be provided with a signed copy of the agreement.

**6 Kinship Assessment**

6.1 Renfrewshire requires that all potential kinship carer(s) undergo an assessment as to their suitability to provide safe care for the child(ren) they are being asked to care for. When a child(ren) is placed with a kinship carer on an emergency basis the assessment as detailed in paragraph 5.2 must be carried out.

6.2 The purpose of the kinship care assessment is to establish the suitability of the potential kinship carer to provide ongoing care for the child. The assessment should also identify any support required by the carer to allow them to care safely for the child.

6.3 The kinship care assessment will include the following:

* social work records check on everyone in the household;
* PVG check on the main carer(s);
* police check on all other adults in the household over the age of 16;
* suitability of the accommodation (including a health and safety assessment);
* GP health assessment for the kinship carer(s); and
* for kinship carer(s) who reside out with Renfrewshire social work records check for them and any other adults or children in the house, with the authority in which they reside.

6.4 Renfrewshire council **does not** apply a means test when assessing the potential kinship carer(s). Kinship care allowance is given as an allowance for the child this is regardless of the carers single or joint income.

6.5 If the potential kinship carer is in a relationship with a spouse/partner and they live within the carers household they **must** be included on the kinship assessment application, whether or not they have caring responsibilities for the child.

6.6 If the child is already placed with the family, the assessment must be completed within **12 weeks** of the start of the placement. This assessment should be completed within 12 weeks regardless of whether this is to be a permanent placement for a child. If the child has not been placed, the assessment should be completed, within 12 weeks.

6.7 If the child is a Looked After Child a kinship carer assessment requires to be undertaken on the carer regardless of whether the potential kinship carer requires financial assistance or not. The focus is on the suitability of the placement not on the entitlement to finances.

**7. Approval Process**

7.1 Kinship carers are only approved for a specific child or children. Where kinship carers are already approved for a child or children and wish to be assessed for another child, a fresh assessment must be completed

7.2 Completed kinship assessments should be signed by the assessing worker, the prospective carer(s), senior social worker, and the social work manager from the team who carried out the assessment. They are submitted to child care business support who will arrange for papers to be passed to the Kinship forum for consideration.

7.3 If the kinship forum recommends that carers should be approved (or not) as kinship carers, the papers will be passed to the Agency Decision Maker for kinship carers, for consideration of approval. The agency decision maker will decide within 14 days of the recommendation of the forum.

7.4 Approved assessments will be processed by Business support and put on to the social work information system. The kinship carer(s) will be notified in writing of outcome and any right to appeal.

7.5 If approved the assessing worker should arrange for the placement agreement to be signed by the kinship carer(s) and the Social Work manager (of the team who carried out the assessment), unless previously signed Where more than one person is approved as a kinship carer, all carers who have been approved must sign the agreement.

**8. Appeal process**

8.1 If the kinship assessment has not been approved, the prospective kinship carer will be notified in writing by the Agency decision maker. If the prospective kinship carer wishes to appeal, they can do this in writing within 14 days of the date of the letter received informing them that they have not been approved.

8.2 The Head of Child Care and Criminal Justice Service will review the decision and reply to the letter of appeal within 28 days.

**9. Kinship Care Review**

9.1 Regular Reviews of kinship carers will take place no less frequently than every 2 years. However, reviews may take place more frequently where appropriate. Where consideration is for the approval not to be renewed, or where there have been child protection concerns, this review must go to the forum for discussion, and the recommendation of the forum passed to the Agency Decision Maker.

9.2 All other Completed review assessments should be submitted directly to the Agency Decision Maker for consideration. The appeal process will be the same as above.

9.3 Kinship carers should notify social work immediately of any change in their circumstances.

9.4 The following additional checks to be completed every 3 years after the initial assessment:

* PVG checks on the carers;
* disclosures on anyone over the age of 16 years residing in the house; and
* health checks on the kinship carer(s).

**10. Financial Support**

10.1 All potential kinship carers undergoing a kinship assessment with the child placed in their care by the authority are entitled to a payment until the assessment is completed.

