



Department  
for Education

# **Family and friends care**

**Draft statutory guidance for local  
authorities**

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## Summary

This guidance sets out a framework for the provision of support to family and friends carers. In particular it provides guidance on the duties in the Children Act 1989 in respect of children and young people who, because they are unable to live with their parents, are being brought up by members of their extended families, friends or other people who are connected to them.

## Who is this publication for?

This guidance is for:

- lead member for children's services in local authorities
- Directors of Children's Services
- managers of services for children in need and looked after children
- social workers and other social care staff working with children in need and looked after children and local authorities' relevant partners
- Local authorities' relevant partners

It will also be relevant to:

- other providers of services to children in need and looked after children, including private and voluntary sector providers
- family and friends carers, and
- children living with family and friends carers and their parents.

# Chapter 1: Introduction

## Aims and Audience

1. This guidance aims to improve outcomes for children who, because they are unable to live with their parents, are being brought up by members of their extended families, friends or other people who are connected with them. In particular, it provides guidance on the duties in the Children Act 1989 in respect of such children.

2. The guidance makes it clear that children who are unable to live with their parents should receive the support that they and their carers need to safeguard and promote the child's welfare, whether or not they are looked after. It aims to ensure that local authorities understand when such children are or should become looked after, and sets out what local authorities and their partners should do to deliver effective services to children who are living with family members or friends in any of the following circumstances:

- in informal arrangements with a relative
- in informal arrangements with friends or other family members
- as a private fostering arrangement (an arrangement which lasts or is intended to last for 28 days or more)
- as a looked after child placed with foster carers
- under a residence order or special guardianship order, or
- in an adoptive placement.

3. This guidance sets out a framework for the provision of support to family and friends carers, whatever the legal status of the children they are caring for. It requires each local authority with responsibility for children's services, in collaboration with its local partners, to publish a policy setting out its approach towards meeting the needs of children living with family and friends carers. It also explains what the policy should cover.

## Status of the guidance

4. This guidance applies in relation to England only. It is issued under section 7 of the Local Authority Social Services Act 1970 which requires local authorities in exercising their social services functions to act under the general guidance of the Secretary of State. Such guidance should be complied with by local authorities when exercising these functions, unless local circumstances indicate exceptional reasons that justify a variation. It is also issued under section 10 of the Children Act 2004. Local authorities and health partners/agencies in England must have regard to it when exercising their functions under that section.

5. This guidance should be read in conjunction with the following statutory guidance relevant to family and friends carers in specific situations, which must be followed where applicable:

- Replacement Children Act 1989 Guidance on Private Fostering, DfES 2005
- Special Guardianship Guidance, DfES 2005
- Adoption Guidance: Adoption and Children Act 2002, DfE 2011
- Statutory Guidance on Fostering Services, DfE 2011.

## Definitions

6. In this guidance:

- “the 1989 Act” means the Children Act 1989;
- “the 2008 Act” means the Children and Young Persons Act 2008;
- “the 2010 Regulations” means the Care Planning Placement and Case Review (England) Regulations 2010;
- “the 2011 Regulations” means the Fostering Services (England) Regulations 2011;
- “care plan” means the plan for the future care of a looked after child prepared in accordance with Part 2 of the 2010 Regulations;
- “a child in need” is defined in section 17(10) of the 1989 Act, which provides that a child shall be taken to be in need if (a) 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 him of services by a local authority under this Part; (b) his health or development is likely to be significantly impaired, or further impaired, without the provision for him of such services; or (c) he is disabled;
- “child” means anyone who has not yet reached their 18<sup>th</sup> birthday. ‘Children’ therefore means ‘children and young people under the age of 18’ throughout this guidance;
- “connected person” means a relative, friend, or other person connected with a looked after child. A person in the last category may be someone who knows the child in a more professional capacity such as a childminder, a teacher or a youth worker although they are not exclusive categories.
- “family and friends carer” means a relative, friend or other person with a prior connection with somebody else’s child who is caring for that child full time. An individual who is a “connected person” to a looked after child may also be a family and friends carer. A child who is cared for by a family and friends carer may or may not be looked after by the local authority;

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- “foster carer” means a person who is approved as a local authority foster parent (by a local authority or an independent fostering provider) in accordance with regulation 27 of the Regulations 2011, or temporarily approved under regulation 24 of the 2010 Regulations;
- “fostering service” means a local authority fostering service;
- “informal arrangement” means an arrangement where a child is living with a family and friends carer who does not have parental responsibility for the child. References to “informal arrangements” in this guidance do not include arrangements where the child is looked after by the local authority or where the child is privately fostered, placed for adoption, or subject to a residence or a special guardianship order. The legislation which governs these arrangements does not apply to an informal arrangement
- “looked after child” means a person under 18 who is subject to a care order under section 31 of the 1989 Act (including an interim care order), or is accommodated under section 20 of that Act for over 24 hours
- “parent”, in relation to a child, includes any person who has parental responsibility for that child;
- “parental responsibility” has the meaning given by section 3 of the 1989 Act, being all the rights, duties, powers responsibilities and authority which by law a parent of a child has in relation to the child and his property;
- “private fostering arrangement” means an arrangement that is made privately for the care of a child under 16 (18 if disabled) by someone other than a parent (or other person with parental responsibility) or relative with the intention that it should last for 28 days or more. The child has not been provided with accommodation by the local authority;
- “relative” means grandparent, brother, sister, uncle or aunt (whether full blood or half blood or by marriage or civil partnership) or step-parent, as defined in section 105 of the 1989 Act
- “Dublin III Regulation”<sup>1</sup> refers to Regulation (EU) No 604/2013. It is a long-standing mechanism between EU Member States, Iceland, Norway, Switzerland and Liechtenstein (“Dublin States”) to determine responsibility for examining asylum claims. In the case of unaccompanied asylum seeking children, Article 8 of the Dublin Regulation provides that the responsible “Dublin State” shall be that where a parent (or an adult responsible under the law or practice of the “Dublin State” where the adult is present), sibling(s), adult aunt, uncle or grandparent is legally present, provided that it is in the best interests of the child. In addition, an

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<sup>1</sup> <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1481188565896&uri=CELEX:32013R0604>



adult aunt, uncle or grandparent must also establish that they can take care of the child.

- “family members” in the context of the Dublin III Regulation means the father, mother or another adult responsible for the child (whether by law or by the practice of the “Dublin State” where the adult is present) as defined in Article 2 of the Regulation, or a sibling.
- “relative” in the context of the Dublin III Regulation means an adult aunt, uncle or grandparent as defined in Article 2 of the Regulation.
- “asylum seeking child” means a child who is in the UK with family members and may have been transferred to the UK under the Dublin III Regulation. This is the same definition as in the 2017 Statutory Guidance to local authorities on the care of unaccompanied asylum seeking children and child victims of modern slavery.
- “responsible authority” means, in relation to a looked after child, the local authority or voluntary organisation as the case may be, responsible for the child’s placement.

## Chapter 2: The context of care by family and friends

### The role of family and friends care

7. Most children are brought up by one or more of their parents, but it has been estimated that up to 153,000 children in England are cared for full time by a relative, friend, or other person previously connected with the child.<sup>2</sup> These arrangements will be covered by a range of different legal statuses including over 8,000 looked after children who are placed with family members and friends who have been approved as their foster carers.<sup>3</sup> All of these arrangements are referred to in this guidance as “family and friends care” although they are sometimes also referred to as kinship care arrangements.

8. Family and friends carers play a unique role in enabling children to remain with people they know and trust if they cannot, for whatever reason, live with their parents. These children may or may not be looked after by the local authority, or even known to it. The majority of the relatives who provide care are grandparents, aunts and uncles, but the group includes others such as older siblings.

9. Many children who live in family and friends care do well in life, but others are vulnerable to failing to achieve good outcomes. Many family and friends carers both want and need support to enable them to meet the needs of the children they care for. Whilst every child must be considered on an individual basis according to their needs, this guidance sets out a framework for local authorities and their partners to use in assessing the need for, and providing, such support.

### Challenges facing family and friends carers

10. Although family and friends carers usually know the child whose care they are taking on, and are less likely to have to deal with the problems associated with a child moving to an unfamiliar household, they nevertheless face considerable challenges. Often there are significant and long term tensions within the family particularly in relation to managing contact, for which support may be necessary.

11. The most common reasons for family members and friends taking on the care of children are those related to parental factors such as domestic violence, alcohol or substance misuse, mental or physical illness or incapacity, separation or divorce, imprisonment, or death of a parent. However, family members or relatives may also be taking on the care of an unaccompanied asylum seeking asylum child, who has been

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<sup>2</sup> Nandy, S., Selwyn, J., Farmer, E., & Vaisey, P. (2011). Spotlight on Kinship Care: Using Census microdata to examine the extent and nature of kinship care in the UK at the turn of the Twentieth century. Bristol: University of Bristol.

<sup>3</sup> 8,830 on 31 March 2017. Department for Education Statistical First Release September 2017, Table A2.

transferred to join them in the UK under the Dublin III Regulation<sup>4</sup> whilst their asylum claim is examined. Child related factors such as disability or challenging behaviour may also be reasons. In many instances, but not all, the characteristics and needs of children living with family and friends carers in informal arrangements are very similar to, or the same as, those of children who have become looked after. It may be the particular circumstances giving rise to an emergency, the willingness of family members to intervene at a particular stage, or the response of the local authority which determines whether the child goes to live with family and friends carers on an informal basis or is placed by the local authority as a looked after child.

12. Family and friends often start to care for other people's children in a crisis or emergency situation. Sometimes the care will begin as a short term measure, but gradually or subsequently become open-ended or permanent. A child may arrive in the carers' home without advance planning, sometimes in the middle of the night, in a state of confusion and without their immediate possessions. Family and friends carers may provide a series of planned short episodes of care for children, for instance whilst a parent is working away or undergoing medical treatment, or children may come and go at short notice in response to the chaotic lifestyle of their parents. Such circumstances can be very challenging for the carers and normal family relationships may be strained not just between the carers and the child's parents, but with other siblings, children of the carers, and extended family members.

13. Where children are transferred to the UK under the Dublin III Regulation from another "Dublin State" to join family members or relatives whilst their asylum claim is examined in the UK, this often presents distinct challenges to the carers. Children may have experienced exploitation and persecution in their country of origin or in what can often be a long, perilous and traumatic journey to Europe. In some cases, children may be joining family they know well, for example an older sibling – however in these cases their carers may themselves be seeking asylum and have had similarly traumatic experiences. In other cases children may be joining relatives that have been in the UK for longer but whom they may not have seen in a long time, if ever, and who will need to be able to understand and adapt to the needs arising from the experiences they may have had. Families are likely to vary in their means and their ability to understand UK systems and processes, which will influence the level of support they might require.

14. The impact of becoming a family and friends carer is often considerable. Many family and friends carers are the child's grandparents and while this may cover a wide range of ages and characteristics; they are often older and in poorer health than the child's own parents or unrelated foster carers. They may also be less well off financially, either because they are in receipt of a pension and unable to increase their income to take account of additional expenditure, or because they have to give up work in order to take on the care of the child. Frequently they take on the care of two or more children at

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<sup>4</sup> Please see "Dublin III Regulation" under the definitions section above.

the same time. The arrival of a child or children into the family can have a major impact on the lifestyle of the carers, who may have viewed their child rearing years as long since over and settled into a very different way of life, perhaps enjoying a quiet retirement. In addition there are often new pressures relating to accommodation, child care arrangements, education, behaviour and a vast range of other issues. Grandparents may also have complex feelings that their own children are unable to provide adequate care for the children.

15. Each case will bring different challenges to family and friends carers. Single carers may face particular practical problems or emotional difficulties in caring for a child and may need support to help them to succeed. Sometimes an older sibling may become the carer, needing support to deal with their own feelings and problems in addition to those of providing full-time care for a younger brother or sister. An older sibling may have experienced similar difficulties to those of the child for whom they become the carer, whilst their new role may seriously disrupt their education, employment, or social life at a stage when they had not planned to have caring responsibilities. Uncles and aunts may have their own children of a similar age to those for whom they have become carers, which may place considerable pressures on the whole household.

## **The broader policy context of family and friends care**

16. There is an important policy focus on narrowing the gap in outcomes between children from disadvantaged backgrounds and their peers in ways that reflect local circumstances. The provision of effective inter-agency support to family and friends carers is one way to help achieve this. Agencies should also consider the needs of children living with family and friends carers when they are targeting their early intervention services.

17. A range of agencies providing family support and early intervention services should be aware of and sensitive to the needs of children who are living with family and friends carers. In view of the fact that carers will come from a wide range of circumstances and include grandparents, older siblings and family friends, services such as children's centres will need to be confident that they are accessible and welcoming to all generations and offer a comfortable environment for people of all ages and with a variety of relationships to the child.

18. Children and their families should receive good quality services, which meet the needs of every child, and different organisations and specialists need to work effectively together to ensure a comprehensive approach to early intervention. To enable family and friends to offer appropriate care for children who cannot live with their parents, access to a range of high quality support services at universal, targeted and specialist levels will be needed.

19. Local authorities and their partners should make sure that family and friends carers are aware of relevant support services, and that these can be readily accessed by those caring for children whether or not these are looked after by the local authority. Whilst recognising the requirements which may go with a particular legal status, it is essential that services are not allocated solely on the basis of the child's legal status, and that commissioners and providers of services are aware that many children in family and friends care have experienced multiple adversities similar to those of children who are looked after by local authorities. Where support services are identified as necessary to meet the child's needs, these should 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 residence or special guardianship order or an adopter.

20. Not all children who are cared for by family and friends carers will be looked after by the local authority. Some arrangements may simply require the kind of support which the local authority can offer under section 17 of the 1989 Act, as explained in Chapter 3. In such informal arrangements, this support can be seen within the broader context of enabling family members to provide support and care to each other, supported by adults' and children's services working together. An emphasis on integrated public services working in partnership with the private and voluntary sector will help ensure easy access to services, which provide effective early interventions to meet the needs of children and their families.

21. Effective implementation of the local authority's duty under section 17 of the 1989 Act will ensure that wherever possible children's needs are met through the best use of resources designed to safeguard and promote their welfare. Local authorities can make regular section 17 payments to support family and friends carers look after the children in their care. Lack of support should not mean that a child becomes looked after by the local authority. This should only happen in cases where it is the most appropriate way to ensure that the child's welfare is safeguarded and promoted.

22. Specialist services such as Child and Adolescent Mental Health Services (CAMHS) and services for children with special educational needs and disabilities must be sensitive to the particular needs of children living with family and friends carers.

## **Assessing informal arrangements**

23. In the case of a private fostering arrangement, the local authority does not formally approve or register a private foster carer. However, it is the duty of the local authority where the child resides, to satisfy themselves that the welfare of children who are, or will be privately fostered within their area is being, or will be, safeguarded and promoted. During the assessment the local authority must determine the suitability of all aspects of the private fostering arrangements, in accordance with the Children (Private Arrangements for Fostering) Regulations 2005. Where the local authority is not satisfied that the welfare of a privately fostered child is being, or will be, satisfactorily safeguarded or promoted, it must take reasonable steps to ensure that the child is accommodated by

their parent (or other person with parental responsibility) or relative and consider whether they need to exercise any of their functions under the Act in relation to the child.

