

**REPORT TO: CHILDREN & YOUNG PEOPLE'S SERVICES COMMITTEE ON
9 JUNE 2010**

SUBJECT: KINSHIP CARE

BY: DIRECTOR OF COMMUNITY SERVICES

1. REASON FOR REPORT

- 1.1 To seek approval from Committee to implement a Kinship Care Scheme for Moray.
- 1.2 This report is submitted to Committee in terms of Section E(1) of the Council's Administrative Scheme relating to the functions of the Council as a Social Work Authority under the Social Work (Scotland) Act 1968.

2. RECOMMENDATION

- 2.1 It is recommended Committee approves a Kinship Care Scheme for Moray as described in this report.**

3. BACKGROUND

- 3.1 This report follows consideration given by Education & Social Services Committee on 13 February 2008 (para 15 of the minute refers) to the establishment of a Kinship Care Scheme for Moray. It was agreed that the Community Services Department would bring forward costed proposals for further Committee consideration.
- 3.2 The Department appointed a Kinship Care Social Worker in September 2009 to develop a Moray Scheme.
- 3.3 In many instances of family instability or breakdown the local authority is not involved as existing family members step in to provide care on an informal basis. In the majority of cases this is satisfactory and does not require council intervention as they are part of normal supportive family actions.
- 3.4 In situations where the local authority is involved and the child is not able to continue to live with their parents the council has a duty to consider whether family and friends can provide alternative care in a kinship care arrangement. Any such arrangement must be in the best interests of the child or young person.
- 3.5 In 2009 the Scottish Government brought forward Regulations to govern the provision of formal kinship care. The Looked After Children (Scotland) Regulations 2009 define a formal kinship care arrangement as relating to "looked after" children where a local authority has approved 'a person who is related to the child' or 'who is known to the child and with whom the child has a pre-existing relationship' as a suitable carer for the child.

- 3.6 The Government has set out in a document 'Getting it Right for Every Child in Kinship & Foster Care' a long-term vision for foster carers and kinship carers of looked-after children where support and development opportunities available to them would be similar.
- 3.7 The Scottish Government and COSLA then made a commitment through the Concordat published in November 2007 that kinship carers of looked-after children would receive support, including allowances, equivalent to that provided to foster carers by 2011. There are policy issues for the Council that arise from this commitment which are highlighted for consideration by Committee.
- 3.8 **Allowances**
In establishing allowance within the Moray Kinship Care Scheme the following can be noted:-
- (i) Practice in relation to **kinship care** allowances varies across Scotland. Information gathered by the Association of Directors of Social Work (ADSW) noted the limited ability of local authorities to meet the requirements of the Concordat. Examples of variations in kinship allowances are evidenced by the following:-
 - One authority is not paying kinship carers and no scheme is currently being developed.
 - Another intends paying Fostering Network rates minus Child Benefit.
 - Another had that same intention but has drawn back from that position and instead will pay 2/3 of Fostering Network rates.
 - Some are paying a flat rate ranging from £40.00 - £60.00pw and have no plans for parity with fostering allowances.
 - Another intends ceasing any payment when state benefits are claimed.
 - (ii) Practice in relation to foster care allowances varies across Scotland with local authorities using different rates.
 - (iii) The level of fostering and kinship allowances is a matter within the discretion of the local authority.
 - (iv) In Moray foster carers receive rates set by the Fostering Network which are approximately fifty percent higher than rates previously recommended by COSLA.
 - (v) The recommendation for kinship carers in Moray is that the total allowance is set at a lower level than foster allowances. The recommended allowance is based on the COSLA rates that are used to set Adoption and Residency Allowances in Moray.
 - (vi) Kinship carers are eligible to claim Child Benefit and may be eligible for other benefits and these are not available to foster carers.
 - (vii) Given this, all kinship carers would be expected to ensure they are receiving all applicable benefits for the child and these benefits would be taken into account in the final calculation of allowance paid by the council. The allowances would be calculated on the assumption that the carer is in receipt of child benefit for the looked after child. Any other benefits received would be deducted from the allowance payable insofar as they relate to the looked after child.
 - (viii) Kinship carers should access benefits advice from either Citizens Advice Scotland or the Council's Welfare Rights Advisor.

