Developing Kinship Care: A case of evidence based social work practice?

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PROFESSIONAL DOCTORATE IN SOCIAL WORK

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Abstract

This thesis provides a description and analysis of contemporary policy and practice in kinship care within three local authorities in England. The aim is to examine the extent to which government policy principles and available research evidence have translated into professional practice on the ground in different agency settings and to consider the implications of these findings for future management planning in this field.

This is approached through considering UK research on kinship and examining the relationship between the statutory principles driving policies and the way the three local authorities have responded. This is with a view to questioning how kinship locally has influenced social work practice at a case level and compares local policies and practice against wider research evidence. Proposals are made about the modelling of a more effective approach to social work practice and management in kinship care planning.

This study of different authorities and their approaches to kinship explores some of the challenges by which policy principles and research findings get translated into social work practice in a field of practice and theory that is itself contested.

The study was undertaken in four stages:

1. A review of the extent to which local authority policies are compliant and consistent with statutory rules and contemporary research findings on kinship care.
2. A comparative analysis of the similarities and differences between policies and their formation in three studied authorities.
3. An analysis of the extent to which local management and social work practice, as reported, is consistent with policy and research.
4. The modelling of a Kinship care Definition and Policy Model could be proposed that is compliant with the principles of the Children Act 1989 and responsive to the research findings.

The challenge set out in this research is to bridge academic research, policy formulation and operational practice. This research does not seek to evidence best practice in its own right but to recognise the variance of kinship in practice and approach and, from knowledge gained, set out a proposed model of good practice, one that is responsive to the findings and could be adopted within local authorities in England.

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CHAPTER 1: Introduction and Context

Introduction

The research described in this thesis focuses on local authority kinship care policy and practice. The aim is to explore how the contested nature of both the idea of 'kinship' and the appropriate legal status of kinship placement is addressed in policy formulation and social work practice at the local level. Historically, relying on family members and friends for support in child rearing has been a common practice across cultures. More recently public agencies have started to acknowledge formally the role of kin carers as a resource for children who are no longer able to be cared for by their parents. Nonetheless the very idea of 'kinship care' remains contested in theory, law and operational practice in local authorities.

Taking the long view, Linda Stone (2000) reminds us that, although definitions of kinship have varied differently across societies, kinship always entails reciprocal rights and obligations. For example, in many families, a hierarchical structure informally exists. Frequently, older brothers give advice to younger siblings and sisters take on a caring role that does not have a formal or legal construction but is based on a sense of moral obligation. Moreover, while it is simple to define relationships that are structurally formed through blood, kinship can be viewed ideologically, sociologically, politically or philosophically, involving cultural ideas as well as biological and moral connections with others.

Most significantly for the purpose of this study, kinship care can be understood to incorporate relationships that are formally constituted through a process of care planning by a local authority, or not. Nationally, policy and procedure is explicit when a child is placed by a local authority and inherits the status of a 'looked after child' (Children Act 1989, s.22). Statutory guidance is in place with regard to the approval of carers, the nature of the placement, the frequency and content of reviews, as well as the fostering payments and support structure. This gives an

endorsement of the arrangement with clarity on expectation, standards, supports and safeguards. Whereas for children who are not accommodated by the local authority, but have living arrangements separate from their birth parents, ambiguity about statutory obligations can arise in policy and practice.

Furthermore, research has focused on those children placed by the local authority under its care planning duties with relatives or friends in kinship foster placements. For example, Aldgate and McIntosh, (2006); Farmer and Moyers, (2008); Hunt et al. (2008); Ince, (2001); have all considered the circumstances that lead to kinship arrangements and their subsequent impact. Much less time has been spent studying the approaches taken by local authorities in brokering kinship arrangements where such duties do not apply. Pressure groups can argue that kinship care will not become fully developed or acknowledged as a distinct and effective form of care until an authoritative stance is taken in policy on definitions and terminology (Doolan et al. 2004). Hunt (2003a) explains why this will be difficult to do, where informal arrangements are so numerous and the implications for services of a wider definition so enormous. The concept of ‘kinship care’ has been clarified through law reform over recent years but it is still the case that disputes over meaning and intervention affect local policy formulation and practice interpretation.

The Legal Position

The legal position governing the placement and care arrangements for children is subject to continual change and review. The research design, fieldwork and analysis informing this study were all undertaken prior to the amendments to statutory regulations and guidance issued as a result of the Children and Young Persons Act 2008.