24. The local authority does not have a duty to assess informal family and friends care arrangements, unless it appears to the authority that services may be necessary to safeguard or promote the welfare of a child in need in their area. However, to ensure the safety and welfare of asylum seeking children who are joining family members or relatives in the UK, it will be important to ascertain that the reception arrangements are safe and adequate prior to the child's arrival, and that children are not being transferred to live with family members or relatives where they are unable to take on their care. In all circumstances a single child and family assessment provides a suitable model by which local authorities can satisfy themselves that informal family and friends arrangements are appropriate to meet the needs of individual children. In the cases of children joining family from another "Dublin State", the first part of the assessment would need to be undertaken with the family prior to the child's arrival and then subsequently completed when the child is present in England and the specific and unique needs of the child can be included in the assessment. Authorities should provide information for parents and carers about the stages of the assessment process, likely timescales and the contact points for enquiries. In the case of children joining family from another "Dublin State", **Annex B** sets out the transfer process and provides further information for local authorities engaging in transfers and assessing families and children.

25. In assessing the suitability of a child living with a relative or friend or other person connected with the child as an alternative to care proceedings, local authorities will need to consider what support might be required to enable the arrangement to be successful, whether informal or by way of special guardianship or a child arrangements order. Whether family members and friends are caring for a child or young person who would otherwise be looked after, who is already looked after, or is returning from a care placement, it is essential that proper recognition and effective support are given to ensure that the carers are able to safeguard the child and promote his or her welfare, and so achieve their full potential.

26. In working with children in need, when assessing wider family and environmental factors within the core assessment the local authority should ensure that it considers the capacity and willingness of the other extended family members to care for the child on a short or longer term basis. This means that voluntary arrangements for the provision of services to children and families, including the consideration of potential alternative carers, should always be fully explored before any application is made under section 31 of the 1989 Act for a care or supervision order. Statutory Children Act 1989 guidance on court orders requires that a local authority should take steps as soon as possible, perhaps through a family group conference or other family meeting, to explore whether care for the child can be safely provided by a relative or friend, assessing the suitability of

possible arrangements and considering the most appropriate legal status of such arrangements.<sup>5</sup>

27. No child should have to become a looked after child, whether by agreement with those holding parental responsibility or by virtue of a court order, for the sole purpose of enabling financial, practical or other support to be provided to the child's carer. Authorities must seek to provide any necessary support services without the child becoming looked after unless the child meets the criteria at section 20(1) of the 1989 Act and requires accommodation. Neither should the fear of losing support be allowed to become an obstacle to family and friends carers taking over responsibility for the long term care of a looked after child through applying for a residence order or special guardianship order. Decisions by a local authority that a child should become looked after, or cease to be looked after, must be based on an assessment of the child's needs and circumstances. The views of the child's parents, any other person holding parental responsibility, and anyone else caring for the child should be taken into account within the assessment.

28. Notwithstanding the importance of family support services, there are some differences between the entitlement to different forms of support by informal family and friends carers and by those who are foster carers to a child accommodated by the local authority. The main differences are summarised in the table below.

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<sup>5</sup> *The Children Act 1989 Guidance and Regulations Volume 1, Court Orders*, DCSF 2008, para. 3.24.

Table 1: Entitlement to support by family and friends carers under Children Act 1989 section 17 and section 20

Children in need supported under section 17 (in an informal arrangement)	Child accommodated under section 20
<ul style="list-style-type: none"> <li>the child is not looked after by the local authority</li> <li>the child will not have a care plan but there may be a child in need plan or child protection plan</li> <li>if there is a child in need plan a social worker or other worker may visit the child and carers</li> <li>the child may be offered access to an advocacy service where they make or intend to make representations under section 26 of the 1989 Act</li> <li>the carers will not usually have a separate social worker</li> <li>the local authority has discretion to give financial assistance (which can be on the basis of regular payments) but there is no entitlement and family income may be taken into account since the local authority must have regard to the means of the child and parents under section 17 (8) of the 1989 Act</li> <li>Child Benefit and Child Tax Credit may be payable</li> <li>support may be offered to the carers and/or child but is discretionary</li> <li>there is no entitlement to leaving care support</li> <li>any support offered will cease when the young person becomes 18, unless criteria are met for support from adult services</li> </ul>	<ul style="list-style-type: none"> <li>the child is looked after by the local authority</li> <li>the child must have a care plan (including health plan and personal education plan) which will be reviewed by an independent reviewing officer</li> <li>a social worker will visit the child and carers and oversee the child's welfare</li> <li>the child must be offered access to an advocacy service where they make or intend to make representations under section 26 of the 1989 Act</li> <li>a supervising social worker will be appointed for the foster carers</li> <li>a weekly fostering allowance will be paid if the child is placed in a foster placement</li> <li>there is no entitlement to Child Benefit or Child Tax Credit</li> <li>training and support must be offered to the foster carers</li> <li>on leaving care the young person may be eligible for ongoing support under the 1989 Act (as amended by the Children (Leaving Care) Act 2000)</li> <li>the local authority is able to offer continuing support (including financial support) to the carers until the young person is 21, and to support the young person in respect of education and training until they become 25</li> </ul>

Table 1: Entitlement to support by family and friends carers under Children Act 1989 section 17 and section 20



## Chapter 3: The legal context

### Background

30. The majority of family and friends carers act informally by agreement with those holding parental responsibility for the children they care for. Providing they are a relative of the child as defined by section 105 of the 1989 Act or have parental responsibility for the child, there is no requirement to notify the local authority of the arrangement. Most such arrangements remain entirely private without the need for the involvement of children's social care services, although support may be provided under section 17 of the 1989 Act.

31. In the case of asylum seeking children joining family members or relatives in the UK, the family members or relatives will be taking the child on under an informal arrangement. Given that the child is in a different country and the request is made via another "Dublin State", the local authority will be notified of the proposed arrangement. Despite this, the arrangement would still be an informal family and friends care arrangement unless the child's circumstances are such that the local authority has to take action under the Children Act 1989, for example under section 20 or section 47.

32. In other circumstances, family and friends care arrangements may be subject to the requirements of legislation such as that which governs private fostering, residence orders, special guardianship orders or children who are looked after by the local authority and placed with local authority foster carers who are relatives, friends or other persons connected with the child.

33. These different situations are addressed later in this chapter. **Annex A** gives further information about the range of legal situations in which family and friends care takes place.

### Family support services under section 17

34. Section 17 of the 1989 Act imposes a general duty on the local authority to safeguard and promote the welfare of children within their area who are in need and 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 ("family support services"). "Family" in relation to such a child means not only a person who has parental responsibility for the child but also any other person with whom the child has been living.

35. The definition of a child in need in section 17(10) is broad. A child in need is a child whose vulnerability is such that they are unlikely to reach or maintain a reasonable level of health, or development or their health or development would be significantly impaired, without the provision of services by the local authority, or they are disabled.

36. The range and level of family support services which may be provided under section 17 is wide, and is set out in Part 1 of Schedule 2 to the 1989 Act. As well as practical support, family and friends carers may need advice, guidance or counselling about how to manage issues such as those arising from contact or from caring for children with emotional or behavioural difficulties due to their earlier experiences. Such services may be provided by local authorities to support both formal and informal family and friends care arrangements. The 1989 Act does not impose a limit on the amount of support which may be provided under section 17. Section 17(6) provides that the family support services provided by a local authority may include giving assistance in kind and may also include giving financial assistance to the family. Section 17(6) has been amended by the 2008 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. Local authorities providing such financial support to family and friends carers under section 17 will need to be clear that this support is provided under section 17.

37. The local authority should have in place clear eligibility criteria in relation to the provision of support services under section 17, including financial support to children living with family and friends carers.

## **The provision of accommodation under section 20(1)**

38. Section 20(1) of the 1989 Act provides that every local authority must provide accommodation for any child in need within their area who appears to them to require accommodation as a result of: (a) there being no person with parental responsibility for the child; (b) their being lost or having been abandoned; or (c) the person who has been caring for him being prevented (whether or not permanently, and for whatever reason) from providing them with suitable accommodation or care. When a local authority is considering whether a child cared for by family and friends “requires accommodation”, the question at (c) will be particularly relevant: does the child appear to the authority to require accommodation because the person who has been caring for the child is prevented from providing the child with suitable accommodation or care? If it appears to the authority that the child does require accommodation, then it must provide that accommodation. Under section 20(4) the local authority may also provide accommodation for any child in their area (even though a person who has parental responsibility for the child is able to provide them with accommodation) if they consider that to do so would safeguard or promote the child's welfare. Short breaks are frequently provided under this provision.

39. Before providing accommodation under section 20, the local authority must, so far as is reasonably practicable and consistent with the child's welfare, ascertain and give due consideration to the child's wishes and feelings regarding the provision of accommodation. If a person with parental responsibility for the child, who is willing and able to provide accommodation or arrange for accommodation to be provided to him or

her, objects to the local authority providing accommodation, the authority should consider whether the child is suffering or is likely to suffer significant harm unless he or she is taken into the care of the authority, and if so seek a care order under Part 4 of the 1989 Act (section 20 (7)). Further information on this can be found in Children Act 1989 Guidance and Regulations Volume 1: Court Orders.<sup>6</sup>

40. Where a child is provided with accommodation under section 20 for a continuous period of over 24 hours, or is subject to a care order, the child is looked after and the duties in Part 3 of the 1989 Act, particularly sections 22 to 22D, and the 2010 Regulations will apply.

## **Accommodation and maintenance of looked after children under sections 22A to 22F**

41. Sections 22A to 22F of the 1989 Act make provision in relation to the accommodation and maintenance of children who are looked after. Section 22C is the key provision and replaced the provisions set out in section 23 of the 1989 Act. Section 22C sets out the ways in which looked after children are to be accommodated and maintained. Section 22C(2) to (4) provides that a local authority must make arrangements for a child who is looked after to live with their parents, a person who is not a parent but who has parental responsibility for the child or, in a case where the child is in the care of the local authority and there was a residence order in force with respect to the child immediately before the care order was made, the person in whose favour the residence order was made. This “rehabilitative” duty is subject to the proviso that the arrangements must be both consistent with the child’s welfare and reasonably practicable, and reflects the principle that state intervention in family life should be to keep children safe and ensure that families have the necessary support to bring up their children. For children subject to a care order the placement back with their parents must be in accordance with the 2010 Regulations.

42. Where a local authority is unable to make arrangements under section 22C(2) to (4) then section 22C(5) requires the authority to place the child in the most appropriate placement available. Section 22C(6) to (9) sets out what those placement options are and how the local authority must determine the most appropriate placement. In so doing the authority must “give preference to” a placement with a person who is a relative, friend or other person connected with the child and who is also a local authority foster parent. They must have been approved as a local authority foster carer in accordance with the 2011 Regulations or have been temporarily approved as a foster carer under the 2010 Regulations. These Regulations, together with the National Minimum Standards for Fostering Services, set out requirements in relation to support and supervision of all

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<sup>6</sup> *Children Act 1989 Guidance and Regulations Volume 1: Court Orders*, DCSF 2008, Chapter 3.

foster carers including those who are family members, friends or other connected persons.

43. Ideally all placements will meet all of the placement criteria in section 22C(7) to (9). However, this is unlikely to be the reality and social workers, supervising social workers and other decision makers may find themselves faced with difficult choices. The placement criteria are important because many children benefit by being placed with relatives or friends or others connected to them, near their own homes, continuing to attend the same school, living with their siblings and in accommodation that suits any special needs. However not all these factors are always beneficial for all children, and some will have greater priority than others at different times in children's lives. In weighing up the different options a number of issues need to be considered, the most important of which is how far a placement will meet the assessed needs of a particular child or young person given their previous history and their current circumstances.

44. Section 22C reflects the principle that all children, including looked after children, should wherever possible be cared for by their families and friends. It is also intended to ensure that children placed with relatives do not automatically lose their looked after status. Section 22C of the 1989 Act also makes it clear that if a looked after child is placed with a family member, friend or any other person who is connected with the child, then the carer must be approved as a local authority foster parent. Guidance in respect of the assessment of family members and friends as foster carers is contained in Chapter 4.

45. A child who is looked after and is placed with a relative, friend or other person connected with the child in accordance with section 22C(5) continues to be looked after. In the case of a child who is provided with accommodation under section 20, the child's looked after status will end when the local authority considers that the child no longer requires accommodation under section 20(1) of the 1989 Act. In the case of a child subject to a care order, the child will continue to be looked after until the order is discharged or the foster carer is granted an order which gives them parental responsibility for the child.

46. Whether or not a child who is cared for by a family and friends carer should be looked after by the local authority will be a matter to be decided by the local authority on a case by case basis. In the context of family and friends care, the key question will be whether the child appears to the local authority to require accommodation for one of the reasons in section 20(1) of the 1989 Act. It may not always be easy to determine whether a child who is cared for by family or friends requires accommodation for the purposes of section 20(1) or whether that child's needs should be met by providing support under section 17 of the 1989 Act. In any event, where the local authority has instigated the arrangement for a child to live with a friend or relative, the local authority should provide an appropriate range and level of support for those arrangements.

## Pre-proceedings

47. In relation to care proceedings, the Public Law Outline<sup>7</sup> requires authorities to demonstrate that they have considered family members and friends as potential carers at each stage of the decision making process. The local authority will need to disclose information about discussions with relevant family and friends at the pre-proceedings stage. Statutory guidance in relation to court orders emphasises that consideration of potential alternative carers should always be fully explored before making an application under section 31 of the 1989 Act, provided that this does not jeopardise the child's safety and welfare.<sup>8</sup>

## The duty to secure sufficient accommodation for looked after children

48. Section 22G of the 1989 Act, inserted by the 2008 Act, places local authorities under a duty to secure, so far as reasonably practicable, sufficient accommodation for looked after children which is within their local authority area and meets the needs of children. Statutory guidance covers the implementation of this requirement.<sup>9</sup> Effective support to prevent the need for children to become looked after, together with appropriate placement of looked after children with family and friends foster carers, will help local authorities to deliver effective commissioning policies which fulfill this sufficiency duty.

49. Whilst the sufficiency duty requires a strategic commissioning approach, the responsible authority must always ensure that the placement proposed for a looked after child is the most appropriate available and that it will meet his or her needs identified in the care plan, and so it may be that a placement with a connected person who lives outside of the local authority area is judged to be the most appropriate.

## Care leavers

50. The 1989 Act imposes duties on local authorities to provide care leaving support to young people when they cease to be looked after and are making the transition to adulthood. This applies to children placed by the local authority with family and friends foster carers in the same way as it does to all other care leavers. Following changes introduced through the Children and Social Work Act 2017, all care leavers are entitled to request support from a personal adviser up to the age of 25, and are also entitled to a bursary towards the costs of participating in higher education. The responsibilities are

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<sup>7</sup> Practice Direction: Public Law Proceedings Guide to Case Management, President of the Family Division April 2010

<sup>8</sup> *Children Act 1989 Guidance and Regulations, Volume 1: Court Orders*, DCSF 2008, chapter 3.

