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| Agenda Item | 19. |
| Report No | CLH 35/18 |

HIGHLAND COUNCIL

Committee: Care, Learning and Housing

Date: 22 August 2018

Report Title: **Kinship Care**

Report By: Director of Care and Learning

1. Purpose/Executive Summary

- 1.1 This report provides an update in relation to the use of kinship care in Highland Council.

2. Recommendations

- 2.1 Members are asked to comment on and note the report.

3. Background

- 3.1 Kinship care is provided where a relative or friend takes on the care of a child or young person when their parents cannot look after them.
- 3.2 There are many children who live with friends or family without the involvement of statutory services. These carers are often referred to as informal kinship carers, and the children are not legally Looked After.
- 3.3 Formal kinship care is when a child/young person is legally Looked After by the local authority, and the child is placed in the care of relatives or friends by the local authority.
- 3.4 When a child is looked after and cared for by formal kinship carers, the local authority has the same responsibilities as with any other looked after child. The Looked After Children (Scotland) Regulations 2009 set out these Responsibilities, and these include the need for the carers to be formally assessed and approved.
- 3.5 Highland Council has had a Kinship Care Scheme since 2003. A Kinship Panel was established in August 2011. Social workers present their assessment to the panel, which makes a recommendations to the Agency decision maker in relation to whether the carers should be approved based on the assessment.
- 3.6 The Looked After Children (Scotland) Regulations define a kinship carer as a person who is related to the child (through blood, marriage or civil partnership) or a person with whom the child has a pre-existing relationship. This can include a person related to the child by the half blood.
- 3.7 Overall, the outcomes for children and young people in kinship placements are better than for those in other forms of care, and therefore family and friends should always be considered as carers for children and young people who are not able to live with their parents.
- 3.8 The Children and Young People (Scotland) Act 2014 enhanced support available for kinship placements. Part 13 of the Act enables eligible kinship carers to get help and advice if they apply for, or are considering applying for, a Kinship Care Order, and following the granting of an order.
- 3.9 A Kinship Care Order is an order made under Section 11 of the Children (Scotland) Act 1995. It is an order made by the court which grants a person parental rights and responsibilities for a child, and the order can specify where the child is to live. It is most likely to be a residence order with the addition of parental rights and responsibilities.

- 3.10 Highland Council pays kinship carers at the same rate as foster carers, and has done so since the start of the scheme in 2003. This has been for children who are looked after and those who were previously looked after - and are now subject to a Kinship Care Order where an allowance was agreed. Prior to the establishment of the Kinship Panel, payment of the residence allowance was agreed by the Permanence Panel. It is now agreed by the Kinship Panel.
- 3.11 Kinship carers currently qualify for some benefits that are not available to foster carers (for example, child benefit) and in Highland this is deducted from the rate paid to the kinship carers. The rates paid to kinship carers are published on Highland Council's website, at http://www.highland.gov.uk/downloads/file/15607/kinship_fees
- 3.12 Children who are formally looked after also receive a Christmas, summer and birthday payment; whereas those children who are subject to a Kinship care order, do not.
- 3.13 Following changes in legislation, eligibility to receive kinship care allowances was extended to include carers of non-looked after children who are entitled to allowances equivalent to those paid to foster carer in certain specified circumstances.
- 3.14 In terms of children who are not looked after, those who would be eligible are kinship carers who are caring for a child who is the subject of a Section 11 order under the Children's (Scotland) Act 1995, and who:
- is or was previously looked after;
 - was placed with the involvement of the local authority;
 - is at risk of becoming looked after.
- 3.15 In terms of looked after children, this includes children who are not on a statutory order through a children's hearing but where the local authority was involved in placing the child. In Highland, the recommendation would be that "involved in placing the child" should be defined as situations where, had there not been a kinship carer available, the local authority would have been seeking to place the child in foster care or residential care.
- 3.16 The term "at risk of becoming looked after" is difficult to define. The recommendation would be that this should refer to children who are at risk of being accommodated away from their current carer, and that the reasons for them being at risk of being looked after is clearly outlined in the Child's Plan.