10.2 Where a child is placed in a kinship care arrangement in an emergency, financial support will be provided to assist with the cost of caring for the child. The financial support could include payment to purchase essentials to meet the child’s care needs. A weekly support payment of £50.00, or other such sum as approved under delegated functions, by the Chief Social Work Officer, will be paid for each child during the assessment period.

10.3 The payment of kinship care allowance is dependent on the kinship assessment having been completed and approved and continually reviewed. The carers will be paid kinship care allowance from the date the assessment is approved. If the assessment takes longer than 12 weeks the kinship care allowance will be backdated to the start date of the assessment plus 12 weeks.

10.4 The payment of the kinship care allowance will continue in respect of those children who continue to reside with kinship carers, and who although previously ‘looked after’ are no longer ‘looked after’ by virtue of being subject to residence orders or kinship care orders.

10.5 The granting of the kinship allowance does not preclude carers from receiving further assistance in exceptional circumstances under section 22 of the Children (Scotland) Act 1995 where there is an assessed need.

10.6 If the child is looked after Financial assistance should also be considered to promote the child’s contact with parents and siblings as appropriate.

10.7 In terms of regulation 33 of the Looked After Children (Scotland) Regulations 2009, where a child is required by virtue of a compulsory supervision order to reside with a person other than their parent, the local authority must provide financial support.

10.8 The current rate of kinship allowance is £112.16, per week, per child, as at the date of this policy.

10.9 For the avoidance of doubt, carers of children in private fostering or informal care arrangements, where the local authority was not involved in placing the child, and the child is not or was not a “looked after child”, are not eligible for the kinship allowance, unless the child is deemed an eligible child and has been assessed that this is the support they require.

10.10 If a potential kinship carer has been assessed and not been approved as a kinship carer they will not be entitled to kinship care allowance.

10.11 Renfrewshire Council will pay the kinship care allowance on a fortnightly basis in advance and directly into the approved kinship carer’s bank account.

**11.** **Overpayments**

11.1 On a very small number of occasions a kinship carer may receive a payment to which they weren’t entitled e.g. the child has left the placement during the advance payment period. In these circumstances Children’s Services will seek to recover the overpayment from the kinship carer.

11.2 Where an overpayment has occurred the kinship carer will be advised and the reason for the overpayment shared with them. The carer can arrange for a payment plan to repay any over payment in a manageable level.

11.3 If there are exceptional circumstances which suggests that recovery would be inappropriate then the worker should report this to their manager as soon as possible. In exceptional circumstances a debt can be waived by the Head of Service or Children’s Services Manager, following investigation.

**12. Termination of the Kinship Allowance**

12.1 The kinship care allowance will terminate in the following circumstances:

* if the child is no longer living with the carer;

* if the birth parent moves into the kinship care household; or
* the child reaches their 18th birthday or their school leaving date (whichever is the later).

12.2 If a birth parent moves into the kinship placement, then this is no longer considered a kinship arrangement and the allowance should normally end. There may be exceptional circumstances where this is considered acceptable, however this requires to be reviewed regularly and agreed by the social work manager (operations) for the team where the child and kinship carer are allocated.

12.4 In accordance with the kinship agreement if the kinship carers are in breach of this agreement Renfrewshire council reserves the right to terminate the kinship allowance. If this is a kinship placement with a looked after child, the suitability of the placement should be fully considered.

**13. Permanence in Kinship care**

13.1 Where a child is likely to remain in the kinship care placement for the long term, it may be in the child’s best interests for the carer to pursue a residence order. Section 11 of the Children (Scotland) Act, 1995 provides an option for kinship carers to apply to the court for a residence order, (also known as a kinship care order). The social worker for the kinship carer, will ensure that in circumstances where a kinship care order may be relevant that the kinship carer is provided with Information and advice about applying for a kinship care order/residence order, and what this means. The kinship carer should always be advised to seek independent legal advice.