<sup>9</sup> Sufficiency: Statutory guidance on securing sufficient accommodation for looked after children, DCSF 2010.

set out in the Care Leavers (England) Regulations 2010, the Children Act 1989 (Higher Education Bursary) (England) Regulations 2009 and the relevant statutory guidance.<sup>10</sup>

## Private fostering arrangements

51. A private fostering arrangement is one that is made privately, that is to say without the involvement of the local authority, for the care of a child under the age of 16 (or 18 if disabled) by someone other than a parent (or other person with parental responsibility) or a relative with the intention that it should last for 28 days or more. The private foster carer becomes responsible for providing the day to day care of the child. The parent will continue to hold parental responsibility for the child. The arrangement will fall within the definition of private fostering in the 1989 Act, and the provisions in that Act and in the Children (Private Arrangements for Fostering) Regulations 2005 will apply. Local authorities are required to satisfy themselves that the welfare of the children who are privately fostered in their area is safeguarded and promoted. This means that they must visit the private fostering arrangements within 7 days of being notified of the arrangement. They will also speak to the parents and provide support and advice where necessary. Local authorities will then carry out follow-up visits. The number of visits required is at intervals of not more than six weeks in respect of the first year and twelve in the second and subsequent years of the arrangement. Local authorities are also required to monitor the way in which they discharge their private fostering duties, appoint an officer for that purpose and raise awareness of the requirement to notify them of private fostering arrangements.<sup>11</sup>

52. A child who is privately fostered may also be assessed as a child in need, and be provided with support under section 17 of the 1989 Act.

## Special Guardianship, child arrangements orders and adoption

53. Where a relative, friend or other connected person proposes to make a long term commitment to caring for a child, they may apply for a special guardianship order or a child arrangements order. The effect of such orders will be to give the person in whose favour the order is made parental responsibility for the child. A special guardian may exercise parental responsibility to the exclusion of all others with parental responsibility (although the special guardian cannot consent to the adoption of the child, or without written consent of all those with parental responsibility or leave of the court cause the child to be known by a new surname or remove the child from the UK), and is responsible

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<sup>10</sup>Children Act 1989 Guidance and Regulations Volume 3: Planning Transition to Adulthood for Care Leavers, DfE 2010

<sup>11</sup> See Replacement Children Act 1989 Guidance on Private Fostering:  
<https://www.gov.uk/government/publications/children-act-1989-private-fostering>

for all aspects of caring for the child or young person and for taking decisions to do with their upbringing. Relatives can apply for a child arrangements order or special guardianship order without the permission of the court after caring for the child for one year.

54. In the case of a child who was looked after immediately prior to the making of a special guardianship order, the child, special guardian or parent has a right to receive an assessment by the local authority for support services, which may include financial support.<sup>12</sup> The statutory guidance makes it clear that it is important that children who were not looked after should not be unfairly disadvantaged by this approach, as in many cases the only reason that the child was not looked after is that a relative has stepped in quickly to take on responsibility for the child when the parent could no longer do so.<sup>13</sup> In the case of a special guardian who was previously the child's foster carer, financial support may include not only an allowance but also an element in lieu of a fostering fee for up to two years, or longer if the authority considers this to be appropriate. In its calculation of any ongoing special guardianship financial support, the local authority should have regard to the fostering allowance that would have been paid if the child was fostered.

55. There is no similar right to an assessment for support for holders of child arrangements orders, but local authorities have the power to pay an allowance where this is the most appropriate way to safeguard and promote the child's welfare.<sup>14</sup>

56. Where a child is already living with a family and friends carer it may also be possible for them to apply for an adoption order, this would extinguish the parental responsibility of the birth parents.<sup>15</sup> Local authorities are also required to make a range of adoption support services available in their area to meet the needs of people affected by adoption, and adopted children and adopters have the right to be assessed for certain support services, the details of which are set out in the relevant regulations and statutory guidance.<sup>16</sup>

57. Requirements for the assessment of people who wish to become special guardians or adopters are set out in the relevant statutory guidance.<sup>17</sup>

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<sup>12</sup> Regulation 11, Special Guardianship Regulations 2005.

<sup>13</sup> Special Guardianship Guidance, DfES 2005.

<sup>14</sup> Children Act 1989, Schedule 2, Section 15.

<sup>15</sup> Section 42, Adoption and Children Act 2002.

<sup>16</sup> The Adoption Support Services Regulations 2005, and Adoption Guidance: Adoption and Children Act 2002 (revised Feb 2011), DfE 2011

<sup>17</sup> Adoption Guidance: Adoption and Children Act 2002 (revised Feb 2011), DfE 2011 and Special Guardianship Guidance, DfES 2005.

58. To support them in making the transition to adulthood, children who were looked after by a local authority immediately before the making of a special guardianship order may qualify for a range of support under the 1989 Act.<sup>18</sup> Where a person intends to apply for a special guardianship order, or in the case of a non-agency adopter and adoption order, they must give notice to the local authority who will investigate and prepare a report for the courts. Further information is found in the relevant statutory guidance.<sup>19</sup>

59. A local authority's duty to safeguard and promote the welfare of children in need under section 17 of the 1989 Act extends to children in need "within their area". Where a child receiving services under section 17, who is not looked after, moves to the area of another local authority, it is for the new authority to consider whether services should be provided to that child, in accordance with its own priorities for service provision and eligibility criteria.

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<sup>18</sup> Section 24 (2) The Children Act 1989 and regulation 22, Special Guardianship Regulations 2005.

<sup>19</sup> Special Guardianship Guidance DfES 2005 and Adoption Guidance: Adoption and Children Act 2002 (revised Feb 2011) DfE 2011



## Chapter 4: The local policy requirement

### The context of the policy

60. Effective local services will be underpinned by clear policies which are known to all interested parties and applied consistently. Clear policy frameworks, supported by good demographic and needs data, will ensure the development of appropriate local services.

61. In collaboration with local partners, each local authority with responsibility for children's services must have a policy setting out its approach towards promoting and supporting the needs of children living with family and friends carers. The policy must address the needs of the full range of children in family and friends care, whether they are looked after or not, and should be clearly expressed, regularly updated, made freely and widely available and publicised by relevant means, such as websites and leaflets.

62. Whilst the detail of the policy is a matter for local determination within the length and extent of legislation and statutory guidance, it must address the matters outlined in the rest of this chapter. The purpose is to ensure that information about local services and policies is readily available to all those who need it. Where appropriate the policy may signpost other information rather than repeat it.

### Values, principles and objectives

63. Local families and friends care policies should be based on a clearly stated set of values and principles. The principles underlying the 1989 Act provide a sound foundation for this. The key principle is that children should be enabled to live within their families unless this is not consistent with their welfare.

64. Policies should promote permanence for children by seeking to enable those who cannot live with their parents to remain with members of their extended family or friends, providing where appropriate a better alternative to growing up in the care of the local authority. Permanence is the framework of emotional, physical and legal conditions that gives a child a sense of security, continuity, commitment and identity. For most looked after children, permanence is achieved through a successful return to their birth family, where it has been possible to address the factors which led to the child becoming looked after. Where this is not possible, family and friends care will often provide an important alternative route to permanence for the child, particularly where this can be supported by a residence order or a special guardianship order or through adoption.

65. Policies should be underpinned by the principle that support should be based on the needs of the child rather than merely their legal status and should seek to ensure that family and friends carers (whether or not they are approved foster carers) are provided with support to ensure that children do not become, or remain longer than is needed, voluntarily accommodated by the local authority under section 20(1) of the 1989 Act.

66. Policies should make clear that children are active participants and are engaged in the relevant processes when adults are trying to solve problems and make decisions about them.

## **Evidence base**

67. Policies should be based on evidence of what works in supporting family and friends carers to meet children's needs, and knowledge of the services, which carers and children want to be available to them. Authorities must consult children, family and friends carers and parents as appropriate in drawing up their policies, and set out how policies have been informed by their views. Key messages from research are identified in **Annex C**.

## **Management accountability**

68. The Director of Children's Services should identify a named lead senior manager who holds overall responsibility for the family and friends care policy. He or she will need to ensure that the policy meets the statutory requirements, and is responsive to the identified needs of children and carers. There is no requirement for a dedicated post for this purpose.

69. Effective policies will be informed by up-to-date information about local needs. Local authorities and partner agencies will have access to certain relevant information, such as the number of family and friends foster carers, and of those to whom they are providing special guardianship or adoption support services. In monitoring implementation of the local family and friends care policy, the responsible manager may find it helpful to gather further specific data.

70. The responsible manager must ensure that local authority staff understand the policy and that they operate within its framework so that it is applied consistently and in a fair manner across the authority; an alleged failure to do so is a major source of complaint from family and friends carers. He or she must ensure that local partners agreeing are aware of their responsibilities towards children living in family and friends care and are proactive in meeting those needs. The manager must also ensure that the policy is publicised sufficiently to ensure that anyone who may be considering becoming a family and friends carer can be aware of its content and be clear about how to contact the local authority and other agencies for further information about relevant services.

71. Staff who are responsible for implementing the policy should have appropriate training and understanding of the issues which family and friends carers face, and of their obligations, powers and responsibilities, including the contents of the local policy. Dedicated workers or teams may be an appropriate way of ensuring this, but regardless of the method of delivery the responsible manager will need to be assured that relevant staff are competent in this area of work.

## Legal framework

72. The local policy should set out the relevant legal framework including an explanation of the authority's powers and duties in relation to children in need and looked after children, and address the effect of a child arrangements order, special guardianship order, or adoption order. The purpose of this is to ensure that members of the public have the necessary information to make informed choices about the most appropriate route for them to follow. Information should be provided about the meaning and implications of different legal situations, the rights of carers and of the children's parents, and the nature of decisions which family and friends carers will be able to make in relation to the child.

73. **Annex A** summarises the legal frameworks which may apply when caring for somebody else's child and the entitlement to support services relating to these, and may assist in drawing up the local policy.

## Information about services and support

74. Family and friends carers often struggle to obtain information, which will assist them in their caring role, particularly when they have taken on the care of a child in an emergency. It is important that they should know what resources are available to support children in the local area, including information about universal services such as early years provision, day care and out of school services, schools and colleges, health services, leisure facilities and youth support services. Family and friends carers may be less aware of local services for children than others who are bringing up children, particularly if they have not previously had children or are of a different generation to most parents. Policies should help address this gap by ensuring that information about local services is provided, and is easily accessible by, family and friends carers.

75. Day care providers, children's centres, schools and colleges, health visitors, advice agency staff and other front line workers will often be the people who first come into contact with children living with family and friends carers, and should be aware of the challenges which family and friends carers may face. Authorities should ensure that such workers have the information they need to signpost carers to relevant services, and services should ensure that information they publish demonstrates their responsiveness to the needs of family and friends carers.

76. Given the specific needs of many children growing up away from their parents, carers will also need to know how to access targeted and specialist services which may be required, such as special educational needs services and CAMHS.

77. Local family and friends policies should support the promotion of good information about the full range of services for children, young people and families in the area, and highlight the availability of advice from independent organisations. **Annex E** provides a list of useful organisations.

## Financial support

78. Whilst parents retain their responsibilities for the maintenance of their children placed with informal family and friends carers, those carers may experience significant financial difficulties as a result of taking on the care of a child or children. The financial impact of taking on the care of one or more children can be considerable, particularly if this was not planned for.

79. Carers in different circumstances need to be aware of their entitlement to any state benefits and allowances, such as child benefit and child tax credit, and also that they are aware of how to apply for any discretionary financial support which may be available. Family and friends policies should signpost local sources of information and advice, such as benefits advice services. In turn these services should be made aware of the particular difficulties which may face family and friends carers across the spectrum of circumstances, in order to provide a responsive service which recognises the key role they play in avoiding the need for children to become looked after.

80. In some circumstances family and friends carers may still be struggling to cope financially even where they are in receipt of all appropriate benefits. They may need financial assistance for one-off expenditure, such as school clothing or bedroom furniture, or on a more regular basis either to enable them to make adjustments or to make it possible to continue to care for a child in the longer term.

81. Whilst in some circumstances carers may be able to take time off work due to caring responsibilities, family members sometimes take on the care of children in an emergency and may have to take unpaid time off work or a career break in order to settle the children into their new environment and to make adjustments to their own lifestyles. It will not always be possible or in the child's or carer's best long term interests for the carer to give up work altogether, particularly if this would lead to future financial hardship which would impact on the care provided for the child. Immediate short term financial support may be especially necessary to enable this period of transition. Where carers are employed, the employer will be able to provide information about any relevant parental leave entitlements

82. Local authority powers to make payments in respect of children in need under section 17(6) of the 1989 Act are outlined in chapter 3. The local policy must identify how family and friends carers are made aware of the eligibility criteria and when means testing applies, how to apply for any such financial help, and how and when decisions are made about eligibility. Where financial support is offered, a written agreement should be drawn up detailing the level and duration of the support that is to be provided, and the mechanism for review, to ensure that all parties remain clear about the arrangements.

## Accommodation

83. Family and friends carers may need support with accommodation, as their homes may not be of sufficient capacity to suddenly take on the care of a child or possibly a sibling group of children. They may have long since down-sized their accommodation, and suddenly find themselves under pressure for living and sleeping space. Living in cramped conditions may well add to the pressures of caring for a child. Housing authorities and registered social landlords should ensure that their policies recognise the importance of the role performed by family and friends carers, and that whenever possible family and friends carers living in social housing are given appropriate priority to move to more suitable accommodation if this will prevent the need for a child to become looked after.

84. Local policies should help ensure that housing and social care services work in partnership to support the housing needs which may face family and friends carers across the range of legal circumstances outlined in chapter 3.

85. Local authorities have the power under section 17 of the 1989 Act to give financial support towards accommodation costs where they assess this as the most appropriate way to safeguard and promote a child's welfare.

## Supporting contact

86. Local authorities are under a duty to promote contact for all children in need, although there are differences in the way that duty is expressed depending on whether or not the child is looked after. Schedule 2 paragraph 10 of 1989 Act requires local authorities to promote contact between a child who is in need but not looked after but who is living away from home and his or her family where it is necessary to do so in order to safeguard and promote his or her welfare. Schedule 2 paragraph 15 requires local authorities to endeavour to promote contact between a looked after child and his or her family unless it is not practicable or consistent with the child's welfare.

87. Contact with their immediate families is generally a positive experience for children who are not living with their parents, helping them to maintain a sense of belonging and identity. Contact arrangements should meet the needs of the child. Most children living with members of their extended families will be in contact with one or both of their parents, and often also with other relatives, and this will help to promote positive relationships.