Nonetheless, the key principles embodied in the Children Act 1989 (CA89) have applied throughout the period covered by the research and its write-up. The key

consideration in policy and practice is whether or not the child in question attracts care planning duties placed on the local authority by s.22-26 CA89. These duties follow the accommodation of the child, either under voluntary agreement (s.20 CA89) or following the granting by the family proceedings court of a care order (s.31 CA89). Subsequent to the research reported here these care planning duties were further extended to include children held in the secure estate. Such duties formalise any placement with relatives, friends or other people connected to the child. This is one definition of 'kinship care'. However, children in need of accommodation and care by relatives and others can have these arrangements supported by the local authority under s.17 CA89. This does not lead to formal care planning duties. This extends both the definition of 'kinship care' and the uncertainty and contention about what counts as appropriate local authority policy and practice where children 'in need' (s.17 CA89) need family care which is not available from their parents,

Section 17 CA89 requires that voluntary arrangements for the provision of services to the child and family, including consideration of potential alternative carers, should always be fully explored before making an application for a legal order. The local authority should ensure, when assessing the wider family and environmental factors, that it considers the capacity and willingness of the wider family to provide care for the child on a short or longer term basis. However, Section 20 CA89, require that local authorities:

(1) 'shall provide accommodation for a child in need who appears to them to require it as a result of there being no person with parental responsibility for him/her, or because s/he is lost and abandoned, or because the person who has been caring for him/her is prevented from providing suitable accommodation or care'

Nonetheless, accommodation is not automatically provided. Section 20 CA89 goes on to say:

*(7) A local authority **may not** provide accommodation under this section for any child if any person who:*

a) Has parental responsibility for him/her;
and
b) Is willing and able to:
(i) Provide accommodation for him/her;
or
(ii) Arrange for accommodation to be provided for him/her.

In this respect a 'private foster care' arrangement might be included in the definition of 'kinship care' and be expected to attract more than just the regulatory duties that status places on the local authority.

Furthermore, under Regulation 38(2) (Fostering Regulations 2002), which applied at the time this study was conducted, where a local authority was satisfied that the immediate placement for a child who *had* been 'looked after' by them under s.20 or s.31 CA89 was necessary, they could place the child for a period, not exceeding six weeks, with a person who was not an approved foster carer, but needed to be satisfied that:

a. the person is a relative or friend of the child;
b. the local authority is satisfied that this is the most suitable way of performing its duty;
c. the person has made a written agreement with the local authority to carry out the following duties:

> ● *to care for the child as if they were a member of that person's family;*
> ● *to permit any person authorised by the local authority to visit the child at any time;*

Accepting these differing legal routes into 'kinship care', support an inclusive definition of the concept. For example:

> "A child living away from the parental home with a relative or friend with the knowledge of the social services department who would otherwise be with stranger foster carers, in residential care, independent living or adopted. **The kinship placement is either initiated by the social services department or via a relative or friend and involves some sort of assistance or arrangement, including making decisions about legal orders, financial and social work support**"
>
> (Joseph Rowntree Foundation, 2001, p.2, original emphasis)

However, defining the concept of kinship care widely does not in itself lead to policy and practice coherence on the ground. For example, the appropriate legal status of the child is continually contested at the boundary separating family support duties under s.17 CA89 and care planning duties under s.20 and s.31 CA89. Placements agreed in an emergency are especially prone to confusion and dispute over the extent of local authorities responsibilities. These duties change again where 'kinship carers' seek to secure their position with a private law order, for residence, special guardianship or adoption.