- (ix) The Moray Kinship Care Scheme aims to provide all Kinship Carers with a harmonised scheme that is clear and financially viable.
- (x) It would be anticipated that there would be annual cost of living increases in the levels of allowances and that these would be set each year and be in line with the percentage increase applied to Fostering, Adoption and Residency Allowances.

3.9 **Additional costs**

These relate to:-

- 1) Smaller items. It is not recommended that Moray has an automatic start up grant however it is recognised that on occasion some kinship carers may require at the outset assistance with essential equipment eg. Cot, pram or bed. It is recommended that these essential items may be provided on the basis of evidence of need. Approval processes would be based on assessment of immediacy of need and agreement of the relevant Area Social Work Manager. Costs would be met from within area team budgets. Details concerning frequency, circumstance and appropriate limits would be reviewed and reported back to committee in 12 months.
- 2) Vehicles. Kinship Care can be provided for sibling groups that for an existing family could create transportation problems which could be significant in terms of health, safety and legal requirements. It is unusual for the Council to lend money to individuals however committee is asked to agree that in specific cases where there is need for a larger vehicle, based on numbers of children, a loan of up to £5,000 might be agreed at 0% interest repayable over a maximum of 2 years by deductions from allowances made for the care of the child/ren. It is recommended that the loan is granted subject to receiving a Garage Report on the vehicle as to the road worthiness, estimated future life and reasonableness of the price and the loan repayment is subject to a formal legal agreement. Details concerning frequency and circumstances would be reviewed and reported back to committee in 12 months.

3.10 **Legal fees**

The issue of assistance with cost of legal fees to secure the placement of a child with them has been raised by some current carers. It is recommended that legal fees will not be the remit of the Kinship Care Scheme in that it is not a direct care cost and cost of legal actions are unpredictable and may in some instances be extremely costly. Should carers involved in a kinship arrangement become adopters to a child through an adoption plan made by the Council then associated legal fees could be paid through adoption regulations.

3.11 **Support & Training**

The Kinship Care Social Worker will support kinship carers in the following ways:-

- (i) the worker, based on consultation with existing carers will seek to establish a support group for kinship carers.
- (ii) training will be accessed through resources available within Moray such as the Moray Childcare Partnership, North East of Scotland Child Protection Committee and opportunities through the fostering and adoption team.

3.12 **Approval**

The Government has stated that kinship carers should undergo an approval process that is 'shorter, more streamlined' but 'broadly equivalent' to the arrangements for foster carers. Guidance will be produced by the Scottish Government to clarify approval processes. In the interim, given the need for a kinship care scheme within Moray, processes and procedures recommended for assessment, disclosures, health checks, references and placement confirmation are based on current practice that applies within foster care.

This includes:-

- Disclosure Scotland checks and health checks will be made for every kinship carer.
- assessment will be undertaken with a specific child/ren's needs as primary consideration.
- on completion of the assessment, the details will be considered by a Placement Confirmation Panel for approval.
- on approval, kinship carers will be required to enter into a written agreement regarding responsibilities and obligations for both themselves and the Moray Council.

- 3.13 A full set of draft 'Kinship Care Procedures 2010' are available in the member's library and on the Elected Members' Information Site (Portal). A consultation document is also available as is the outcome of a questionnaire to kinship carers.

4. **SUMMARY OF IMPLICATIONS**

(a) **Corporate Development Plan/ Community Plan/ Service Improvement Plan**

The Scottish Government's document 'Getting it Right in Kinship and Foster Care' has links with the Corporate Development Plan's goal of developing a strategic approach to addressing social inclusion and social justice. The development of a well supported Kinship Care Scheme also relates to a Service Priority in the Community Services Department's Improvement Plan for 2009/10 – Increasing Care Placement Options.