88. However management of contact can often be a source of considerable anxiety and conflict for family and friends carers. It can place emotional and practical strains on all the parties involved. Family dynamics and relationships may be fundamentally changed, particularly for grandparents and others who are becoming "second time round" carers and children may not understand why they are being brought up by relatives, whilst parents may resent the fact that their children do not live with them. In the case of

asylum seeking children joining family or relatives in the UK, contact with family or relatives abroad should be handled sensitively. Family tracing should have been made available to children upon arriving in the European Union. When in the UK the extent and nature of family tracing will depend on the individual circumstances. The Home Office have a legal responsibility to trace an unaccompanied child's family at every stage of the asylum process. The Home Office have published guidance on family tracing<sup>20</sup>.

89. Information should be made available to family and friends carers about local contact centres and family mediation services, and how to make use of their services. Family mediation can help parties communicate better and resolve disputes taking account of the child's wishes in a supported environment. Contact centres and mediation services need to be made aware of the particular challenges which may face family and friends carers and be sensitive to their needs. Support and guidance may be required to ensure that the adult's relationships do not get in the way of meeting the child's needs.

90. Where there are safeguarding concerns there may be a need for the involvement of children's social care services to support safe contact arrangements. Contact may be limited through a court order and family and friends carers may have difficulty in enforcing, or may not understand the necessity of, these limitations on contact with their own children or other close relatives. Contact may however need to be carefully managed, monitored and supported, to ensure that it does not become unsettling and possibly harmful for the child.

91. Local policies should identify services available to family and friends carers to support the management of contact arrangements, and where necessary to offer independent supervision of contact. Depending on the child's circumstances and local arrangements, this might be a direct service provided by the local authority children's services, or an arrangement made through a contact centre or family mediation service.

92. In relation to a looked after child, the 1989 Act requires the responsible authority (unless it is not reasonably practicable or consistent with the child's welfare) to endeavour to promote contact between the child and their parents, any person who is not a parent but who has parental responsibility for the child, and any relative, friend or other person connected with the child.<sup>21</sup> The statutory guidance to local authorities on care planning, placement and case review of looked after children contains further guidance on implementation of this duty.<sup>22</sup>

93. In the case of an asylum seeking child who is being transferred to the UK under the Dublin III Regulation because they have a close family member (as defined in the

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<sup>20</sup> <https://www.gov.uk/government/publications/tracing-family-members-of-unaccompanied-asylum-seeking-children>

<sup>21</sup> Children Act 1989 Schedule 2 paragraph 15

<sup>22</sup> Children Act 1989 Guidance and Regulations Volume 2: Care Planning, Placement and Case Review, DCSF 2010, paras. 2.78 – 2.92



Dublin III Regulation, usually a sibling) here but that family member is not able to take on their care, they will have to be accommodated by a local authority. This is because the Dublin III Regulation does not put any requirement on close family members to be able to take on the care of the child. In these cases, the child should, where possible, be accommodated by the local authority where the family member live, and contact should be supported with that family member. The child may be referred into the NTS depending on the circumstances of the local authority and the best interest of the child.

## Family Group Conferences

94. When difficulties arise, families may need support to help them to identify resources available to them with the potential to enable children to remain within the extended family. Family Group Conferences (FGCs) should be considered as an effective method of engaging the support of wider family and friends at an early stage of concerns about a child who may not be able to live with their parents. They promote the involvement of the wider family in the decision-making process to achieve a resolution of difficulties, and offer a way of ensuring that all resources within the family's wider social networks have been engaged for the benefit of the child. An explanation of FGCs is contained in **Annex D**.

95. FGCs may be particularly effective as part of an early intervention strategy and should be considered as a valuable tool to engage families in planning as soon as it is thought possible that a child may need to become looked after. By building into local procedures a requirement to consider holding an FGC at an early stage, the local authority will be able to demonstrate to the court one of the ways in which they have attempted to engage the wider family in planning prior to a court hearing as required by the Public Law Outline,<sup>23</sup> and help to avoid sequential assessments of potential carers which can be a cause of delay in planning for the child in public law proceedings.

96. If a child becomes looked after, perhaps following an emergency, without an FGC having been held then this step should again be considered as soon as possible. A conference at this stage will be a useful way to identify family members or friends who may be able to offer a placement for the child as a foster carer, or to provide a safe route out of care for children who are unable to return to their parents' care.

97. Local authorities should therefore ensure that they have arrangements in place to offer a family group conference or other form of family meeting as a means to engage families at an early stage and to support them in identifying solutions to difficulties they face in caring for their own children. The arrangements should be set out in the local families and friends care policy.

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<sup>23</sup> Practice Direction: Public Law Proceedings Guide to Case Management, President of the Family Division April 2010.

## Support groups

98. Family and friends carers may sometimes feel isolated: that they are the only people bringing up someone else's child and that nobody else understands the pressures they are experiencing. Getting together with others in similar positions can often be an invaluable source of support in itself, and many family and friends carers derive great benefit from sharing their feelings and receiving peer support. 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.<sup>24</sup> Groups can help to combat the isolation which many carers feel when they take on the role, particularly when they are dealing with the complex needs of vulnerable children, for which they had not planned. Support groups can be particularly important for carers and others who are not in receipt of services from the local authority.

99. Local authorities should work with partner agencies and the voluntary sector to find ways to encourage peer support and access to support groups. There are many varieties of support groups: they may be specifically for grandparents, or just informal family and friends carers, or mixed groups. Many are run by voluntary organisations, which can have the advantages of independence from the local authority, but others may be provided by the local authority. Successful groups usually offer time for discussion between their members as well as offering opportunities for visitors with expertise to address some meetings. They may also serve a social function, and arrange activities for children.

100. Family and friends foster carers may also benefit from support groups. They will share many of the same experiences and challenges as relatives and friends who are caring for children who are not in care, and are likely to benefit from support groups focused on issues relating to family and friends care, whether these are for foster carers or more general groups.

101. Support groups for special guardians and prospective special guardians, children subject to special guardianship orders and their parents are included in services prescribed by the Special Guardianship Regulations 2005 for which the local authority must make arrangements. In the case of children placed by an adoption agency, local authorities are required by the Adoption Support Services Regulations 2005 to provide support groups for adopters, adopted children and birth parents.

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<sup>24</sup> Information about existing groups, and advice about how to set up a new group, is available from organisations such as Family Rights Group and The Grandparents Association. See Annex D for contact details.



## Private fostering arrangements

102. The National Minimum Standards for Private Fostering<sup>25</sup> set out the minimum required standards for local authorities. The Standards require the local authority to have a written statement or plan which sets out its duties and functions in relation to private fostering and the ways in which they will be carried out. This statement should define what private fostering means, making clear when someone caring for a child will not be regarded as a private foster carer within the meaning of the 1989 Act.

103. Local authorities should raise awareness of private fostering, including the duty on those privately fostering a child to notify the local authority of a private fostering arrangement. Parents and private foster carers should be aware that they must notify the local authority of a private fostering arrangement before it is put in place and where this has not been done, immediately afterwards. Schools, GPs and other professional should notify the local authority of a private fostering arrangement that comes to their attention.

104. Although the private fostering arrangement is a private arrangement, the local authority must determine whether the welfare of the child will be satisfactorily safeguarded and promoted and should determine the suitability of all aspects of the private fostering arrangements.

105. Parents, private foster carers and children who are privately fostered will need to be confident in the process and they should be able to access information and support when required.

## Family and friends foster carers

106. Families and friends policies should include information about the local authority's powers and duties including circumstances in which a child may become accommodated by the local authority or in which care proceedings may be instigated, and how and by whom such decisions are made. Informal family and friends carers will need to feel confident that if they come forward to ask for support their views will be listened to and the child's needs will be appropriately assessed. They should know how they will be involved in this process and what framework will be used to assess that the child or young person may need to become looked after by the local authority.

107. The Statement of Purpose for the local authority's fostering service, prepared in accordance with regulation 3 of the 2011 Regulations, must spell out the aims and objectives of the fostering service and the services and facilities provided by it. The family and friends policy should incorporate this information in so far as it relates particularly to family and friends who are approved as foster carers. Fostering services must deliver services in a way which ensures that family and friends foster carers are fully supported

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<sup>25</sup><https://www.gov.uk/government/publications/national-minimum-standards-for-private-fostering>

to care for children placed with them and are not disadvantaged as a result of their prior relationship with the child. This includes access to training to support them in their role. Family and friends foster carers may benefit from some services being delivered in a different way, but there should be equity of provision and entitlement. It is not acceptable to discriminate against foster carers on the basis that they have a pre-existing connection with the child they are fostering.

108. Fostering services should ensure that all foster carers are equipped with the knowledge and skills to meet the care needs of children placed with them, and to achieve at least the minimum level of knowledge and skills outlined in the Training, Support and Development (TSD) Standards. Given that the TSD Standards are designed to equip foster carers with the knowledge and skills to provide an acceptable level of care to the children they look after, it is in the interests of looked after children that they should be achieved by all foster carers. In recognition of the fact that the context of family and friends foster care differs from other types of foster care, family and friends foster carers will work towards an amended set of standards and are given additional time to demonstrate achievement of the Standards.<sup>26</sup>

109. The TSD Standards provide an opportunity to identify any gaps in skills and knowledge, as well as support needs. Foster carers achieving the Standards need to show also that they understand their role, their responsibilities and obligations. They need to show an awareness of other professionals and services involved in the child's life and how they are meeting the health and wellbeing needs of the child they are looking after. Working to achieve the Standards can also provide a focus for the work of support groups and provide opportunities for family and friends foster carers to meet other foster carers. Authorities should ensure that the TSD Standards are framed and delivered in such a way that carers can see how they support them in their caring role, building upon any areas for development identified in the assessment.

110. Once approved as foster carers, the extent to which family and friends carers wish to be involved in training and formal support varies greatly. Authorities should consider how training and support can be delivered to family and friends foster carers in a way which recognises their particular circumstances, needs and perspective, helps them to understand the relevance and importance of participating in learning and development and makes it as easy as possible for them to engage. There may be benefits to incorporating training into support groups or providing specific training for family and friends foster carers. Evidence of learning and development may be available through the family and parenting support offered to family and friends carers.

111. The National Minimum Standards for Fostering Services cover fostering services' responsibilities with respect to all their foster carers, including those who are family and friends. Fostering services must deliver services in a way which ensures that family and

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<sup>26</sup> As set out in Standard 20 of the National Minimum Standards for Foster Care.

friends foster carers are fully supported to care for children placed with them and are not disadvantaged as a result of their prior relationship with the child.

112. Fostering allowances to foster carers must be sufficient to meet the cost to the carer of caring for the child and should be at least the minimum set annually by the Department for Education. The allowances paid by a fostering service must be calculated for family and friends foster carers on the same basis as for all other foster carers, and any variations should relate to the child's needs, the skills of the carer or some other relevant factor that is used as a criterion for all of the service's foster carers.

113. A judicial review of Manchester City Council's policy on payments of allowances to family and friends foster carers in 2001 (the Manchester City Council judgment) came about because foster carers who were relatives of the children they were caring for were paid significantly less allowance than non-relative carers. The court held it was unlawful to discriminate against family and friends carers by paying them a lower allowance than non-relative foster carers.<sup>27</sup> There is no requirement to pay a fee to reward a carer's time, skills, commitment, etc. in addition to the allowance. Where a fee is paid, it must be payable to those foster carers who meet the criteria set out for the scheme, including foster carers who are family or friends.

## **Special Guardianship, child arrangements orders and adoption**

114. Local authorities should identify in their family and friends policy where further information can be found about the manner in which it exercises its duties and powers in relation to people in whose favour a special guardianship order, child arrangements order or adoption order has been made, and by what means these persons may seek support services. Advice and guidance should be made available to family and friends carers regarding the respective implications of orders which give them parental responsibility, so that they fully understand the implications of applying for such an order.

## **Complaints**

115. Family and friends foster carers may also benefit from support groups. They will share many of the same experiences and challenges as relatives and friends who are caring for children who are not in care, and are likely to benefit from support groups focused on issues relating to family and friends care, whether these are for foster carers or more general groups.

116. The local policy should explain or signpost how children, families and friends carers and other relevant people may make a complaint about the service. The Children

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<sup>27</sup> R (L and Others) v Manchester City Council [2001] EWHC Admin 707

Act 1989 Representations Procedure (England) Regulations 2006 govern how complaints and representations must be dealt with, and require local authorities to have procedures for dealing with complaints and representations about the exercise of their children's social care functions. Statutory guidance to accompany the regulations is contained in *Getting the Best from Complaints* (2006).<sup>28</sup>

117. Any family and friend's carer or child or young person who feels that they have grounds may make a complaint to the local authority in accordance with its complaints procedure.

118. Foster carers have the right to make a complaint about the fostering service or any aspect of the service provided for a fostered child. Fostering services must specify their complaints procedure in their statement of purpose, which must be made available to all foster carers. Adopters and special guardians also have a right to make complaints about support offered to them.

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<sup>28</sup> DfES Complaints Guidance: Getting the best from Complaints; DfES 2006

## **Chapter 5: Approval of family and friends as foster carers**

### **The approval process**

120. To enable them to care for a looked after child, relatives, friends or other persons who are connected with the child must be approved as foster carers under the 2011 Regulations or temporarily approved as foster carers under the 2010 Regulations. The National Minimum Standards (NMS) for Fostering Services apply, and standard 30 relates specifically to family and friends foster carers. The Statutory Guidance for Fostering Services (2011) provides more detailed information about the assessment and approval of foster carers, and applies in relation to family and friends foster carers as it does for other foster carers.

121. Whilst many of the issues that go with being a family and friends carer are likely to be the same whether or not the carers are approved as foster carers, being a foster carer brings with it additional responsibilities and obligations which have to be met. The local authority will be responsible for the child's care plan and for supervising the family and friends foster carer, whilst the family and friends foster carer will exercise delegated authority within the overall framework of the care plan and the placement plan and will be expected to demonstrate they are meeting the child's needs as set out in the care plan and engage in appropriate learning and development.<sup>29</sup>

### **Temporary Approval of a connected person as a foster carer**

122. There will be circumstances when the most appropriate placement for a looked after child is with a connected person and the need for such a placement is urgent, but it is not possible to fulfil all the requirements of the 2011 Regulations in approving the person as a local authority foster carer before placing the child. Regulations 24 and 25 of the 2010 Regulations set out arrangements for the temporary approval of a connected person as a foster carer to allow an immediate placement. The authority must be satisfied that the placement is the most suitable means to safeguard and promote the child's welfare, and that the placement cannot wait until the full approval process can be completed. Further guidance regarding temporary approval as foster carers is given in the related statutory guidance.<sup>30</sup> Other than that the approval is made on a temporary basis, a person approved under the 2010 Regulations is in all respects a local authority foster carer.