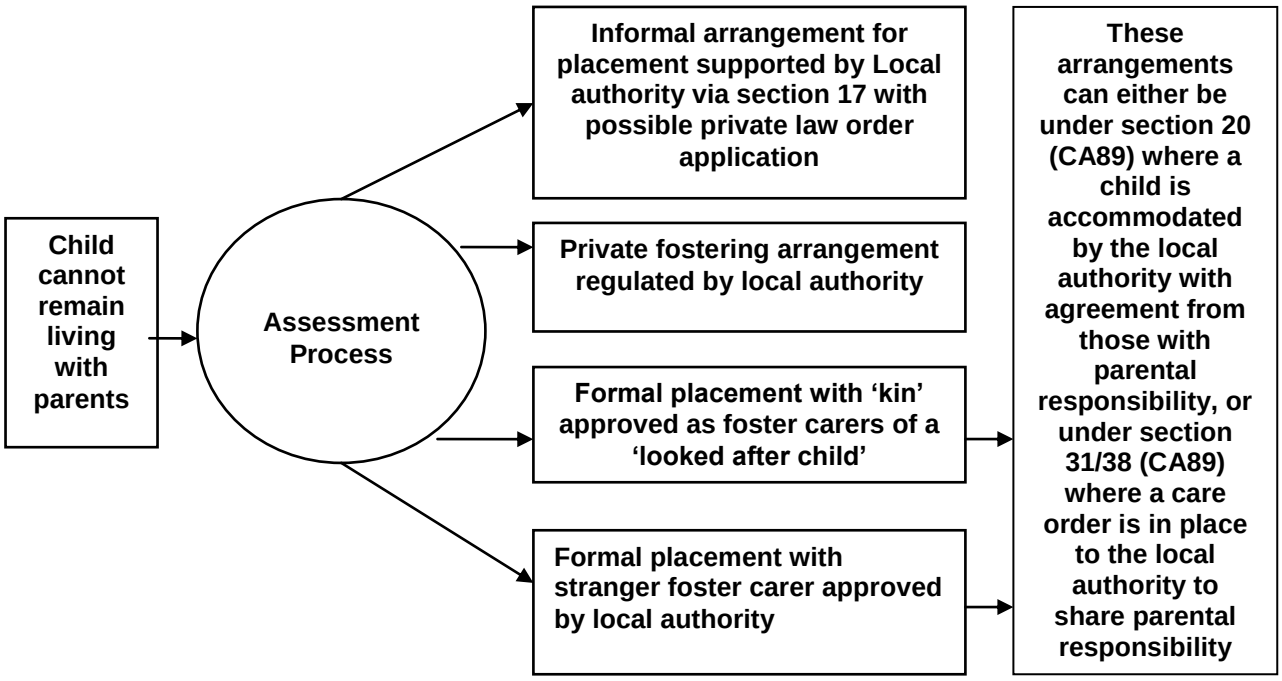
National guidance and local policy

Following amendments to the Children Act 1989, on the passing of the Children and Young Persons Act 2008, and continued policy debate, new Family and Friends Statutory Guidance (2011) was introduced, requiring local authorities to have a 'Family and Friends Policy' in place by 30 September 2011. The guidance seeks to ensure that local authorities understand their responsibilities that children and young people should receive the support that they, and their carers need to safeguard and promote their welfare, *whether or not* they are 'looked after' by the local authority under s.20 or s.31. Perhaps significantly, the guidance avoids using the term 'kinship care'.

However, at the time when the study reported here was conducted (2005-2007) the 'kinship care' debate was much less settled. Local interpretation of central policy and statutory guidance, which itself was emergent, was said to vary widely across local authorities. This was especially the case for assessment and planning, which provide the basis for the very different kinds of subsequent support designed to ensure the child is made safe and is enabled to achieve a sense of family belonging and permanence.

At this time the assessment process and possible outcomes could be modelled thus:

Fig. 1: Assessment process and possible outcomes



Focus of Research

The focus of this research is the contrasting approach to 'kinship care' taken in policy and practice alike by three local authorities in England. The aim is to describe the nature of local policy variation as recorded and establish the extent to which policy in each case was understood and interpreted in direct practice by social workers and their managers. Through the exploration of how agencies have coped with the tensions inherent in policy making and practice in this field, the intention is to learn what lessons for future policy making and implementation can be drawn.

Further, in discovering the level of policy compliance in regard to the legal position and wider research findings, consideration is given as to whether a model policy could be proposed and adopted by local authorities that could address any inconsistencies in approach, definition, policy formulation and ultimately social work practice in the area of kinship care.

CHAPTER 2: Kinship Care: Key research messages for policy-makers and practitioners

Introduction

This chapter gives a brief overview of the key messages from research in the UK on kinship care, the nature of this research and how through such research the evidence base for framing kinship care policy and practice has developed. It can be a challenge, at times, to distinguish independent research findings from pressure group literature, but attempts are made to avoid this through locating the studies upon which recent changes on kinship care, government regulations and guidance have been based. Although the literature reviewed has been chosen purposively to illustrate key research themes informing policy, it does include findings that are both positive and critical of kinship care. The identification of key research messages allows not only for comparison between the local authority policies reviewed here but also for consideration subsequently of what might constitute an ideal typical, evidence-based policy. In these reflections I did consider whether more recent research contradicted that research available to policy makers when the three studied local policies were developed, but this did not in any substantive way appear to be the case.

