



## **Children's Safeguarding and Family Help**

Kinship care arrangements for children in need: procedures and practice guidance

## 1 Introduction

This document provides guidance for social workers working with families where a child in need is living with family members or family friends in a kinship care arrangement. Further details on Kinship care in its various forms can be found in Camden's *Kinship policy* available at: [Kinship Care](#)

**The procedures only apply to informal arrangements made privately between parents and the kinship carer, where CSFH are not involved and the child is not looked after.** For information on procedures for Kinship care for looked after children, please refer to the *Placements with connected persons* policy. [Placements with Connected Persons](#)

## 2 Principles

- Where possible, and as far as is consistent with the child's welfare, CSFH will support and enable families to make their own arrangements for the care of the child.
- No child will be accommodated under section 20 of the Children Act 1989 unnecessarily or in order to access resources; accommodation will only be offered where the child's needs reach the threshold for accommodation.
- Where there is a risk of a child coming into Camden's care, families will be offered a Family Group Conference in order to make their own plans for the child's care so that they may be diverted from local authority care.
- Any child who is in need will be offered a child and family assessment in order to identify their needs and services that can be offered under section 17 of the Children Act 1989. Assessment will ensure that the care arrangements are able to safeguard and promote the child's welfare.
- Where social workers have any concerns regarding family and friends care arrangements, timely action will be taken using statutory powers under the Children Act 1989 to protect the child and safeguard their welfare.
- When considering support for family and friends carers, social workers will take into account a full range of services and benefits available and advise families accordingly, making appropriate referrals on to other agencies where necessary.

- Support will be offered to children and carers on the basis of their need rather than the child's status. Services will not be withheld from a child or their carer on the basis that the child is not looked after.
- Services and support will be sensitive to the needs of the child and their carer and to the specific needs of the care arrangements and the carer's own needs. Social workers will work in partnership with parents and carers in order to support care arrangements and safeguard the child's welfare.

### 3 Providing support

- In general, it is expected that financial support for the child will be provided by their parent or other person with parental responsibility. However CSFH may provide financial support to Kinship carers in order to support the arrangement based on the child and family assessment.
- A one-off payment may be provided at the beginning of the arrangement to help carers buy essential items such as bedding or clothing or to meet extra costs incurred because of the child's specific needs.
- CSFH may also make on-going payments to alleviate financial hardship and where the payments are needed to ensure the care arrangement can be sustained in the long-term.
- Financial support may also be paid to carers whilst they wait for other benefits to be transferred.
- Carers will be expected to maximise income by ensuring they apply for all benefits and tax credits to which they are entitled and social workers should advise carers on this and support applications.
- Assessment should also look at the capacity of the extended family to support the Kinship carer, particularly in relation to providing respite care or care in the long term if the current carer becomes incapacitated.
- Social workers should be aware that Kinship carers who are looking after children under Child Arrangement Orders or Special Guardianship Orders may be entitled to specific levels of financial support and should take advice from the Family, Friends and Fostering service.

- Some carers may need help in approaching Housing in order to address accommodation issues. Social workers should support families wherever possible to explore any possible solutions with Housing colleagues.

#### 4 Information and advice for social workers

- The Family, Friends and Fostering service can provide information, advice and support to social workers who work with Kinship carers, particularly on what difficulties Kinship carers may face and the needs of children living in these arrangements.
- The Resources service can also advise social workers on what services and support may help to support CIN Kinship arrangements and help to devise a suitable package of care.
- Camden has a Kinship carer support group that meets on a regular basis; social workers may raise membership of this group with carers they work with and contact the Fostering and Kinship service for details on how to join. It is also important that carers are provided with information on local resources that they may find useful.
- Family Group Conferences should always be offered to the family who need to make Kinship care arrangements; please see the Family Group Conference policy for details: [Family Networks and Family Group Decision Making](#)

#### 5 Options for permanence

- Where children are not be able to return to their parent's care and may need to stay with their Kinship carer on a long-term basis, social workers will need to advise carers on their legal options for securing the care arrangements long term. Advice can be sought from the Family, Friends and Fostering service.
- Carers will need to seek legal advice on their options but will be able to apply for either of the following private orders a year after the child has been living with them.
  - Child Arrangement Orders will enable the child to continue to live with the carer and the carers will share parental responsibility for the child with the parents. The order lasts until the child reaches 18 and may be extended to 21 if the child has a disability.