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<sup>29</sup> Regulation 9, Care Planning, Placement and Case Review (England) Regulations 2010; and Children Act 1989 Regulations and Guidance Volume 2: Care Planning, Placement and Case Review, DCSF 2010

<sup>30</sup> Children Act 1989 Guidance and Regulations Volume 2: Care Planning, Placement and Case Review, DCSF 2010, paragraphs 3.86 – 3.95 and Statutory Guidance on Fostering Services, DCSF 2011

123. Regulation 24(1) of the 2010 Regulations makes clear that, subject to the successful completion of the assessment/checks set out at regulation 24(2), the connected person may be immediately approved as a local authority foster carer for a period not exceeding 16 weeks. This time period has been set to allow sufficient time for a foster carer approval process to be undertaken, including any criminal records checks required.

124. The local authority must ascertain as much information set out in Schedule 4 to the 2010 regulations as is possible in the circumstances of the case. This will include conversations with family members about any criminal convictions and an application being made for a Disclosure and Barring Service (DBS) check. In some cases it may take time for the DBS check to be processed and it is not a requirement that the Disclosure is received prior to temporary approval as a foster carer. Local authorities will need to satisfy themselves that this placement is the most appropriate way to safeguard and promote the child's welfare with what information they can ascertain.

125. Regulation 25 of the 2010 Regulations sets out the circumstances in which, exceptionally, the period of temporary approval may be extended. These circumstances are either:

- (i) where the approval process has taken longer than anticipated (and in these circumstances the temporary approval may be extended for a further 8 weeks); or
- (ii) where the connected person has not been approved following the assessment process and seeks a review of the decision through the Independent Review Mechanism (and in those circumstances the temporary approval will continue until the outcome of the review is known).

126. If these time periods expire and the connected person has not been approved as a foster carer in accordance with the 2011 Regulations, the responsible authority must arrange for an alternative placement and remove the child from the connected person in accordance with regulation 25(6). There is no right to review by the Independent Review Mechanism of a person who is temporarily approved under the 2010 Regulations if the fostering service decides not to undertake a full assessment under the 2011 Regulations and the child's placement is ended.

127. These provisions relating to temporary approval are intended to be used exceptionally and in circumstances which could not easily have been foreseen, when it is not possible to undertake a full foster carer assessment prior to placement. The power will be most useful where it is clearly in the child's interest to be placed with or remain in the care of a familiar figure in reassuring surroundings. Before making such a placement the authority should satisfy itself as to the reasons for the carers coming forward to offer a placement, and that there is no obvious barrier to undertaking a foster carer assessment.

128. The assessment requirements before the child may be placed under these arrangements, as set out in regulation 24 of the 2010 Regulations, are the minimum requirements for assessing the connected person's suitability within what may be a short time frame. Every effort must be made to maximise the level and quality of information available to support the decision as to whether the person should be temporarily approved. In particular the assessment must assess the quality of any existing relationship between the child and the proposed carer. The intention of this provision is that the connected person has an existing relationship with the child. There may be some circumstances where the connected person is known to the child's parents or other person with parental responsibility but is not known to the child. In such circumstances the child must be introduced to the connected person and the proposed accommodation in order for the child's wishes and feelings to be appropriately ascertained.

129. The home must be visited by the social worker as part of the assessment as to the suitability of arrangements. This is to ensure that the physical environment of the home and space available is suitable for the particular child, and to identify the need for additional resources such as special equipment to meet the child's needs. The home visit will also provide the opportunity to more clearly identify the composition of the household and the nature and quality of the relationships between the residents, as well as their view about the proposed arrangement for the connected person to care for the child.

130. The child's wishes and feelings about the proposed arrangements must be ascertained, subject to age and understanding, and wherever possible an opportunity provided for the child to visit the connected person's home before the decision is finalised. The views of the child's parents and others with parental responsibility must also be obtained.

131. Authorities will need to nominate an officer with authority to grant temporary approval of foster carers under regulation 24. This is an important decision, since the authority will have responsibility for any children placed, but a full foster carer assessment will not have been undertaken and there will be no independent view from the fostering panel. It will usually be appropriate for the fostering service decision maker to reserve the authority of granting temporary approvals.

132. As the connected person will be a foster carer both the 2010 and the 2011 Regulations will apply. A care plan, including a placement plan, will be required in accordance with the 2010 Regulations. A person temporarily approved as a foster carer under the 2010 Regulations will be entitled to the same supports and services as are available to unrelated foster carers, including relevant fostering allowances and any fees for which they meet the criteria set by the particular fostering service. Temporarily approved foster carers should receive the training and support they need to provide an appropriate level of care to the child. As the placement will have been made without the benefit of a full fostering assessment, the visiting requirements are higher than for other

foster placements. The visiting requirements for looked after children are set out in regulations 28 and 29 of the 2010 Regulations.

## The Assessment Process

133. Foster carers have the right to make a complaint about the fostering service or any aspect of the service provided for a fostered child. Fostering services must specify their complaints procedure in their statement of purpose, which must be made available to all foster carers. Adopters and special guardians also have a right to make complaints about support offered to them.

134. The assessment and approval process for family and friends who apply to be foster carers for a specific looked after child should be covered in the local authority's family and friends policy, so that those to be assessed are clear about what is expected of them, how they will be judged, what support will be offered during the assessment process, and the reasons for this. Part 5 of the 2011 Regulations sets out the legal requirements in relation to the assessment, approval, review and termination of approval of foster carers. The information which must be taken into consideration in assessing the suitability of a person to become a foster carer is set out in Schedule 3 to the Regulations.

135. Nobody has a right to be a foster carer, but Standard 13 of the National Minimum Standards for Fostering Services requires that people who express an interest in becoming foster carers are treated fairly, without prejudice, openly and with respect. It requires that they are prepared in a way which addresses, and gives practical techniques to manage, the issues they are likely to encounter and identifies the competencies and strengths they have or need to develop. The assessment process for foster carers should be set out clearly and include:

- the qualities, skills or aptitudes being sought or to be achieved;
- the standards to be applied in the assessment;
- the stages and content of the selection process and where possible the timescales involved; and
- the information to be given to the applicants.

The standard also requires that prospective foster carers should be considered in terms of their capacity to look after children in a safe and responsible way that meets their developmental needs, and that appropriate checks and references are taken up in line with the regulations and an explanation given as to the reasons for these checks.

136. Standard 30 of the NMS clarifies that when a foster carer is being assessed for approval for a specific child or children only, there is no need to consider their suitability to care for other children. 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. In order for the placement to be in the child's best interests, the carer will need to have the capacity to meet his or her needs for the duration of the proposed placement, whether this is short or long term. The likely length of the placement, the age of the child and if appropriate (as may be the case where the carers are older) the capacity of the wider family to contribute to the child's long term care, should be taken into account.

137. Where it is assessed that the family and friends carer could meet the needs but will require some support or services to be able to do so, these should be specified in the assessment report required under regulation 26 of the 2011 Regulations. Subsequently the report of the foster carer's annual review, required under regulation 28 of the 2011 Regulations, should set out how the support provided assisted the foster carer to meet the child's needs and whether continued or additional support is required. The child's placement plan, required under the 2010 Regulations, will set out in detail how the placement is intended to contribute to meeting the child's needs as set out in the care plan including the child's permanence plan, and should make clear any support or services that the family and friends foster carer needs in order to meet the child's needs.

138. Family and friends foster carers will usually bring with them knowledge and experience of the child they are to foster, and in many cases they will have already been providing the child with a home prior to the child become looked after. Whether or not the prospective foster carers have direct prior knowledge of the child to be placed, the assessment should focus on the experience and strengths that they bring, and the support that they will need to enable them to provide safe care for the specific looked after child. The assessment will need to balance the strengths of the carers arising from their position within the family network against any aspects which may make them less suitable. The needs of the child should be kept central to the process, as the assessment will of necessity also be a matching process of the child to the carer.

139. A different approach may be needed to assessing family and friends foster carers compared to other foster carer applications. The format used by local authorities for presenting assessment reports to the fostering panel may not be appropriate for family and friends assessments if it does not allow for a focus on how the needs of a specific child will be met.

140. Once a foster carer is approved, they must be notified in writing of this fact and of any terms of the approval. For a family and friends foster carer, the terms of approval will often specify that they may foster only a specific named child or children. All foster carers must also enter into a foster care agreement, covering the matters set out in Schedule 5 to the 2011 Regulations.

## Specific Considerations

141. A number of matters will require specific consideration in the assessment of family and friends as foster carers.

### Family relationships and safeguarding the child

142. Many children benefit from placements with relatives and friends because these can provide more continuity than placements with previously unknown carers. Living with relatives preserves a child or young person's sense of belonging to a wider family network, a close attachment is more likely to exist already or to develop, and there is also some evidence to suggest that relatives are more likely to persevere with a placement if difficulties arise.<sup>31</sup> However not all relatives are able to safeguard and promote a child's welfare, and their parenting capacity should be rigorously assessed before approval as local authority foster carers.

143. Unrelated foster carers are assessed in the knowledge that any children placed with them will be previously unknown to them, and that part of their task as carers will be to build a trusting relationship with the child. For the majority of family and friends carers, a significant and possibly trusting relationship already exists with the child. However, the carers may have to negotiate a changed relationship with the child, since parenting requires a more authoritative relationship with the child than being a grandparent, aunt, uncle, sibling or friend in other circumstances. There may also be implications for other children and adults in the extended family which are hard to manage.

144. There is a greater complexity in the relationship between foster carers and parents when the carers are family members or friends. Whilst family and friends foster carers are just as likely as unrelated foster carers to safeguard and promote the child's welfare, this is sometimes at the cost of the loss of their relationship with the child's parents, who may be the carers' own child or sibling. Additionally, if parents are felt to be a potential threat, it can be easier to safeguard unrelated carers, by keeping their location secret from the parents. Family and friends foster carers may experience hostility from the parents of the children they are raising, who may blame them for taking the child away from them or for not supporting them against the local authority. This hostility can make managing contact particularly difficult for family and friends foster carers. It is sometimes hard for family and friends foster carers to accept contact arrangements which have been set out by the court or the local authority, as they may have difficulty understanding the reasons for these or find it hard to stand firm with a parent who does not accept any restrictions set. On the other hand, some carers will welcome restrictions being put in place and would like structured and supervised contact to be available. The assessment of a relative or friend to be a child's foster carer will need to address carefully the carer's

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<sup>31</sup> Farmer E and Moyers S (2008) *Kinship Care: Fostering Effective Family and Friends Placements*. Jessica Kingsley.

ability to manage contact arrangements outlined in the care plan, and any support which the local authority needs to provide to enable this.

145. In some families the tensions and difficulties that arise between family members may outweigh the benefits. Some relatives live hundreds of miles from the child's home. Whilst the chance of developing a secure attachment with a relative may be of key significance to a younger child, the same may not be true of a teenager who may resent being cut off from peer networks or having to change schools at a critical time. It is important to discuss the priorities of placement with the child concerned and to take account of their wishes and feelings. A good understanding of the child's priorities for placement, needs, wishes and feelings will provide a sound basis for exercising professional judgement and decision-making.

## **Timing of, and attitude towards, the assessment**

146. Once a foster carer is approved, they must be notified in writing of this fact and of any terms of the approval. For a family and friends foster carer, the terms of approval will often specify that they may foster only a specific named child or children. All foster carers must also enter into a foster care agreement, covering the matters set out in Schedule 5 to the 2011 Regulations.

147. Most prospective foster carers ask to be assessed for approval at a time of their own choosing, when they feel they have the capacity to bring another child into their family. In contrast, family and friends carers have to make similar decisions when the need arises. Sometimes this is an immediate response to an emergency, without a significant opportunity to consider the options and to plan ahead for the impact it will have upon them and their family. Many carers have to make life-changing decisions, such as giving up jobs or moving home, in order to respond to the needs of the child.

148. Whilst unrelated carers generally approach making an application to foster in the knowledge that this will involve an intrusive assessment process, family and friends carers are not usually prepared for this in the same way. As with other foster carer assessments, these need to be undertaken in genuine partnership with the assessing social worker. The assessment process may be particularly challenging for potential family and friends foster carers, and needs to be undertaken with sensitivity, particularly as there may be time constraints.

## **Motivation and impact on the family**

149. Family and friends foster carers are usually motivated by family loyalty and commitment to the child, with who in most cases they already have a close and loving relationship and who might otherwise be placed with strangers. This differs from unrelated foster carers, who are generally motivated by a commitment to help vulnerable children. This difference can in itself sometimes cause significant tensions within the

family, since it may not be a consensual decision made by the whole household. The assessment process can provide an opportunity for families to fully think through all the implications of their decision, and this may be very helpful in overcoming or managing any tensions within the family.

## **Carers' own feelings**

150. Family and friends carers are often deeply affected personally by the events which have led to the need for a child to live away from his or her parents. They may for example be dealing with the death of their own child or a parent, or the deterioration in mental health or drug addiction of a sibling, at the same time as being assessed as foster carers. In the case of other potential foster carers, such events would be likely to make an assessment inappropriate until the applicants had been given time to come to terms with the issues, whereas with family and friends carers it may be the event itself which gives rise to the application, requiring particular sensitivity on the part of the social worker and the fostering panel.

## **Accommodation**

151. Sometimes family and friends carers will find that taking a child or children into their home places undue pressure on their accommodation which would make it unsuitable in the case of another foster carer. Children living with family and friends foster carers have the same rights to privacy and suitable sleeping accommodation as other looked after children, but these should be seen as part of the total assessment of suitability, to be balanced against other factors. A child who would be unhappy to share a bedroom with a child unknown to them may not mind sharing with another child who is a relative and who they know well. They may already be living in the carer's home and happy with the overall situation. In approving the foster carer the fostering service will need to be satisfied that there is adequate space to a suitable standard, as set out in Standard 10.6 of the NMS, or if this is not the case set out proposals as to how it will be met in the future. The wishes and feelings of the child will be an important factor in helping the social worker to assess the suitability of the accommodation.

## **Location**

152. Most people who apply to a local authority to become foster carers live in the local authority area, and foster children from the local community. In contrast relatives may live further afield, and the requirement to place a child or young person near their home must be balanced against other, competing, needs. Familiar surroundings may be less important than the ability to reinforce family ties, whilst some children who have been in trouble in their home area may benefit from a fresh start and the chance to develop new relationships and skills.

153. The requirement that a decision to place a looked after child out of the local authority area must be approved by the responsible authority's nominated officer does not apply if the child is being placed with a foster carer who is approved by the same local authority, or who is a person connected with the child.<sup>32</sup> However all relevant factors, including the wishes and feelings of the child and parents, must be ascertained and taken into account in making the decision.

154. In the event that a relative, friend or other person connected with the child who is living outside of England and Wales offers to become a foster carer for a looked after child, the responsible authority must take steps to ensure, as far as is practicable, that the requirements imposed on the placement mirror those that would have applied if the child or young person had been placed in England or Wales.<sup>33</sup> The child or young person's care plan must include the arrangements for the supervision of the placement.