There are no official statistics on the total number of children living in kinship arrangements, not least due to the different ways in which these are defined. The estimated number of all children living with relatives is between 200,000 – 300,000 children in the U.K. (Richards and Tapsfield, 2003), and although it is likely that this has increased over the last 10 years, estimates are still rooted in 2001 census data. Local authorities are often aware of many more relatives who, with the right support and assistance, could, and would, wish to care for children who cannot live with their parents and of those children who leave care in England each year, around 40 per cent return to live with a parent. This compares to approximately 13 per cent who are adopted and 13 per cent who move to independent living, often

with continuing links with a parent or close relative (Thoburn et al., 2012). Some relatives and friends who step in to care for a child in an emergency may be dealing with a situation that starts as short-term, but often becomes open-ended and in some cases the children remain with them indefinitely (Farmer and Moyers, 2008). This is whether or not the arrangement is made by or with the local authority.

Patterns and use of kinship care

The question as to what is known about the patterns of kinship care is central to the considerations of its effectiveness. Any lessons learned on breaking cycles of deprivation within families, should be included when considering the abilities of extended family members to undertake the parenting of a child within their network. Research evidence (Hunt et al., 2008) suggests that the more successful the kinship care placement, in terms of the nature of relationship between child and carer, the less likely the chance of the child returning to live with their birth parent precipitously. However, since this is not always the case or even a consistent outcome, to calculate the type and level of support that may be beneficial is difficult. The importance of a child's sense of belonging and perspective on their attachment to those around them can be demonstrated graphically in the use of a family tree but, to properly consider kinship networks, an ability to identify those people who the family thinks of as members, even though they have no formal link, is necessary. Portengen and van der Neut (1999) have suggested: "as well as identifying the extent of the network, working at a genogram, as well as a family tree can identify:

- The strength, intensity and degree of reciprocity in particular relationships.
- The roles of specific individuals within the family.
- Something of the patterns, norms and culture within the family."

(cited in Broad, 2001, p.47)

Recent research has found that children cared for by extended family members or social networks generally do at least as well as those in traditional foster or residential care (Hunt et al., 2008) but a number of placement factors are recognised as significantly influencing its success. It is necessary to explore these research messages to establish a baseline for analysing the extent to which policy and practice are consistent with the evidence of what works best in assessment, planning and support of kinship placements.

Placement planning considerations

Some core concepts are identified in the research as contributory factors to achieving success in kinship planning. In this chapter I want to consider ten aspects that appear dominant in the wider research in the field of kinship care. These are:

- Outcomes (Hunt, 2001);
- The quality of local authority assessment and decision-making, including Family Group Conferencing (Doolan et al., 2004);
- Placement stability, including continuity of care and permanency (Broad, 2004);
- Resilience (Hunt, 2003b);
- Resource/support implications (Masson and Lindley, 2006);
- Legitimacy of kinship placements (Waterhouse et al., 2008)
- Trends in kinship placement (Farmer and Moyers, 2008);
- Young people's views (Aldgate and McIntosh, 2006);
- Identity and belonging; including reflections on BME experiences in kinship (Ince, 2001).
- Policy development and practice implementation (Hunt, 2008)

Outcomes

A key consideration of placement planning for a child is the likely outcome. In two widely cited American studies of foster homes, Zuravin et al., (1997), suggest children are more vulnerable to abuse in traditional foster care than those who are placed within kinship care. In these studies foster parents were twice as likely to have a confirmed report of child abuse. Equally, Benedict et al., (1996) found substantiated reports of abuse were more likely to occur in cases involving stranger foster parents, though differences were not thought to be statistically significant. However, research undertaken in the UK 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 started were judged to be positive for the child, 14% adequate and only 10% detrimental (Farmer and Moyers, 2008). Hunt et al. (2008) found that while few placements were entirely free of concerns about quality, only 20% raised major issues.

Safety aside, the main consideration for professionals when seeking placement options for a child is to ensure whether any placement made, will, or is likely to, promote their wellbeing. With the limited evidence available it is difficult to state with confidence that kinship care always does this. Hunt et al. (2008) did report most children in family and friends placements as doing well with 47% displaying no emotional and behavioural problems. Based on available evidence at this time, the Campbell Collaborative Review (2009) concluded that children living with family and friends carers appeared to experience better outcomes with regard to behaviour problems, well-being and placement stability than did children in unrelated foster care. However, children raised by family and friends were less likely to be adopted or make use of mental health services, but whether less use of mental health services is due to having less access to services or is a positive reflection as to their well being is open to interpretation.

The quality of local authority assessment and decision-making

Research (Doolan et al. 2004) indicates that the complexity involved in assessing extended family and friend networks needs to be given higher priority by social workers. In particular, where safeguarding concerns are the trigger for the decision, there can be a fear for families of judgement and scapegoating by professionals (Marsh & Crow, 1998). It may indeed be the case that social workers are constrained in sharing information without explicit agreement from the child's parent in such circumstances. Yet, to quote Tapsfield (2001, p.88), 'many families are happy to involve the wider family and ..... reluctance to do so may be more to do with professional resistance than family reluctance'.

Any ambivalent attitudes by professionals as to the potential benefits of family and friends care for children must be weighed against children's wishes and feelings, but relationship quality is difficult to assess and has not, up to now, been systematically assessed in kinship research. There is research that found views on the contented and loving nature of the relationship in many kinship placements (Altshuler, 1999; Smith et al., 1999). Wilson and Conroy (1999), for example, report that children in kinship care were more likely to say they 'always' felt loved compared to children in non-kin care. Therefore, if children feel more secure, happier and more integrated when remaining within their family and friends networks and have less anxiety than when they are placed with stranger carers, it does return us to the importance of kinship placement consideration, attachment theory (Winnicott, 1964; Bowlby, 1969, 1982) and its pivotal nature for children in their development.

Few children or young people given the choice would choose to be looked after by the local authority over being able to live with members of their extended family or friend's network. In 2009 focus groups were held for children and young people who either were looked after or had been so previously. Nearly half of the young

people consulted felt that if possible a child should be placed to be cared for by someone from their own family. However, many did not agree with the idea of specific laws for making those children become looked after children when with family members or family friends (Children's Rights Director, 2009).

The advice of most children and young people in the focus groups was summed up as: 'try families and friends, but assess first'; and 'use the same judgement as when moving to live with another family member as social workers would when moving to a foster carers' (Department of Education, 2011, p.5).

A continuing complicated element of kinship is the process of assessment. Farmer and Moyers (2008) report that only 36% of carers were assessed in their study prior to the children moving in and Hunt et al. (2008) found only a tiny minority of children (10) were placed after a full fostering assessment and a further 18 after an interim assessment. This is out of 113 children. However, both studies continued to highlight that practitioners and carers alike are calling for an assessment format that has neither the rigour nor detail of a full BAAF Form F assessment but contains the elements of quality of care, parental capacity, health and safety issues, etc. are addressed. The Family Rights Group, alongside others, are suggesting models of assessment that feature Family Group Conferences (FGC's) swift and easy assessment processes, clear care plans with supervision and support as key elements that each authority need to adopt if they are to undertake kinship placements appropriately. Talbot and Calder (2006) advise that professionals should look at the least bureaucratic intervention when placing children and avoid problematising a situation that may have real strengths, whilst Waterhouse (2001) encourages local authorities not to use the language of approving carers but of enabling families to care for their own.

Family Group Conferencing

A stepping stone to uncover and assess family networks can start in the use of a Family Group Conference (FGC). In an FGC the approach often undertaken is to seek views from the child, parents and those immediately linked to the family, as to who may be able to constructively contribute to considering a child's care and circumstances. In the main, FGC's do not seem to operate under purely blood related lines and do encourage a wider group to come together. This perhaps gives confusion to the nature of the meeting, listing it as for a family group, but the understanding of the nature of kinship can be enhanced by recognising the lessons that can be learnt from the effectiveness of FGC's.

Research shows that the outcomes of FGC's are generally positive both in terms of engagements of family members in the process and in the planning for vulnerable children (Marsh and Crow, 1998). Many families produce safe plans that agencies agree to support in over 90% of cases and many studies highlight the reduction in re-abuse rates for families who have attended FGC's in comparison to families who have not (Judge et al., 2000; Lupton and Stevens, 1997; Simmonds et al., 1998). FGC's increase the likelihood of a child being placed with extended family members if they are not able to remain residing with their birth parents and are reported to reduce the time a child waits for a permanency plan to be put in place (Merkel-Holguin et al., 2003).

Despite the positive evidence in regard to the effectiveness of FGC's, there is a concern that where resources and services are being cut, FGC's can quickly be reduced to a procedure or mechanism for gate keeping or resource rationing rather than empowering community or family decision making (Merkel-Holguin et al., 2003). Some traditional practices can reduce the concept of family to parents, and can particularly look to the mother to provide care. This is a key strand in the work on attachment by Bowlby (1969, 1982). When this is unsuccessful, however, there can be a 'blame the mother' approach taken, (Farmer and Owen, 1995). If a wider

definition of family is accepted and engaged, then in utilising the decision making processes a trust can form in the relationship between families and professionals. In the formulation of an FGC, kinship networks can be seen to emerge in front of the professionals and more faith and confidence built through the dynamics played out. This further highlights the fact that social work professionals often do consider kinship arrangements to be a positive option but are hampered by considering it a time consuming, complicated and unpredictable approach (Marsh and Crow, 1998). There are cases where FGC co-ordinators have found more difficulty in getting professionals engaged in FGC's than family members (Lupton et al., 1995). Critics can argue that relatives are still finding out about professional concerns too late in the decision making process and are denied an opportunity to be considered or involved (Hunt and Macleod, 1999). This exacerbates the view that permanency planning can be overlooked in FGC arrangements and children are left in the precarious and possibly harmful situation of 'legal limbo' (Sheindlin, 1994).

However, it would be inaccurate to report that FGC's are considered universally positive. Families often report that FGC's are stressful and often difficult (Marsh and Crow, 1998) but also they prefer this approach to leaving matters in the hands of professionals. Families often feel that they do not consider that they always receive the resources and support that they need to implement their plans (Jackson and Morris, 1999; Lupton and Stevens, 1997) and children and young people themselves said that they did not always feel listened to in the assessment process by the family or the agencies involved (Clarkson and Frank, 2000; Willow et al., 2000; Beecher et al., 2000; Holland and O'Neill, 2006).

FGC's are one practical way of acknowledging and proactively responding to the importance of the issue of kinship for children and the partnership issues for families and professionals. It is part of a debate of understanding that kinship ties and kinship networks should not just be in response to a child on the edge of care but be a response to the whole continuum of the child's experience. This can range from improving contact and family relationships and reinforcing positive identity and

self-worth within a family, through to improving the quality of decisions which impact children's lives. Social workers themselves are not always able to work in an enabling and empowering way with families unless they are able to understand the ethos upon which FGC's are constructed and operated. Although there is much work to be done on developing this practice and more to be learnt about the long term success and effectiveness of FGC's, all of this is predicated upon families, communities, kin and professionals being actively involved in decision making at all levels from policy planning to practice.

Placement stability

The issue of placement stability when considering family and friends placements compared to stranger care, is a complex picture. There is evidence that some children are adopted by their kinship carers (Hunt et al*.,* 2008), yet traditionally, this does not appear to be encouraged as it is felt to confuse traditional family responsibilities and relationships and potentially has a negative impact on a child's sense of identity . Furthermore, kinship care placements are frequently fewer in number than stranger foster placements although many last longer, can be influenced by the age of the child (Farmer et al., 2004).

In the study undertaken by Farmer and Moyers (2008) breakdown rates were reported to be almost identical (18% & 17%) between stranger care and kinship care, but this is much lower than Hunt et al. (2008), which reported in a follow-up study on children placed through care proceedings a 28% disruption rate. However, a question that could be raised from this is whether any pathologising takes place by local authority foster carers in reporting back to social workers and placement support officers on the interpretation they give to a foster child's behaviours or attachments? The potential wish to give meaning to a child's behaviour and reactions due to the nature of them being in stranger foster care may be more evident than if that child was within their own extended family network, which may not focus as highly on interpreting a child's behaviour and in

turn be more likely to accept behaviours at face value. Therefore, the need to offer a normalising experience to foster children is a challenge that is perhaps not faced in the same way in kinship placements.

Generally, in a comparison of stranger foster care and kinship care, there is a similar breakdown rate, but placements with relatives and friends last longer, and the factors which best predicted disruption in kinship care was if:

- the child was ten plus at placement
- there is low carer commitment or little previous relationship
- the child is considered to be 'beyond control'
- contact between child and birth parent is not supervised

(Farmer et al., 2004)

A longitudinal study of 270 children placed with extended family across four English local authority areas, highlighted that over a two year period at least, placement stability was nearly 20% higher for those cared for by kinship carers rather than non-kinship carers. However, using quality indicators defined by the researchers, there were 7% fewer good quality kinship care placements (66%) than non-kinship care ones (73%) (Farmer and Moyers, 2005).