- Under Special Guardianship Orders, guardians share parental responsibility with parents but will have full control over the day to day care arrangements for the child. The order lasts until the child is 18 years old. Guardians may be able to apply for Special Guardianship support. For further information, please refer to the *Special Guardianship* policy. [Applications for Special Guardianship Orders](#)

## 6 Kinship carers in child protection cases

- Sometimes social workers may wish to place children who are subject to child protection investigations or a child protection plan away from the family home due to on-going concerns about the child's care. The family may suggest an alternative carer from the child's network.
- Whilst Camden supports the use of such care arrangements in these circumstances, our policy is that these arrangements may only go ahead if basic checks as to the carer's suitability have been carried out and the proposed arrangements have been authorised by the team manager.
- Where there is time, social workers may consider advising the family to use the Family Group Conference process to help them identify a suitable temporary carer for the child.
- Social workers should carry out the following tasks **before** the child goes to live with the Kinship carer:
  - police checks on the carer and adults over 16 who are living in the household or who are regular visitors (see the Police Checks policy) [police-checks.pdf](#)
  - checks with social care services of the local authority where the carer lives (particularly child protection records) against the carer and any children living in the household to see if they are known
  - checks with health visitors for all children under 5 living in the household
  - a visit to the carer at their home to evaluate the suitability of the accommodation
  - discussions with the carer to ascertain their relationship with the child and their role in keeping the child safe.

- The team manager must authorise the arrangements before the child goes to live with the carer and the decision should be recorded on the child's MOSAIC record. If any checks prove unsatisfactory, the placement must not go ahead and alternative accommodation should be found for the child.

## 7 Practice guidance on making decisions on CIN Kinship care arrangements

### 7.1 Legal framework

Case law has highlighted the need to distinguish between those arrangements that are initiated privately by families without involvement of social care services and those that are initiated by social care services. This is important as it determines the level of (financial) support that must be provided to the carer.

- Social care services may support a Kinship care arrangement under section 17 if it has been organised exclusively by the family without any involvement by social services and the child is not looked after.
- Alternatively, if social care services are deemed to have actively placed a child with a family member, the Court will assume the child was placed under section 20 and the carer will be entitled to the same financial support as other foster carers.

### 7.2 Main indicators of social care services initiation of a Kinship care placement

These are the main points that a court will look at when deciding whether to presume that social care services intended the child to be looked after and have placed the child with the carer under section 20.

- Social care services take a central role in making arrangements for the child to live with the carer, for example approaching the carer to ask them to care for the child.
- The main arrangements are made in discussions between social workers and the carer directly, with the parent having a limited role.
- Social care services make key decisions about the day to day care of the child, for example with whom the child can have contact.

- If the care arrangements did not go ahead, social care services would have no alternative but to place the child with a foster carer.
- Social care services are directly involved in carrying out a viability assessment of the placement (as opposed to basic police checks) and bringing the child to the placement.
- Financial arrangements are not discussed and are not clear to carers.

### 7.3 Practice points

- When Kinship arrangements are being set up, social workers need to avoid confusion (and possible judicial review) and ensure the status of the arrangement is clear.
- Decisions on whether the arrangement should be a section 20 placement or supported under section 17 should be made as early as possible and recorded clearly on the case record in order to avoid the inference that the arrangement was initiated by CSFH.
- Decisions should be made on an individual case basis with legal advice sought where appropriate. Legal advice must always be sought prior to any Family Group Conference where family members are looking at alternative care arrangements and it must be made clear in the social work report for the conference that any decisions made by the family for the child's care are private and do not involve the child being accommodated by CSFH.
- Carers must be asked to sign the *Private family and friends arrangement agreement* (available on MOSAIC and the link below) which should be uploaded onto the child's MOSAIC record. [private-family-and-friends-care-arrangement.pdf](#)
- If carers are insistent that the child is looked after in order to be placed with them, this must be respected.
- Social workers must ensure that the issue of placement status and levels of financial support are fully discussed with carers and that a note is made of these discussions in the case notes of the child's MOSAIC file.
- If social workers have concerns about private care arrangements, and the carers refuse CSFH involvement, the situation must be risk assessed as far as possible and legal advice sought regarding what action CSFH can take.