155. Where placements of looked after children with family and foster carers abroad are considered, the overriding priority should be the best interests of the child. Authorities are legally required to ensure that any placement under consideration meets and continues to meet the child's needs. The Brussels IIa Regulation<sup>34</sup> already requires local authorities looking to place children in other EU Member States to consult the authorities of the EU country concerned. Similarly, local authorities may also receive requests for children from EU Member States to be placed with family or foster carers here and they should take account of the arrangements that apply in these circumstances<sup>35</sup>. Broadly similar provisions also apply to consideration of placements in non-EU countries under the 1996 Hague Convention on Parental Responsibility and Protection of Children<sup>36</sup>. Local authorities should note that as part of such requests they may also be asked to give consent to the placement of a child from another country outside the EU in their local area. Further information is available from the International Child Abduction and Contact Unit (ICACU). A local authority seeking to place a child that is subject to a care order outside England and Wales would also need to comply with regulation 12 of the 2010

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<sup>32</sup> Regulation 11, Care Planning, Placement and Case Review (England) Regulations 2010.

<sup>33</sup> Regulation 12, Care Planning, Placement and Case Review (England) Regulations 2010.

<sup>34</sup> Article 56 of the European Council Regulation (EC) no 2201/2003 concerning jurisdiction and the recognition and enforcement of judgements in matrimonial matters and the matters of parental responsibility (Brussels IIa) refers – 'placement of a child in institutional care or with a foster family'. Consent of the competent authority is needed where public authority intervention in that Member State is required for domestic cases of child placement; and before the court in England and Wales (in relation to outgoing placements) or in the other Member State (in relation to incoming placements) makes a judgment placing the child.

<sup>35</sup> DfE non-statutory advice on this can be found at <https://www.gov.uk/government/publications/placement-of-looked-after-children-in-eu-member-states>

<sup>36</sup> Article 33 of the 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and measures for the Protection of Children, and as applying to States party to the Convention refers – a local authority considering such placements must consult the relevant authority in the other state, and a placement order cannot be made unless consent is given by this authority. DfE non-statutory advice on this can be found here <https://www.gov.uk/government/publications/cross-border-child-protection-cases-the-1996-hague-convention>

Regulations and the corresponding provisions of paragraph 19 of Schedule 2 to the Children Act 1989.

## Health

156. The health of the carers will be an important factor to consider in deciding whether a relative or friend is suitable to be approved as a foster carer, especially if one or more is in poorer than average health or significantly older than the average for parents bringing up their own children. Lifestyle issues which may impact on the carer's health should be addressed within the assessment, and these and other health matters need to be balanced with other factors. Specialist advice may be needed, such as from the fostering service's medical adviser. In situations where there is particular concern, it will be important to know about the response of the wider family should the carer become unable to care for the foster child. Family responses may be different to those of unrelated foster carers who do not have a prior commitment to the child, and other relatives may provide support or offer to take over the caring role.

## Parenting capacity

157. Fundamental to the assessment of a relative or friend to be a foster carer will be consideration of the carer's capacity to provide a level of parenting to meet the child's particular needs within the requirements of the care plan, including the placement plan. The child's core assessment and care plan will have identified his or her developmental needs, and the carer's parenting capacity should be assessed in relation to those dimensions as described in the Assessment Framework.<sup>37</sup> Family and friends foster carers must be in a position to meet the child's assessed needs, bearing in mind that those needs will often be greater than for other non-looked after children of a similar age. The circumstances of the child's own parents should be identified and the likely impact on the capacity of the family member or friend to provide adequate care assessed.

158. The carer's past experiences of parenting will need to be assessed as part of a fuller picture of their capacity to care for the child. It may be that the looked after child's parent has been the only family member to experience difficulties, or these may have been part of a broader pattern within the family. The carers may be able to draw positive learning out of previous difficult experiences and it will be important to understand their level of insight into these.

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<sup>37</sup> Framework for the Assessment of Children in Need and their Families, DoH 2000.

## **Criminal convictions**

159. The 2011 Regulations normally prevent anyone from becoming a foster carer if they, or any other member of their household, have been cautioned for or convicted of specified offences committed over the age of 18.<sup>38</sup> However, the fostering service may consider the approval of a foster carer for a particular child even though they would otherwise have been debarred by these Regulations, if they or a member of their household are related to the child, providing the responsible authority is satisfied that the child's welfare requires it.<sup>39</sup> Such a decision should only be made when the decision maker is satisfied that approving the applicant is the most appropriate way to safeguard and promote the child's welfare. The reasons for any such decision will need to be fully explained and recorded.

## **Fostering service expertise**

160. Specialist posts may be a way of developing expertise in this area of work. In addition the designated decision maker for the fostering service will need to have sufficient knowledge and understanding of the particular challenges facing family and friends foster carers to inform decision-making about approval as foster carers.

161. A fostering service must ensure that individual members of its fostering panel have between them the experience and expertise necessary to effectively discharge the functions of the panel. Fostering panels which consider applications to become family and friends foster carers should have an understanding of the nature and requirements of the role of such carers, to ensure that they are able to adequately fulfill their independent quality assurance role and make recommendations to the service. Where it is possible for panel membership to include someone with personal experience relating to family and friends foster care, this will potentially aid the panel's consideration of matters before it.

162. Independent reviewing officers should also receive such training as is necessary to ensure that they are aware of the issues for looked after children living with family and friends foster carers.

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<sup>38</sup> Regulation 26(5), Fostering Services (England) Regulations 2011

<sup>39</sup> Regulation 26(6), Fostering Services (England) Regulations 2011. This provision is mirrored in the Safeguarding Vulnerable Groups Act 2006 via the Safeguarding Vulnerable Groups Act 2006 (Miscellaneous Provisions) Order 2009 Article 3. Such people are not treated as being engaged in regulated activity under this Act and do not commit an offence if engaging in the activity while barred.



## Annex A: Caring for somebody else's child – options

	Private fostering	Family care (informal)	Family care (informal) for an asylum seeking child	Family and friends foster care	Unrelated foster care	Child arrangements orders	Special guardianship order (SGO)	Adoption
Route into the caring arrangement	This is a private arrangement whereby the child is being cared for by someone other than a parent (or other person with parental responsibility) or a relative with the intention that it should last for 28 days or more. Private foster carers may be from the extended family, such	The relative has chosen to take on the care of the child but does not have parental responsibility, and the arrangement was not made by the local authority.  The child is not a looked after child.  Relative may perceive the parents to be unable to care for the child;	The family member or relative has chosen to take care of the child but does not have parental responsibility. The arrangement was not made by the local authority, however the child has been transferred to the UK under the Dublin III Regulation following Home Office approval and with the involvement of local authority children's services.	The child has been placed with the relative or friend by the local authority, because the person who had been caring for the child was deemed not to be providing suitable care.  The child is a looked after child and so the local authority must approve the relative or friend as a local	The child is a looked after child being accommodated by the local authority under section 20 Children Act 1989 or because the child is subject to a care order; but has been placed with a foster carer by the local authority.  (Alternatively, the local authority may choose to place a child into	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 their foster carer or other relative/friend applies for an order.  In either circumstance, application can be made without the support of the parents or the local authority. Relatives may apply for an order after the child has lived with them for one year.  Or, there can be benign reasons, e.g. after parents' death and in line with a prior agreement between the birth parents and the carer.		Looked after children: the LA may decide that the child should be placed for adoption. They can only do so with the consent of the birth parent or under a placement order made by a court.  An approved foster carer can apply for an adoption order after a year of caring for the child.



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<p>as a cousin or great aunt; or a friend of the family; the parent of a friend of the child; or someone previously unknown to the child willing to privately foster the child.</p> <p>A child is not privately fostered if the child is looked after by a relative. This means grandparent, brother, sister, uncle or aunt (by full blood,</p>	<p>or the parents may be dead or otherwise not available (e.g. in prison); or there may be an agreement between relatives due to difficult family circumstances.</p>	<p>The child is not a looked after child unless local circumstances determine otherwise.</p> <p>The child may have been separated from their parents, or those with responsibility for caring for them, due to war, conflict or another reason and is unaccompanied in another “Dublin State”.</p> <p>There may be an agreement between the relatives and the parents, but not always as the child may be separated and have lost contact.</p>	<p>authority foster carer.</p> <p>The child may be accommodated voluntarily with the agreement of the parents or may be subject to a care order.</p>	<p>residential care where this is considered to best meet the child’s needs).</p>		<p>Other informal carers could apply for an adoption order if the child has lived with them for a period of 3 years.</p>
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	half blood or by marriage or civil partnership) or a step parent.  The child is not a looked after child.						
<b>Parental Responsibility (PR)</b>	Remains with birth parents	Remains with birth parents but the person who cares for the child may do what is reasonable to safeguard or promote the child's welfare	Remains with birth parents but the person who cares for the child may do what is reasonable to safeguard or promote the child's welfare. There might also be nobody with parental responsibility for the child.	Remains with birth parents if child accommodated under section 20 CA, or if the child is subject to a care order or emergency protection order the local authority will have parental responsibility and determines the extent to which it may be exercised by others.	Shared by parents and holder of residence order.	Shared with parents and anyone else with parental responsibility for the child. The special guardian may exercise parental responsibility to the exclusion of all others with PR, apart from another special guardian.	Transfers to adopters and relationship with birth parents is severed.

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<b>Approval basis</b>	The arrangement is assessed by the LA, but the carer is not 'approved' as a local authority foster carer is. The arrangement may be prohibited if assessed by the local authority as unsuitable.	None	The arrangement is not formally assessed by the LA and the carer is not 'approved' as a local authority foster carer, however it is good practice to conduct an assessment as set out in paragraph 24. The arrangement may be prohibited if deemed by the local authority as unsuitable, in which case the child will either not be transferred to the UK or will be transferred but looked after by the local authority.	Approved as local authority foster carers in accordance with Fostering Services Regulations. (If child is looked after, carers <b>must</b> be approved as foster carers even if close relative.)	Appointed by court following application	Appointed by court, following application from the applicant. LA must investigate the matter and prepare a report for the court dealing with the suitability of the applicant to be a special guardian.	Adoption agency assesses and approves prospective adopters, court makes order regarding specific child. If the child is not looked after then notice of intention to adopt must be given to the LA who then carry out an assessment / report for the court.
<b>Duration</b>	Subject to discretion of person with PR for the child, readiness of private foster	Subject to discretion of person with parental responsibility.	Subject to the discretion of a person with PR for the child (if there is such a person) or for as long as the	So long as placement remains in line with child's care plan, as determined by LA	Age 18	Age 18 unless varied or discharged by the court before the child reaches 18 years.	Permanent lifelong relationship

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	carer or for as long as the arrangement remains suitable		arrangement remains suitable.				
<b>Placement supervision</b>	It is not a placement, but there are statutory visits to child by social worker (minimum 6 weekly in first year, then 12 weekly)	None	None	Statutory visits to child by social worker and supervision of foster carers by supervising social worker		None	When child is placed for adoption by the LA, the placement is supervised and there are statutory reviews. Once the adoption order is made, none.
<b>Placement review</b>	It is not a placement, but the LA may do formal reviews in addition to	None	None	Statutory reviews of child's care plan (minimum 6 monthly) and annual reviews of local authority foster carers' approval	None	None	See above

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	ongoing assessment during visits.						
<b>Support services</b>	No entitlement, but the provision of advice and support as determined necessary by LA. The LA may assess the child as a child in need, with a child in need plan, and provide services/ support for the child/family under section 17 of the Children Act 1989.	No entitlement , but the LA may assess the child as a child in need, with a child in need plan, and provide services/support for child/family under section 17 of the Children Act 1989	No entitlement, but the LA may assess the child as a child in need, with a child in need plan, and provide services/support for child/family under section 17 of the Children Act 1989.	Support to meet child's needs including health plan and personal education plan.  Training and practical support to foster carers in accordance with the Fostering services Regulations and NMS.  Young person may be entitled to leaving care support services.	Can claim child benefit and child tax credit if not being paid to parent.	Can claim child benefit and child tax credit if not being paid to parent.	Can claim child benefit and child tax credit if not being paid to parent.  Entitlement to assessment for financial support (part of adoption support) if child looked after prior to order.

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Financial support – entitlement	The private foster carer can claim child benefit and child tax credit if not being paid to parent.	Can claim child benefit and child tax credit if not being paid to parent.	Financial responsibility to maintain the child rests with the family member or relative.	Child benefit and child tax credit not payable.  Weekly allowance to meet the costs of caring for the child. This should meet at least the national minimum rate set by DfE.	Can claim child benefit and child tax credit if not being paid to parent.	Can claim child benefit and child tax credit if not being paid to parent.	Can claim child benefit and child tax credit if not being paid to parent.
	Financial responsibility to maintain the child remains with holders of PR for the child	Financial responsibility to maintain the child remains with holders of PR.  Guardians Allowance payable if both parents have died or the only surviving parent cannot be found or serving 2 years or more prison sentence.	Family members (as defined in the Dublin III Regulation) will be able to claim child benefit and child tax credit, provided they have been granted some form of leave to remain which makes them eligible for mainstream benefits. If the carer and child are both asylum seekers (and therefore not entitled to work or access public funds) they will,	The Manchester City Council judgment ruled that allowances must be the same for all foster carers, whether or not family & friends.			Entitlement to assessment for financial support (part of adoption support) if child looked after prior to order.

			<p>where eligible, be supported by the Home Office under Section 95 of the Immigration and Asylum Act 1999.</p> <p>Relatives (as defined in the Dublin III Regulation) will need to support the child without recourse to public funds.</p>				
<b>Financial support – discretionary</b>	LA discretion to make one-off or regular payments under section 17 Children Act.	LA discretion to make one-off or regular payments under section 17 Children Act	LA discretion to make one-off or regular payments under section 17 Children Act.	<p>Some fostering providers pay their foster carers a fee to recognise the carers' skill, experience and commitment.</p> <p>The Manchester City Council judgement (which requires allowances to be paid on the same basis regardless of the relationship of the carer to the child) did not consider fees. However, Statutory Guidance for Fostering Services requires that any policy in relation to the payment of fees must be</p>	LA has discretion to pay residence order allowance – usually if child was previously fostered by the carers, or exceptionally if making residence order prevents child becoming looked after. Any allowance	Entitled to an assessment for financial support under the Special Guardianship Regulations 2005 if child looked after prior to order and meets the criteria in the regulations.	Subject to assessment, one off payments or regular adoption allowance may be paid.