13.2 Children’s Services may contribute towards reasonable legal fees incurred by kinship carers who pursue a kinship care order when:

1. obtaining a residence order would be better for the child than the existing arrangements (for example, remaining on a supervision requirement) and secures the child’s long-term safety and stability; and
2. the carer has been assessed as being able to meet the child’s long-term needs; **and**
3. the carer is not eligible for legal aid and this is confirmed in writing either by their solicitor or the legal aid board; **and**
4. the carers cannot afford the legal fees themselves; **and**
5. the carers solicitor can provide a letter giving a quote for reasonable legal fees for an uncontested application, which has been considered by the department’s legal services.

13.3 If the above criteria are met, Children’s Services will contribute up to £**1,500 plus VAT.** In exceptional circumstances Children’s Services will consider contributing more than this towards a contested application for a kinship care order.

13.4 The final decision regarding financial support towards legal fees will be made by the Head of Child Care and Criminal Justice for Children’s Services.

13.5 The Local Authority may decide that it is in the best interests of a particular child to apply for a permanence order to secure the child’s residence with the kinship carer. The child would remain looked after and a kinship allowance would continue to be paid.

**14. Child Protection Concerns in kinship care**

14.1 If there are child protection concerns raised about a child’s care in kinship arrangement, Renfrewshire Council Child Protection Procedures will be followed.

14.2 If a child protection investigation is being carried out, then the following applies:

* a full kinship reassessment of the carers should be undertaken once the investigation is complete;
* if the child is still living with the carers then the kinship allowance should remain in place;
* if child is removed from living with the carers either during the investigation or subsequently the allowance will be stopped; and
* if the child is subsequently returned to the carers the allowance will be reinstated if the kinship assessment is approved.

**15. Placement of Looked after Children in other Local Authority Areas**

15.1 Renfrewshire Council will continue to pay the kinship care allowance for any child we place with kinship carers who reside outwith our boundaries.

15.2 The payment arrangements in these circumstances continue as if the child resided in Renfrewshire.

**16. Complaints**

16.1 If children/young people wish to make a complaint they can be supported by their kinship carer, or case manager or an independent advocate. Any complaint raised by a child or young person will be managed under the Council’s Complaint’s Procedures.

16.2 A kinship carer can make a complaint about the service or support they have received, in line with the council’s complaints policy. They can be supported to make their complaint by the Citizens Advice Bureau Kinship Care Adviser.

16.3 Complaints about the service that are easily resolved, can be resolved by frontline staff at the earliest opportunity, and within 5 days of the complaint being raised.

16.4 If a complaint is more complex and requires further investigation, this would progress to a stage 2 complaint and should be resolved within 20 working days

16.5 If a kinship carer is not satisfied with the outcome of a stage 2 complaint, they can contact the Scottish Public Services Ombudsman. The contact details will be provided in the response to any complaints.

16.6 Kinship carers cannot complain about the outcome of a kinship assessment child protection recommendation or review as there is a separate appeal process for this.

**17 Kinship Care Assistance**

17.1 Section 71 of the Children and Young People (Scotland) Act 2014 requires a local authority make arrangements to provide “kinship care assistance” to specified people.

17.2 Kinship care assistance is only available in relation to an “eligible child”. Therefore, kinship care assistance is not provided in all cases where there is a Kinship Care Order.

17.3 Kinship carers who have a kinship care order in relation to an eligible child are entitled to the provision of such information and advice as they may reasonably require in relation to a kinship care order and could be entitled to the provision of an allowance. Information and advice will be given by the kinship care.

Appendix 1

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K.C. 4 FORM

Kinship Care Post Approval Agreement with Kinship carer(s)

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Name of child/ren: |  |  | CCM Number: |  |
|  |  |  |  |  |
| Child(ren)  Date of Birth: |  |  | Case Manager: |  |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Date of Placement: |  |  | Date Assessment Completed: |  |

Kinship Carer(s) Personal Details:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **(Main Carer)** |  |  | **2nd Carer** |  |
| **Full Name:**  **CCM Number** |  |  | **Full Name:**  **CCM number** |  |
| **Address:** |  |  | **Address:** |  |
| **Post Code:** |  |  | **Post Code:** |  |
| **Date of Birth:** |  |  | **Date of Birth:** |  |

## Kinship carer commitment

## 

**I/ We agree to;**

1 care for the child as if he were a member of that family in a safe and appropriate manner;