4. Current position

- 4.1 Highland Council currently has 104 children who are placed with kinship carers. This is 19.5 % of the total looked after population. 56 children are placed with carers who have been approved as kinship carers; 8 are placed with carers where the assessment has been completed, the case has been to panel but there is some outstanding information required; and there are 40 that have not yet been to the panel where the assessments are being

progressed. This reflects the ongoing changing looked after children population, and the workflow for social workers. In addition, the Council financially supports 81 children who were previously looked after and where their carers now have a Kinship Care Order.

- 4.2 In January 2016, there were 64 children placed with Kinship carers and we were supporting 72 children where their carers had a residence order, so the numbers of children who are placed with friends and family has increased.
- 4.3 Highland Council encourages carers to apply for a Kinship Care Order when it is clear that children are not able to return to the care of their parents. A Kinship Care Order provides long term security for the child and gives the carers parental rights and responsibilities. Having parental rights and responsibilities means that the carers are able to make decisions in respect of the child that they would not have been able to make previously.

5. Moving Forward

- 5.1 As Kinship placements tend to lead to better outcomes for children we need to ensure that we promote placements with Kinship carers when this is in the child's best interests. The outcomes for children in kinship care are generally seen as positive in terms of their sense of identity and the stability of their placement and as they are able to maintain long term links with family who will often continue to support them in adulthood.
- 5.2 Options for family and friends to be involved in supporting children and young people need to be explored at various points as the child/young person/family's circumstances change. Family and friends can provide supports to children which will prevent them becoming looked after.
- 5.3 As a local authority, we have promoted the use of Kinship placements for some time. We currently have 19.5% of our Looked after children in Kinship placements. Our target is for 20% of our looked after children to be cared for in Kinship placements and we have been making steady progress towards this target over the last few years. Kinship care is always considered when it is clear a child can no longer live at home. For children who are already accommodated, the role of family and friends should be considered at each Childs Plan meeting, and specifically whether there is anyone in their network who would be able to take on their care.
- 5.4 The Assessments of kinship carers needs to be robust, and consider the support needs of the carers. The Child's Plan would include the needs of the child and what supports would be required to best meet those needs. Financial support, while important to some carers, is only one aspect. Children who are looked after have often had many adverse life experiences which have impacted on their development. Kinship carers may require advice and guidance with a variety of issues as well as child care, respite for the child, support in managing contact with parents and siblings and specialist interventions for the child. It will be important to discuss with potential carers

what they would need to enable them to provide a safe, nurturing environment for the child/young person.

- 5.5 There is not a specific kinship care service within Highland Council, as is the case in some authorities, as this work is integrated into all other social work activity with children. The assessment and support to kinship carers is generally provided by the Family Teams.
- 5.6 In 2008, Highland Council provided funding to Children 1st to provide support to kinship carers of looked after children and this service has continued. The level of funding provided does not allow for them to provide support to all the kinship carers across the authority.
- 5.7 The future arrangements for the organisation and support of kinship care will be informed by the current Redesign review of Commissioned Services and the Placement Services Change Programme, which may offer the opportunity to provide enhanced support.

6. Implications

- 6.1 Resource – there are no new resource implications in the report but it should be noted that the payments to kinship carers are tied to the rate set for foster carers and it's anticipated that there will be an increase following a Scottish Government review which is yet to be published. Also paragraphs 5.5. and 5.6 explain that the support service to kinship carers will be reviewed at a later stage.
- 6.2 Legal – there are no new legal implications.
- 6.3 Community (Equality, Poverty and Rural) – there are no new implications though it should be noted that children placed with Kinship carers are likely to have experienced multiple disadvantages.
- 6.4 Climate Change/Carbon Clever – there are no new implications.
- 6.5 Risk – no new risks have been identified.
- 6.6 Gaelic – no new implications have been identified.

Designation: Director of Care and Learning

Date: 14 August 2018

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Background Papers: