

**REPORT TO: EDUCATION AND SOCIAL SERVICES COMMITTEE ON 13
FEBRUARY 2008**

SUBJECT: KINSHIP CARE

BY: DIRECTOR OF COMMUNITY SERVICES

1. REASON FOR REPORT

1.1 The purposes of this report are to:-

- (a) advise Committee of the publication by the Scottish Executive in December 2007 of a strategy document 'Getting it Right for Every Child in Kinship and Foster Care'; and
- (b) seek permission from Committee to bring back to a future meeting costed proposals in the development of a Kinship Care Scheme in Moray to complement the Moray Fostering Scheme.

1.2 This report is submitted to Committee in terms of Section D(23) of the Council's Administrative Scheme relating to the functions of the Council as a Social Work Authority.

2. RECOMMENDATION

2.1 It is recommended that the committee:-

- (i) notes the publication and key messages of the Scottish Governments' strategy document 'Getting it Right for Every Child in Kinship and Foster Care'; and**
- (ii) agrees that the Community Services Department should bring forward costed proposals to develop a Kinship Care Scheme in Moray.**

3. BACKGROUND

3.1 There are situations in Moray where children or young people, for a variety of reasons, are unable to reside with their parents. When such children are known or become known to the Council it has a duty to consider alternative care arrangements.

3.2 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.

3.3 In situations where the local authority is involved and an informal kinship care arrangement cannot be arrived at, the Council has a duty to consider whether family and friends can provide alternative care. Any such arrangement must be in the best interests of the child or young person.

- 3.4 The strategy document 'Getting it Right for Every Child in Kinship and Foster Care' defines this more formal use of the term kinship care as:
- 'a relative or close friend who cares for a child or young person where:-
- the local authority places the child or young person with the relative;
 - or an order by the court or children's hearing requires the child or young person to live with them.'
- 3.5 Arising from the 'Getting it Right' document the Scottish Government intends to fund, for a 3 year period, a service for all kinship carers providing advice, information and support through Citizens Advice Scotland. The Convention of Scottish Local Authorities will recommend to its members that they discuss their approach to the payment of discretionary support to kinship carers with Citizen's Advice to ensure sound local advice is available.
- 3.6 The Government has also set out a long-term vision for foster carers and kinship carers of looked-after children whereby support and development opportunities will be similar for both categories of carer:-
- strengthening training and development opportunities available;
 - providing short breaks from caring; and
 - ensuring consistent and fair financial support with parity between kinship and foster carers.
- 3.7 In effect the Scottish Government believes that there is a clear case for providing kinship carers of looked-after children with support, including allowances, equivalent to that provided for foster carers.
- 3.8 In the Concordat published in November 2007, the Scottish Government and COSLA agreed that allowances would be paid to all approved kinship carers of looked-after children, to treat them on an equal basis to foster carers.
- 3.9 The Government has also stated that kinship carers should undergo an approval process that is 'shorter, more streamlined' but 'broadly equivalent' to the arrangements for foster carers. Regulations will be produced to clarify approval processes.
- 3.10 The Moray Council currently supports 40 children and young people in kinship care arrangements costing approximately £110k in 2007/8 in discretionary payments to carers. These care arrangements receive social work support as required although current arrangements fall well short of the vision for kinship care set-out in the 'Getting it Right' document.
- 3.11 It is proposed that the Community Services Department works-up costed proposals for the development of a Kinship Care Scheme in Moray in line with the Scottish Government's strategy and in parallel with the details of the Government's intentions being made known.
- 3.12 It is also proposed that the Department will bring a report to a future meeting of the Education and Social Services Committee that will review the current Moray Fostering Scheme and set this in the context of 'Getting it Right in Kinship and Foster Care.'
- 3.13 For ease of reference the principles, key messages and actions from the strategy document are laid-out in **APPENDIX 1** of this report.

- 3.14 In conclusion it is worth noting that meeting the improved arrangements for kinship and foster carers will, in resource terms, have an impact on the ability of social work to provide community-based preventative services designed to prevent children and young people becoming looked-after and also accommodated. This is becoming a key issue in the broader agenda of 'Getting it Right for Every Child'.

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 Service Priority 4.1 of the Community Services Department's Improvement Plan for 2007/8 – Reducing Out of Area Placements.

(b) Policy and Legal

The development of a Moray Kinship Care Scheme in line with the Governments' strategy document will have policy and legal implications for the Council to be considered further in the establishment of such a scheme.

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

There are no immediate financial implications associated with this report. The establishment of a well supported Kinship Care Scheme should reduce pressure on fostering and residential care services and so on out of area placements. The development work required in developing a Moray scheme will be significant.

(d) Consultations

Katrina McGillivray, Senior Personnel Adviser, Deborah Brands, Principal Accountant and Margaret Forest, Senior 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. The realisation of the aspirations in concrete terms through improved service delivery will require careful planning and have as yet undefined resource implications.

Author of Report: John Carney

Background Papers: The Scottish Government document 'Getting it Right for Every Child in Kinship and Foster Care' is available in the Member's Library

Ref:

Getting it Right for Every Child in Kinship and Foster Care

Please note the following abbreviations:

TNF – The Fostering Network

BAAF – British Agencies for Adoption & Fostering

The Scottish Government and local government partnership will work with other delivery partners to ensure the proposals in this strategy translate to improved outcomes in practice

The Scottish Government and local government will work together to explore how to build on best practice to strengthen the links between foster care and support for families.

The Scottish Government intends to fund, for a 3-year period, the introduction of a service for all kinship carers to be delivered by Citizens Advice Scotland, through their bureau across Scotland. Each bureau will provide advice, information and support on the income, tax and benefits entitlements when a child joins the household and it will identify the appropriate legal status of the kinship carer's relationship with, and responsibility for, the child.

As entitlement to benefits is a reserved matter, the Scottish Government will work with others such as the UK Government to identify the improvements that are required and seek to ensure that kinship carers receive efficiently the benefits to which they are entitled.

COSLA agrees to recommend to its members that they discuss their approach and criteria for payment of discretionary support to kinship carers with their local partners and others, such as Citizens Advice Scotland. This will ensure, as far as possible, that there is consistent local advice and approach to supporting kinship carers.

The Scottish Government will commission a revision of the Guidance to the Children (Scotland) Act 1995 to embed our vision of how we achieve improved outcomes for children who are looked after away from home. As part of this, the revised guidance will emphasise both the importance of strengthening the capacity of the family to look after the child and of achieving the aim of permanence and stability for the child, in whatever care setting.

If the kinship carer is approved and if a kinship care arrangement has been established for a looked after child, an allowance will be paid, as it is for every looked after child in foster care. Any child benefit contribution to the household income will be deducted from the kinship carer's allowance, prior to payment by the local authority. (Foster carers do not receive child benefit).

The Scottish Government will introduce regulations that clarify that such kinship carers must be assessed and approved by the appropriate local authority and given the requisite support by the local authority. Regulations will also set out the statutory framework for the assessment and approval process of such kinship carers. We

have asked the BAAF/ TFN-led reference group to develop recommendations for this approval process.

The Scottish Government will amend the relevant regulations to ensure that no looked after child is placed with an unapproved carer for longer than necessary, regardless of whether the carer is a relative or friend. A simplified assessment should still be completed for emergency placements and allowances paid for the child to the carer during this period.

The Scottish Government will amend the relevant regulations to ensure that any placement that takes an approved carer over his or her approval limit must be authorised.