- Support of private family and friends care arrangements cannot go on indefinitely and consideration must be given to permanence for all children; carers should be encouraged to seek appropriate legal orders such as Child Arrangement Orders or Special Guardianship Orders in respect of the child if rehabilitation is not likely to happen.

#### 7.4 Kinship care arrangements under section 17

The following Kinship care arrangements will not have been initiated by CSFH and can be supported under section 17.

- The child was already living with a Kinship carer prior to any approach to CSFH for support.
- A child in need goes to live with a family member without any social work involvement in planning and decision making and there were no plans on the part of CSFH to accommodate the child.
- A family decides on family and friends care arrangements for a child who is at risk of accommodation through a Family Group Conference.

#### ***In these cases:***

- Social workers should be careful not to involve themselves in negotiations around the child's care.
- Only a *child and family assessment* to ascertain the child's needs should be carried out; ***no assessment of the carer should take place.***
- Carers should be notified that as this is a private arrangement, support for the arrangement will be based on the child's assessed needs.
- If the Kinship carer is not the child's grandparent, step-parent, sibling, aunt or uncle, the arrangement will become a private fostering arrangement if it goes past 27 days; social workers should advise the carer of the notification requirements and refer the case to the MASH as a private fostering arrangement.



## 7.5 Placement under section 20

The following Kinship care arrangements will be deemed to have been initiated by CSFH; the child will be looked after and the carer must be assessed and supported as a Camden foster carer.

- The social worker actively approaches a family member to care for a looked after child as an alternative to foster care.
- The family member approaches CSFH offering to care for a child who is already looked after.
- A child in need goes to live with a family member and prior to this, CSFH had assessed the child as requiring accommodation under section 20 and the alternative plan for them will be placement with a foster carer.

### *In these cases;*

- The child will be looked after and subject to all statutory care planning and CLA processes.
- The carer will be a Regulation 24 carer and must sign a *Regulation 24 agreement* (available on MOSAIC) before the child can be placed.
- A *viability assessment* of the care arrangements must be carried out by the child's social worker prior to placement.
- The carer must be assessed as a Camden foster carer and will receive a fee from Fostering for looking after the child.
- Consideration should be given to long-term legal options if it is likely the child will stay with the carer, for example residence or special guardianship order, so that the child will not be accommodated indefinitely.

### CIN and CLA Kinship care: features and processes

	CIN	CLA
<b>Arrangements for placement</b>	Placement is by way of a private agreement between the parents and the carer with no involvement by CSFH. Where CSFH has assessed the child, some support may be provided to the child under section 17.	The child is formally placed with the carer under section 20 of the Children Act or under a care order.
<b>Child's status</b>	The child is not looked after but may be assessed as a child in need.	The child is looked after by Camden.
<b>Carer's status</b>	The carer will have no specific status and will not need to be assessed or approved by CSFH.	The carer must be assessed and approved by CSFH as a Regulation 24 carer and then as a Camden foster carer (where the placement will continue beyond 16 weeks).
<b>Financial support</b>	Parents remain responsible for the child's upkeep and carers should agree support with them. CSFH will provide limited support only where the child has been assessed as a child in need.	CSFH are responsible for the child's upkeep and will pay a fostering allowance to the carer.
<b>Assessment</b>	The child may be assessed to establish whether they are a child in need.	The child must be assessed to establish their needs and inform their care plan. Emergency placements under Regulation 24 must be assessed as suitable using a viability assessment. For placements exceeding 16 weeks, the carer must be assessed as a Camden foster carer and approved by Camden's Fostering Panel.
<b>Parental responsibility/ Decisions on child's care</b>	Parents retain parental responsibility and delegate to the carer, with agreement on what decisions the carer may take regarding the child's day to day care.	<b>S20:</b> Parents retain parental responsibility and agree to delegate responsibility for decisions about the child's care to CSFH/carers, <b>Care order:</b> Parental responsibility is shared between the parent and CSFH, with CSFH able to decide on the child's day to day care and delegating responsibility for decisions to the carer.

### Family and friends care flowchart