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				applied to all foster carers who meet the criteria in the same way and must not discriminate on the grounds of a pre-existing relationship with the child.	reviewed annually.	<p>Subject to assessment as above and for former foster carers can include an element of remuneration.</p> <p>Regular or one off payments.</p> <p>Any allowances reviewed annually.</p>	
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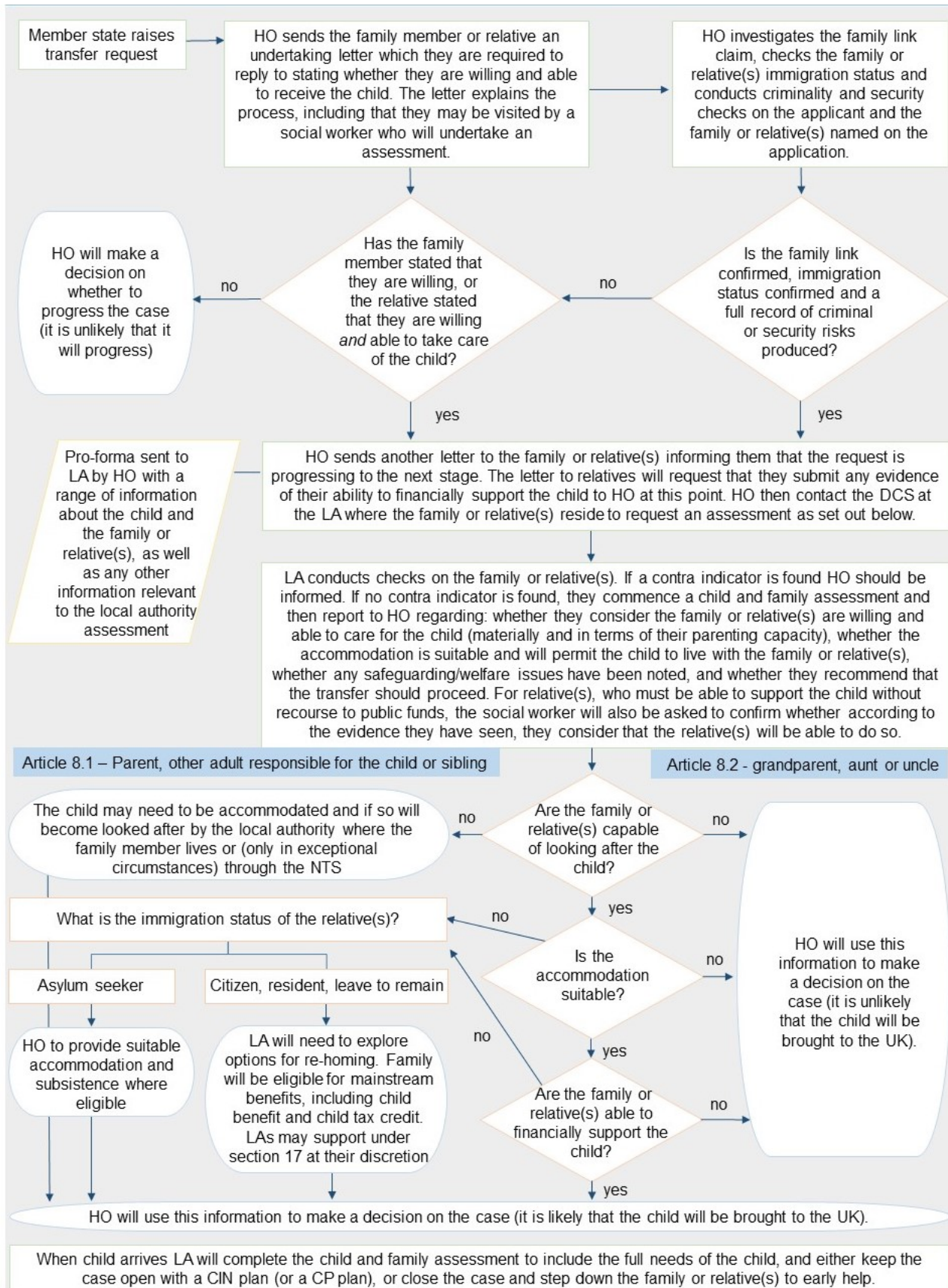


# Annex B: The Dublin Regulation process

## What the Dublin Regulation means

1. The Dublin Regulation is a long-standing mechanism between European Union Member States, Iceland, Norway, Switzerland and Liechtenstein (“Dublin States”) to determine responsibility for examining asylum claims. In the case of unaccompanied asylum seeking children, Article 8 of the Dublin III Regulation says that the responsible “Dublin State” shall be where a parent (or an adult responsible under the law or practice of the “Dublin State” where the adult is present), sibling(s), adult aunt, uncle or grandparent is legally present, provided that it is in the best interests of the child. In addition, an adult aunt, uncle or grandparent must also establish that they can take care of the child.
2. Unaccompanied children will only be transferred to the UK in line with the requirements set out in Article 8 of the Dublin III Regulation (as above) and where the Home Office is satisfied to accept the transfer request. There may be exceptional cases accepted for transfer to the UK under Article 17.2 of the Dublin III Regulation, which allows for the “Dublin State” (the UK in this case) to use our discretion and accept responsibility for considering the child’s asylum claim in the UK.
3. As described in paragraph 31 and **Annex A** above, the arrangement will be an informal family and friends care arrangement unless local circumstances trigger the section 20 or section 47 duty. As an informal family and friends care arrangement, the local authority does not have a duty to formally assess the arrangement, however it is good practice to undertake checks on the family member or relative and any other members of the household and a single child and family assessment to:
  - ensure that there are safe and adequate reception arrangements before the child arrives;
  - ensure that children are not being brought over to join relatives (aunt, uncle or grandparent) who will not be able to take on their care;
  - ensure that, where a family member (mother, father, other adult responsible for the child or sibling) is not able to take on the care of the child but it is consistent with the child’s welfare to be brought to the UK, appropriate arrangements can be made for that child’s care before they arrive;
  - ensure that the child’s needs can be properly addressed after they arrive including if the circumstances trigger the section 17 duty.

## Dublin III Regulation transfer process



## Key considerations for local authorities

1. Within the unavoidable constraints of the circumstances, local authorities should treat cases of asylum seeking children joining family or relatives from another “Dublin State” in the same way as any other informal family and friends care arrangement.
2. In accordance with good practice the single child and family assessment should:
  - In so far as is possible be child-centred throughout, bearing in mind that the child will only be present for assessment once the family or relatives have been assessed. The Home Office will share as much information as possible about the child in advance in order to support this;
  - Allow for the effect of a plan of support and regular review in supporting the family or relative seeking to take on the care of the child, bearing in mind what families and relatives in different circumstances will be able to access (see flowchart above).
3. A good child and family assessment will consider the family’s ability to meet the developmental needs of the child in the long-term, the impact on the family and relatives themselves and the long-term sustainability of the arrangement. However, at the same time it will be particularly important for local authorities to consider the legal obligation on the UK, as legally bound by the Dublin III Regulation, to accept transfers where relatives can take care of the child meaning they are able to meet their developmental needs, including accommodate and financially support them **at the point at which the child would be coming to live with them**, and make it clear to the Home Office where this is the case. The Home Office will send a form for local authorities to fill in, which will contain further details of the information they require to make a decision on the case.
4. It will also be important to bear in mind the timescales for responding to the “Dublin State” which has raised the transfer request. This is usually within 2 months, although there is some flexibility if it is needed to ensure the child is appropriately safeguarded. A family and child assessment should not be more than 3 months old at the point the child is transferred to live with the family or relatives.
5. When the child has arrived, in accordance with this guidance, family and relatives should be supported to offer appropriate care for children and no child should become looked after for the sole purpose of providing support to the carer. However, should the circumstances change subsequent to the child’s arrival in such a way as to trigger a duty under the Children Act 1989 to provide accommodation, then the local authority will be able to access the UASC grant from the Home Office to care for these children.

## Annex C: Research evidence and children's views

### Introduction

1. Research about the characteristics and effectiveness of family and friends care in the UK mainly focuses on the placement of looked after children with family and friends foster carers, including comparisons with children placed with unrelated foster carers. When interpreting the relevance of research studies care must be taken to ensure an understanding of the differing terminology used, especially the definitions used for kinship and family and friends placements. This is especially true in relation to studies undertaken outside of the UK where different legal frameworks exist, making comparison with practice in England more difficult.
2. This annex provides an introduction to some of the key research findings relevant to the requirements of this statutory guidance, but for fuller information the studies themselves should be consulted. It is largely based on a research briefing *Family and Friends Care* published in 2008 by Research in Practice, which is available from the Gov.uk website.<sup>40</sup> Other useful research overviews include the kinship care special issue of *Adoption and Fostering*<sup>41</sup> (2009), chapter 4 ("Going into kinship care") of *Quality Matters in Children's Services: Messages from Research*,<sup>42</sup> and the Family Rights Group's *Initial Family and Friends Care Assessment: A good practice guide*
3. The Campbell Collaborative systematic review of kinship care analysed 62 research studies, 57 of which were undertaken in the USA although none in the UK.<sup>43</sup> It highlights issues which will be found pertinent to family and friends carers in this country, providing notice is taken of the definitions set out on page 8 of the review.

### Profile of children and carers

4. Farmer and Moyers<sup>44</sup> studied looked after children placed with family and friends foster carers and with unrelated foster carers. They found the two groups of

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<sup>40</sup><http://media.education.gov.uk/assets/files/pdf/f/family%20and%20friends%20care%20research%20briefing.pdf>

<sup>41</sup> *Adoption and Fostering* volume 33 number 3, Autumn 2009. British Association for Adoption and Fostering.

<sup>42</sup> Stein M (2009). Jessica Kingsley.

<sup>43</sup> Kinship Care for the Safety, Permanency, and Well-being of Children Removed from the Home for Maltreatment (2009) <http://www.campbellcollaboration.org>

<sup>44</sup> Farmer E and Moyers S (2008) *Kinship Care: Fostering Effective Family and Friends Placements*. Jessica Kingsley.

children to be remarkably similar in terms of their characteristics and the kinds of adversities they had experienced prior to placement, and had similar levels of emotional and behavioural difficulties. The parental difficulties that had led to the children being looked after were also very similar. However, the family and friends foster carers were significantly more disadvantaged than the unrelated foster carers, with 27% being lone carers, 31% having a disability or chronic illness, 35% living in overcrowded conditions, and 75% experiencing financial hardship.

5. Hunt, Waterhouse and Lutman<sup>45</sup>, in a study of children placed with family and friends foster carers through care proceedings, also found great similarities with children placed with unrelated foster carers.

## Attachment and placement stability

6. Security of attachment and continuity of care are recognised as important factors in children's long-term well-being, and the capacity of family and friends placements to deliver these is a strong theme in the research. Children are generally reported to feel secure, happy and integrated into the family, with most studies reporting that this is more common than for children placed with stranger carers. Much of the research also highlights the high levels of commitment demonstrated by carers, their strong bonds with the children, the pleasure they find in the children themselves and the satisfaction they derive from caring.
7. The emerging evidence on placement stability suggests a more complex picture than previously thought, when family and friends placements were considered to fare better than stranger care no matter how stability was measured. The weight of the evidence still supports that conclusion: placements last longer, and children have fewer moves both overall and before entering placement. It is the evidence on disruption which is now less clear-cut. Reported rates in UK research range from less than 10% to around a third, the rate most commonly found in the international literature. Few studies suggest rates are higher than for non-related foster care, and the perception was that they were lower. Recent UK studies, however, suggest that rates may be very similar.
8. Farmer and Moyers found that family and friends foster placements lasted on average 4 years 9 months compared to 3 years 11 months for placements with unrelated foster carers. They judged that family and friends carers sometimes persisted with children beyond the point at which unrelated carers gave up, and showed higher levels of commitment to the children. A higher proportion of stranger foster placements were intended only as short term placements from the outset, and the majority ended for positive reasons such as a return home or

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<sup>45</sup> Hunt J, Waterhouse S and Lutman E (2008) *Keeping them in the family: Outcomes for children placed in kinship care through care proceedings*. London, British Association for Adoption & Fostering



a planned move. Breakdown rates were almost identical for both types of placement (18% and 17%), which is much lower than Hunt et al's follow-up of children placed through care proceedings which reports a 28% disruption rate. Both studies, however, highlight the importance of behavioural difficulties in placement breakdown. Hunt et al took the view that some of the family and friends placements could have been sustained with better support.

## **Continuity of experiences and the maintenance of relationships**

9. Family and friends care is also likely to contribute to a children's sense of security and personal identity through minimising the degree of disruption they experience in other ways. Children usually go to people they know, with whom there is a shared culture, and are more likely to remain in the same neighbourhood and school. Although carer attitudes towards parents are not necessarily favourable and relationship difficulties are more common than in placements with unrelated carers, studies typically report that contact is more likely, though not necessarily with both parents and often involving complex arrangements without independent supervision.

## **Quality of care and child safety**

10. There is little research focusing on child safety issues in family and friends placements, and that is contradictory as to whether rates are higher or lower than for unrelated foster placements. There is little evidence to support concern about the quality of care provided by family and friends carers in more than a minority of cases. Standards may be variable and lower than the average for unrelated foster carers, and carers may be more inclined to use physical punishment.
11. A US government investigation reported that in more than 90% of family and friends arrangements almost all parenting tasks were carried out adequately. In the UK Farmer and Moyers found that family and friends carers were more likely to have poor parenting skills and substantially more were struggling to cope, although 73% of placements were judged to be positive for the child, 14% adequate and only 10% detrimental. Hunt et al found that while few placements were entirely free of concerns about quality, only 20% raised major issues.

## **Child well-being**

12. The evidence about child functioning, although quite limited and mixed, is broadly positive. On a range of measures – health, education, emotional and behavioural development - children appear to do about as well as those in unrelated foster care placements with some studies suggesting they may do better. In the UK, Farmer and Moyers' findings for children placed with family

and friends carers were remarkably similar to those for children placed with unrelated carers, whilst Hunt et al reported most children in family and friends placements as doing reasonably well with 47% displaying no emotional and behavioural problems.

13. Based on a preponderance of the available evidence, the Campbell Collaborative review concluded that children living with family and friends carers appeared to experience better outcomes with regard to behaviour problems, adaptive behaviours, psychiatric disorders, well-being and placement stability than did children with unrelated foster care. Furthermore, there was no detectable difference between the groups on reunification, length of stay, family relations, or educational attainment. However, children being brought up by family and friends were less likely to achieve adoption and utilise mental health services.

## Assessment of foster carers

14. In Farmer and Moyers' study most family and friends carers understood the need for assessment as foster carers, but a number felt that the approach adopted did not fit their circumstances very well, especially when they had been caring for the child for a considerable period. 65% of the carers were assessed when the child was already living with them which meant that whilst the child's progress and attachment could be assessed, it could be harder to deal with shortcomings or to withhold approval from an ongoing placement.
15. Doolan et al<sup>46</sup> found that carers resented the concentration on risk when their suitability to care for children was being assessed and wanted a sensitive, inclusive respectful process that valued their skills and knowledge. Hunt et al emphasise the need to focus on parenting capacity rather than specific concerns, which often fail to evidence themselves on follow up.

## Supporting family and friends placements

16. Family and friends carers have said that they are often uncertain as to what help is available and how to access it, reluctant to press their case, find the response variable and are frustrated by changes of worker. They also complain that social workers tend to under-estimate their needs; help may not be given sufficiently early or tail off too soon. Farmer and Moyers reported that significantly more family and friends carers had little or no social work support compared with unrelated foster carers, and that placements were significantly more likely to survive if the child had an allocated social worker. Hunt et al reported gaps in

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<sup>46</sup> Doolan P, Nixon P and Lawrence P (2004), *Growing up in the care of relatives or friends: delivering best practice in family and friends care*. Family Rights Group.

provision of support services even when the local authority was still involved, and that better provision could have prevented some placements from ending prematurely.