(b) **Policy and Legal**

The development of a Moray Kinship Care Scheme is related to but is not entirely consistent with the aspirations of the Scottish Governments' strategy document 'Getting it Right in Kinship and Foster Care'. That

document and the concordat envisage parity of allowances between Foster Carers and Kinship Carers by 2011. The Moray Kinship Care Scheme is not recommending parity in allowances: foster carers in Moray receive allowances at the Fostering Network rates, the lesser allowance of what are termed 'COSLA rates' are recommended for kinship carers within Moray. The arrangements regarding approval and ongoing support of kinship carers are in accordance with the Looked After Children (Scotland) Regulation 2009.

(c) Resources (Financial, Risks, Staffing and Property)

Finance

The proposed allowances for the Moray Kinship Care Scheme are age related and are as follows: -

Age	Weekly Amount
Age 0-4	£73.31
Age 5-10	£90.96
Age 11-15	£113.32
Age 16+	£146.61

As indicated in **Sections 3.8 (vi) & (vii)** the actual amounts paid to carers would take into account Child Benefit and any other benefits paid in respect of the child.

These 'COSLA rate' allowances are comparable with those described for Residency and Adoption Allowances in the report 'Fostering Finance and Related Allowances' tabled at the 14 April 2010 meeting of the Children & Young People's Services Committee (para 25 of the minute refers).

It is recommended that the allowances are paid over a 52 week period (foster carers receive allowances over '56 weeks' to cover additional expenditure over Christmas and holiday periods).

Taking into account the fifty two children and young people currently in kinship care the annual expenditure for 2010/11 would be at £238,680 based on allowances referred to above against a budget of £314,000. The expenditure figure assumes Kinship Carers access at least Child Benefit. The budget anticipates growth in this area of social work activity with upward trends in Kinship Carer numbers across Scotland. Eight children have entered kinship care in Moray in 2009/10 and a further three children and their potential carers are currently being assessed. There are other unpredictable costs not factored in the expenditure figure (eg. for the support group, Disclosure Scotland checks and additional costs referred to in **Section 3.9** of this report).

The adequacy of the budget will be referred to specifically in budget monitoring reports to committee for the remainder of the year. Any excess will be returned to the central contingency maintained by the council for budget amendments. If the budget allocation is insufficient this will be considered as part of the budget setting process for 2011/12.

Staffing

The Kinship Care Scheme will use existing staff within the Community Services Department.

Property

There are no property implications.

Risks

- The Moray Scheme does not meet all the aspirations of the 'Getting it Right for Every Child in Kinship & Foster Care' document.
- It is intended that existing kinship carers will migrate to the new arrangements. Some allowances will go down as well as up. It is recommended that there would be a period of 4 months transition for those who currently receive a higher rate of allowance (this affects 3 children).
- There are other aspects of the service to looked-after children in kinship care that need to be determined such as throughcare & aftercare arrangements and if children become subject to Residency Orders with their existing carers. It is anticipated that future reports will be presented to Committee.
- While the Moray Kinship Care Scheme is beneficial in providing cost-effective family-based placements for children who can no longer live at home (and as alternatives to foster & residential care) these placements are often long-term so will have a growing cost to the Council over time.
- Kinship carers may challenge the payment of an allowance that is lower than an allowance paid to a foster carer.

(d) Consultations

Katrina McGillivray, Senior Personnel Adviser, Deborah Brands, Principal Accountant and Rhona Gunn, Acting Principal Solicitor (Litigation and Licensing) have been consulted in the preparation of this report and are in agreement with the content relating to their areas of responsibility.

5. CONCLUSION

5.1 The aspirations of the Scottish Government document 'Getting it Right in Kinship and Foster Care' are extremely positive in improving services and outcomes for looked-after children. This report represents a part-realisation of the aspirations through improved service delivery in the assessment and support of Kinship Carers.

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Background Papers: available from Members' library and portal

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