Continuity of care

One of the main arguments for supporting kinship care arrangements is that it minimises the disruption and discontinuity for the child. The way family life functions and operates are known to the child and the carers, and in the main, are often consistent with their previous experience. For professionals, the understanding of how family systems work, according to Greeff (1999) and Ziminiski (2004), is vital to understanding intergenerational family dynamics and facilitating effective interventions. Sykes et al. (2002) cite evidence that inter and intra family relationships are more complicated and stress prone in family and

friends foster care arrangements than in stranger foster care arrangements. This is because of family history in the former, and often the struggle for families of creating a narrative behind the arrangements and justifying it to the external world in the latter. It is clear that at the interface between the family and others, it is easier for a child themselves to explain why he is living with his aunt rather than his mother, than it would perhaps be if he was in local authority care. However, the need for the whole family to be involved in creating a narrative, which may be different for each relative, can change dependent upon who the child feels they need to explain or justify the arrangement to. This can create a stressful and complicated environment for a child. Equally, it is important that children separated from their parents, under whatever arrangement, need to be able to maintain a sense of loyalty to their parents and 'it is potentially very damaging if the child is caught in a triangulated conflict between their carers and their parent.' (Carter and McGoldrick, 1988, p.317).

Permanency in kinship care

Thornton (1991, p.186) considered the perception of kinship carers in regard to adoption. She quotes one respondent in her study saying "I'm helping out because their parents are unable to care for them. These children have parents and I want them to know this. Adoption is unnecessary; we are already a family!" This further strengthened the view of Rowe et al. (1984) who also described related foster parents interest in adoption as 'minimal', as the kinship arrangement the family have already in place, is enough in their eyes to consider the sense of ownership and belonging, that a child needs through adoption, is already in place.

In research by the Joseph Rowntree Foundation, with Broad, Hayes and Rushforth (2001), they found the main reasons for the young people living in care were due to:

- Child protection issues (for example, violence/abuse in family);

- The inability of previous carers to cope (for example, as a result of a death); and
- The young person's problems/difficult behaviour (for example, offending/substance misuse).

Whereas the four main routes into kinship care identified were:

- A final resort for Social Services after other care options had failed
- A continuation of birth parent support already provided by the carer
- The first option for Social Services once the family situation had broken down
- An option selected by the young people themselves after a crisis at home.

(Broad et al. 2001)

It is necessary when making placement decisions to understand the short term repercussions of any action taken; planning with extended family members could exacerbate any existing familial conflicts already present and, in turn, put the child in an untenable position of needing to take sides and suffer conflicting loyalties. However, the ramifications and stigma of that child being placed within local authority care and any repercussions that could be caused also require consideration.

Reflecting on the motivation and focus of potential carers is recognised as central in assessment processes. When assessing the suitability of potential adopters, significant time is given to this matter. It is acknowledged that when people consider becoming parents either through natural means or adoption, often they have a considerable length of time to reflect upon the route they are taking. They plan for the event, have time to prepare and work out the sacrifices they will have to undergo to deal with taking on such a responsibility. Kinship carers rarely have such luxury. Placements are reported in much of the research to be often made on

an emergency basis or in crisis, frequently without clear guidelines as to how long such an arrangement will last, how much support will be given, or indeed with often unclear thoughts on the child's own views of the arrangement (Broad, 2004). However, the dominant theme to emerge out of the interviews by Hunt et al., (2008) was that many carers did not conceptualise their decision to accept the placement of a child within their extended family as a choice, but more as the "natural thing to do". When one carer was asked how much consideration she needed to give when approached to offer a placement, she replied "she's my granddaughter, how could I not?" (p.123).

Resilience

During the 1990's, enhancing resilience in children became an increasingly sought after goal of intervention strategies (Kraemer, 1999). Its relevance can be seen when considering placement choice. Amongst other major studies, one study on resilience (Cairns and Cairns, 1994) followed the pathways of 695 young people growing up in the 1980's and 1990's; their successes and failures and the events and feelings they experienced in the course of living. The authors considered the specific risks of violence, deviant social groups, threats of substance misuse and threats to self-esteem, amongst other factors. These lifelines considered their relationships with partners, teachers, parents, friends and relatives. To describe these lifelines and risks the authors drew on a range of studies and considered that the ability of young people to succeed in life is greatly enhanced by having a resilience which is matured through experiencing a level of continuity in their relationships.

This concept of resilience is important to understand when considering the reasons why kinship care placements may succeed for certain young people and, the resilience of the children involved, and their carers, are contributing factors to the placements likely success (Richards and Tapsfield, 2003).

An area of policy consideration in placing children is the relationship that is able to be forged between birth parents and the carers, be they within family or friends networks or with stranger carers. Some studies consider that if children are placed within kinship networks the maintenance of relationships with birth parents and siblings is better than if in stranger placements, but carer attitudes towards parents are not necessarily favourable with either cohort (Iwaniec, 2006). A key contributory factor in successful contact arrangements is the level of commitment carers have and their understanding of its contribution to the sense of identity a child may have (Richards and Tapsfield, 2003). The ability of a carer to take responsibility for organising the parents contact and taking the children, even when parents themselves are not always dependable, is important, particularly when considering the positive experience for a child in their relationships with both their parents and the person with whom they are residing (Hunt, 2003b). Furthermore, some research suggests that stranger carers appear to have less stamina in maintaining this commitment than kinship carers (Hunt 2003a).