17. The help which family and friends carers reported they wanted includes financial and practical support, information and advice, opportunities to meet with other carers, access to universal and targeted services, help to the child, and help for the child's parents to get their lives together again. Workers are likely to need help and training to in fully understand the particular support needs of family and friends foster carers.

## Local authority policies and structures

18. A consistent theme in research is that family and friends care is a distinctive form of care which requires its own policy and practice guidance, systems, structures and services tailored to the particular needs of these families and a transparent and fair system of remuneration. In a survey by Family Rights Group in 2007, 69% of local authorities responding did not have a written coherent approach to family and friends care.<sup>47</sup>

## Children's views on care by friends and families

19. Few children want to become looked after by the local authority; most would prefer their birth parents to be supported to continue to care for them, or if that is not possible to be able to live with members of their extended family. Of children consulted by the Children's Rights Director for England in response to *Care Matters*, 75% thought that families should be given a chance to suggest other ways of looking after children before they go into care.<sup>48</sup>
20. In 2009 focus groups were held for children who either were looked after or had been so previously. Nearly half of the children consulted felt that if possible a child should be placed to be looked after by someone from their own family, but many did not agree with the idea of special rules for making placements of looked after children with family members or family friends.<sup>49</sup> One stated "Just because they are family doesn't mean to say they are good at looking after us." One group was very clear that family members or friends should be "checked out" and fully approved as foster carers before a child was placed with them, rather than a placement being made with temporarily approved carers who are still being checked out. They said "An assessment should be done first in all

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<sup>47</sup> Report on freedom of information survey of local authority policies on family and friends care conducted by Family Rights Group and University of Birmingham. Family Rights Group (2009).

<sup>48</sup> *Care Matters: Young people's responses*, DfES 2007.

<sup>49</sup> *Planning, Placement and Review: A report of a children's consultation to the DCSF by the Children's Rights Director for England*, 2009.



cases before you move there by social services – even if the person’s a ‘connected person’, you can’t just assume they’re safe.” In contrast, a few children thought that unless a placement was known to be unsafe, family members and family friends should not be checked at all. Some said how important it is for the child to have a say, especially when somebody they know is being considered. One said “They try and place you with families first but it is always relatives you don’t like.”

21. The advice of most children in the focus groups was summed up as:

- “try families and friends, but assess first”; and
- “use the same judgment as when moving to live with another family member as social workers would when moving to a foster carers.”

22. Children interviewed by Hunt et al in their research mainly considered themselves as close to their family and friends carers and reported “a sense of ordinariness” in the arrangements. Doolan et al reported children living with family and friends carers as being happy and well cared for, often relating this to their pre-existing relationship with the carers.

## **Maximising the appropriate use of family and friends care**

23. The research evidence, although not conclusive, is broadly supportive of family and friends care as a viable option and suggests scope for greater use. Farmer and Moyers found that 86% of the placements made with family and friends foster carers came about because relatives or friends offered to care for the children or were already doing so, whilst only 4% were initiated by the social worker. The Campbell Collaborative concluded that family and friends care can enhance the behavioural development, mental health functioning, and placement stability of children, but attention must be paid to increasing levels of support.

## Annex D: What is family group conference?

1. A family group conference (FGC) is a decision making and planning forum in which the wider family group makes plans and decisions for children who have been identified either by the family themselves or by service providers as being in need of a plan that will safeguard and promote their welfare. The child is directly involved in the process, and the family plan that is devised must take account of any stipulations made by the referring agency (typically the local authority) for it to be agreed.
2. Every family is unique, with its own culture, personalities, inter-personal dynamics and history. All families come up against problems from time to time. Some family difficulties involving children can be sorted out relatively easily with help from relatives and friends; and some require additional support from health services, Children's services departments and/or other agencies. FGCs are a way of enabling families to work together to make the best plan possible for their children taking account of any identified child welfare concerns.
3. The primary decision makers at an FGC are the family members rather than the professionals. It is here that the mother, father and other family members get together with the child or young person to talk, make plans and decide how to resolve the situation.
4. FGCs were originally developed in New Zealand where they are recognised in law as being the key process by which family groups make informed and responsible decisions, recommendations and plans for their children. Crucially, the FGC aims to empower families, within the State's systems for decision making and planning, with a view to:
  - making sure that the child or young person will live in a safe environment and be allowed to develop as an individual;
  - providing an opportunity for the family to develop solutions to their current problems, drawing on their knowledge and experience to decide what is best for the child or young person; and
  - encouraging the child or young person to take part in the decisions that directly affect them.
5. FGCs are now being used in England by many local authorities and partner agencies to address a range of child welfare issues including:
  - safeguarding children at risk of significant harm;
  - permanence planning when a child cannot live at home or leaves care; and
  - youth offending, anti-social behaviour and truanting.

6. There is no legal mandate for convening FGCs in England but their use is consistent with the principles underpinning English child welfare legislation.

**Abridged from *The Family Group Conference Toolkit - a practical guide for setting up and running an FGC service* (Family Rights Group and DCSF, 2006)**

## **Annex E: Useful organisations and information for family and friends carers**

### **Action for Prisoners' and Offenders' Families (part of Family Lives)**

Works to reduce the negative impact of imprisonment on prisoners' and offenders' families. Produces publications and resources, and provides advice (including a helpline), information and training as well as networking opportunities.

[www.familylives.org.uk/about/our-services/action-for-prisoners-and-offenders-families/](http://www.familylives.org.uk/about/our-services/action-for-prisoners-and-offenders-families/)

15-17 The Broadway  
Hatfield, Herts AL9 5HZ

Tel: 020 7553 3080

E-mail: [infor@offendersfamilieshelpline.org](mailto:infor@offendersfamilieshelpline.org)

Advice line: 0808 808 2003

### **Addaction**

Offers a range of support developed for families and carers affected by substance misuse.

[www.addaction.org.uk](http://www.addaction.org.uk)

67-69 Cowcross Street  
London EC1M 6PU

Tel. 020 7251 5860

Email: [info@addaction.org.uk](mailto:info@addaction.org.uk)

### **Adfam**

Works with families affected by drugs and alcohol, and supports carers of children whose parents have drug and alcohol problems.

[www.adfam.org.uk](http://www.adfam.org.uk)

2<sup>nd</sup> Floor, 120 Cromer Street  
London WC1H 8BS

Tel: 020 3817 9410

Email: [admin@adfam.org.uk](mailto:admin@adfam.org.uk)

### **Advisory Centre for Education (ACE)**

Offers free independent advice and information for parents and carers on a range of state education and schooling issues, including admissions, exclusion, attendance, special educational needs and bullying.

[www.ace-ed.org.uk](http://www.ace-ed.org.uk)

72 Durnsford Road  
London N11 2EJ

ACE Adviceline: 0300 0115 142

E-mail: [enquiries@ace-ed.org.uk](mailto:enquiries@ace-ed.org.uk)

### **Children and Families Across Borders**

Canterbury Court, Unit 1.03,  
1-3 Brixton Road,  
London,  
SW9 6DE

Tel: 0207 7358941

### **Coram BAAF Adoption and Fostering Academy**

<https://corambaaf.org.uk/>

Provides information and advice about adoption and fostering and publishes resources.

Coram Campus, 41 Brunswick Square

London WC1N 1AZ

Tel: 020 7520 0300

Coram BAAF Advice Line: 0300 222 5775 or [advice@corambaaf.org.uk](mailto:advice@corambaaf.org.uk)

### **Coram Children's Legal Centre**

Provides free independent legal advice and factsheets to children, parents, carers and professionals.

[www.childrenslegalcentre.com](http://www.childrenslegalcentre.com)

Riverside Office Centre  
Century House North  
North Station Road  
Colchester CO1 1RE

Tel: 01206 714 650

E-mail: [info@coramclc.org.uk](mailto:info@coramclc.org.uk)

### **Coram Children's Legal Centre Migrant Child's Project**

The Migrant Children's Project (MCP) has been promoting the rights of refugee and migrant children, young people and families for over 10 years, striving to ensure that they receive the protection and support they need.

Coram CLC MCP Advice Line: 0207 636 8505 or [mcpadvice@coramclc.org.uk](mailto:mcpadvice@coramclc.org.uk)

### **Coram Voice**

Advocacy organisation for children living away from home or in need.

<http://www.coramvoice.org.uk/>

Gregory House, Coram Campus  
49 Mecklenburgh Square  
London WC1N 2QA

### **Citizens Advice Bureaux**

Helps people resolve their legal, money and other problems by providing free, independent and confidential advice through local bureaux and website.

[www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)

## **Department for Education**

Provides information on and signposting to organisations providing advice and support on a range of issues that parents and families may face in bringing up children.

<https://www.gov.uk/looking-after-someone-elses-child>

## **Family Fund Trust**

Helps families with severely disabled or seriously ill children to have choices and the opportunity to enjoy ordinary life. Gives grants for things that make life easier and more enjoyable for the disabled child and their family.

4 Alpha Court  
Monks Cross Drive  
York YO32 9WN

[www.familyfund.org.uk](http://www.familyfund.org.uk)

Tel: 01904 550055

Email: [info@familyfund.org.uk](mailto:info@familyfund.org.uk)

## **Family Rights Group (FRG)**

Provides advice to parents and other family members whose children are involved with or require children's social care services because of welfare needs or concerns. Publishes resources, helps to develop support groups for family and friends carers, and runs a discussion board.

[www.frg.org.uk](http://www.frg.org.uk)

Address: Second Floor  
The Print House  
18 Ashwin Street  
London E8 3DL  
Tel: 020 7923 2628

Advice line: 0800 801 0366

Email: [office@frg.org.uk](mailto:office@frg.org.uk)

## **The Fostering Network**

Supports foster carers and anyone with an interest in fostering to improve the lives of children in care, including offering advice, publishing resources and research

[www.thefosteringnetwork.org.uk](http://www.thefosteringnetwork.org.uk)

Address: 87 Blackfriars Road  
London SE1 8HA  
Tel : 020 7620 6400

Email: [e\\_info@fostering.net](mailto:e_info@fostering.net)

## **FosterTalk**

Provides independent support to foster families across the UK and runs Fosterline, a confidential advice line for foster carers including concerns about a child's future, allegations and complaints, legislation and financial matters.

<https://www.fostertalk.org/>

Address: 11 Sherwood Road  
Aston Fields, Bromsgrove  
Worcestershire B60 3DR

Tel: 01527 836910

Email: [enquiries@fostertalk.org](mailto:enquiries@fostertalk.org)

Fosterline: 0800 040 7675

## **Grandparents Plus**

Champions the role of grandparents and the wider family in children's lives, especially when they take on the caring role in difficult family circumstances.

Address: Grandparents Plus  
18 Victoria Park Square  
Bethnal Green  
London E2 9PF

Tel: 0300 123 7015

Email: [advice@grandparentsplus.org.uk](mailto:advice@grandparentsplus.org.uk)



**Mentor UK**

Promotes the health and wellbeing of children and young people to reduce the damage that drugs can do to lives.

[www.mentoruk.org.uk](http://www.mentoruk.org.uk)

Address: Fourth Floor  
74 Great Eastern Street  
London EC2A 3JG

Tel: 020 7739 8494

Email: [admin@mentoruk.org](mailto:admin@mentoruk.org)

**Family Mediation Helpline**

Provides information and advice about family mediation services and eligibility for public funding

[www.familymediationhelpline.co.uk](http://www.familymediationhelpline.co.uk)

**National Family Mediation (NFM)**

Provides mediation services to support couples who are separated and their children and others affected by this.

[www.nfm.org.uk](http://www.nfm.org.uk)

Address: Civic Centre, Paris Street  
Exeter EX1 1JN

Tel: 0300 4000 636

**Partners of Prisoners and Families Support Group**

Operates helpline and provides a variety of services to support anyone who has a link with someone in prison, prisoners and other agencies.

[www.partnersofprisoners.co.uk](http://www.partnersofprisoners.co.uk)

Address: Valentine House  
1079 Rochdale Road  
Blackley  
Manchester M9 8AJ

Tel: 0161 702 1000

Offenders' Families Helpline Tel: 0808 808 2003

Email: [info@prisonersfamilieshelpline.co.uk](mailto:info@prisonersfamilieshelpline.co.uk)

### **Prison Advice and Care Trust (PACT)**

Provides practical and emotional support to prisoners and to their children and families. The Kinship Care Support Service provides support and advice to family members and friends who care for children whose parents are in HMP Holloway.

[www.prisonadvice.org.uk](http://www.prisonadvice.org.uk)

Address: Park Place  
12 Lawn Lane  
Vauxhall  
London  
SW8 1UD

Telephone: 0808 808 3444

E-mail: [helpline@prisonadvice.org.uk](mailto:helpline@prisonadvice.org.uk)

### **Parents Against Drug Abuse (PADA)**

Delivers support and services to the families of substance users, including a national helpline.

[www.pada.merseyside.org](http://www.pada.merseyside.org)

Address: Ellergreen Road Ellergreen Community Centre  
Liverpool Area  
Liverpool  
L11 2XY

Phone: 08457 023 867

National Families Helpline: 08457 023867

## **Family Lives**

Provides help and support in all aspects of family life, including information, an online chat facility and a 24-hour helpline.

[www.familylives.org.uk](http://www.familylives.org.uk)

Address: 15-17 The Broadway  
Hatfield  
Hertfordshire  
AL9 5HZ

Tel: 020 7553 3080

24hr Advice line: 0808 800 2222

Email: [parentsupport@familylives.org.uk](mailto:parentsupport@familylives.org.uk)

## **Refugee Council**

The Refugee Council is one of the leading charities in the UK working directly with refugees and asylum seekers and supporting them to rebuild their lives.

<https://www.refugeecouncil.org.uk>

240-250 Ferndale Rd  
London  
SW9 8BB

Tel: 020 7346 6700

## **TalktoFrank**

The government's national drugs helpline which offers free confidential drugs information and advice 24 hours a day. Information and advice is also available via the website.

[www.talktofrank.com](http://www.talktofrank.com)

24 hour advice line: 0300 123 6600

Text: 82111

Email: [frank@talktofrank.com](mailto:frank@talktofrank.com)

Tel: 020 7833 5792

Young person's advice line: 0808 800 5792

Email: [info@coramvoice.org.uk](mailto:info@coramvoice.org.uk)

## **Young Minds**

Works to improve the emotional wellbeing and mental health of children and young people and empowering their parents and carers.

[www.youngminds.org.uk](http://www.youngminds.org.uk)

Address: Baden Place  
London  
SE1 1YW

Tel: 020 7089 5050

Parents helpline: 0808 802 5544



Department  
for Education

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email [psi@nationalarchives.gsi.gov.uk](mailto:psi@nationalarchives.gsi.gov.uk)

write to Information Policy Team, The National Archives, Kew, London, TW9 4DU

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