2 ensure the child is safe, healthy, nurtured, achieving, responsible, active, respected and included;

3 ensure child/ren has access to education;

4 inform Renfrewshire Council of any changes to the household or to contact details, address, email address or telephone numbers as quickly as possible;

5 comply with the terms of this agreement and co-operate with the child’s plan;

6 permit any person authorised by Renfrewshire Council to visit the child at any reasonable time;

7 allow the child to be removed by Renfrewshire Council when a placement is ended;

8 ensure that any information concerning the child/children and their family is kept confidential and is not disclosed except to or with the agreement of Renfrewshire Council;

9 allow contact with the child’s birth parent(s) in relation to any contact order, and with any arrangements made or agreed by Renfrewshire Council;

10 ensure that the child/children continue to be registered with the services noted below and ensure that routine check-ups and treatments are carried out as required as well as seeking medical attention for the child if needed:

* a G.P.
* a dentist
* an optician;

11 agree to allow staff from Renfrewshire Council to complete all relevant checks and obtain information on the household and its members;

12 notify Renfrewshire Conucil immediately of any serious illness of the child or of any serious occurrence affecting the child;

13 ensure that no form of physical chastisement is used with any child/ren placed;

14 agree to immediately informing Renfrewshire Council of any change in circumstance that might affect:

* the Kinship Placement: for example, if someone moves in or out of the home;
* the Kinship Allowance: for example, if either or both parents move into the home, or young person has left the family home or education;
* the approval as Kinship Carer: for example, any criminal convictions, or any changes in the health of the carers

### 15 agree to fully engage and participate in the Kinship Review process;

16 agree to support the child/children to access social activities;

17 immediately inform the Local Authority of any over-payment of allowance and ensure repayments are made if required. I / We understand that failure to do could result in appropriate legal action: and

18 agree to allow the Local Authority to update PVG/Disclosure applications and health assessments every 3 years or sooner if required as per Kinship policy.

**Renfrewshire Council Responsibilities to Kinship carers**

**Renfrewshire Council Commits To:**

1 provide relevant information about the child’s background, health and emotional development and any other information considered relevant to the placement:

2 ensure that if it is reasonability practicable before placing a child that arrangements are made for the child to be examined by a registered medical practitioner and obtain a written assessment from the practitioner the state of the health of the child and his need for health care;

3 establish a written case record in respect of each child;

4 provide the prospective carer with information on the procedure for assessment, approval and review of a Kinship carer;

5 provide information on the Renfrewshire Council complaint’s procedure;

6 provide clear information on the arrangements for the financial support of the child/ren.

7 make a child’s plan in respect of a child to be or looked after by them;

8 ensure the child’s plan is reviewed;

9 provide a copy of the child/children’s plan;

10 provide information and support on how to seek specialist benefit advice;

11 provide information on Renfrewshire Council’s legal duties and frequency of visits to the placement;

12 inform the carer of any arrangements that need parental consent and

support on how to obtain this;

13 support arrangements for the child to have contact with his parents and other persons or any contact required by a children’s hearing;

14 complete a case record for each prospective kinship carer

15 retain the record for at least 10 years from the date on which approval terminated or until death if earlier;

16 ensure that case records are accurate and secure its safe keeping and is treated as confidential in line with Data protection legislation;

17 ensure that if it is no longer in a child’s best interests to remain in a placement Renfrewshire Council shall make arrangements to terminate the placement as soon as is practical in the interests of the child;

18 ensure as far as possible that there are no organisational barriers to the

child and carers living as normal life as possible; and

19 ensure that the views of the carers and children are taken into account when improving service delivery.

By signing this agreement, I / We agree to adhere to the conditions stated above. Should I/we breach any condition of this agreement then Renfrewshire council can review the kinship care arrangement at any time.

|  |  |  |  |
| --- | --- | --- | --- |
| **Main Carer Name:** |  | **2nd Carer Name:** |  |
| **Signature:** |  | **Signature:** |  |
| **Date:** |  | **Date:** |  |
| **Social Worker Name:** |  | **Team:** |  |
| **Signature:** |  | **Date:** |  |