Resources/support implications in kinship planning

Initially, there appears little evidenced difference between family and friends and non related foster carers, but there is evidence that kinship carers would benefit from being financially supported in a consistent way (Masson and Lindley, 2006), and many studies have shown that finance is a significant issue of concern for many kinship carers (Russell, 1995; Flynn, 1998; Waldman and Wheal, 1999; Aldgate and McIntosh, 2006; Farmer and Moyers, 2008). There are, in the studies cited, indicative findings that if kinship care was to be consistently and properly resourced and supported, and then it is likely to be at least as equally beneficial as stranger foster care.

Resources are for many local authorities a significant factor that influences the formulation and outworking of kinship care policies. In the case of Family Group Conferences; when families meet together to produce a plan that the professionals

feel able to support, concerns can lie in the fear that local authorities would be overwhelmed if they are seen to financially support relatives and kinship carers in the upbringing of their children. Tapsfield (2001, p.89) considers that:

> "Most families chose to organise these things between themselves without the 'prying' of social workers, if they have the resources to do this. Such families would be unlikely to choose to involve social services even if more support was available".

The issue of support for kinship carers is one of the key challenges for policy makers. The need for policies to have criteria for recognising family and friends as foster carers and strategies for promoting this care can only be developed in alignment with appropriate tailored support and remuneration for kinship carers. Indeed, in Farmer and Moyers (2008) study they found that many carers incurred debt in applying for residence orders, being represented in care proceedings, or until they received payment, could not afford holidays, school uniform or activities for the children.

An area that has been raised by researchers is how one may increase the use of kinship care whilst recognising that purely because some authorities have high use, does not mean that they are approaching it in the right way. Many quote the view that a definitive stance should not be taken that it is, *de facto*, right to increase the use of kinship care, as there are large variations in use by authorities and teams and a level of evidence to suggest that high use can lead to worse outcomes. Farmer and Moyers (2008) found that improved support and policies need to be more embedded within authorities, with team leaders and senior managers showing more commitment and understanding of kinship care. There should be good investment in Family Group Conferences, and also placement panels held with chairs committed to kinship care, all influencing how widely used kinship care is. Indeed, in their conclusion, they feel that a rule of thumb would be

that approximately 25% of all foster placements within an authority should be with kinship or family and friends carers.

Legitimacy of kinship placements

The concept of legitimacy in kinship arrangements is at the heart of the debate for many professionals, and also for families and children themselves. It is far easier for a child to 'legitimise' their placement with an aunt or grandparent in the playground than their placement with a stranger foster carer (Waterhouse et al. 2008). However although a legitimising process, there is also a process of exclusion, considering those who do not fall into the 'norm' are not acceptable, despite perhaps being a legitimate carer in the child's eyes who can meet and address all their welfare needs. Conceptions of kinship care are often further complicated by issues of family diversity, for example, step-parents as well as new reproductive technologies, which can see actual genetic relationships contradict, and at times clash, with socially constructed relationships. When Hicks (2006) examined these issues in regard to kinship amongst lesbian and gay foster carers and adopters, he looked at the matter from a genealogical approach. He reflected on the use of the terms 'kin and relative', but also draws upon Foucault genealogical method (Foucault, 1977, 1991). This is where a particular approach to the investigation of ideas is considered. Foucault considered that 'genealogy should investigate how topics and ideas attempt to establish themselves and become dominant', and sees genealogy as a 'history of the present'. He considers how ideas jostle for position in a complex web of power relations which is necessary to recognise through both the eyes of the child and the perspective of society. Unless, therefore, professionals are able to recognise and acknowledge the potential impact and difference in a child's perception of kinship placements and stranger foster care, then it is unlikely that child's true interests and feelings will be heard or taken into account.

Trends in kinship placement

In reviewing the characteristics of children placed into kinship care and foster care, several studies have attempted to draw trends from their findings. For example, children's behaviour was reported to be less of a problem in kin placements, (Rowe et al., 1984; Benedict et al., 1996), but there was speculation that this could be because children placed with local authority stranger carers may arrive in care with more severe and acute developmental and behavioural difficulties. Indeed it may be that those children in kinship placements and those in traditional foster care may be a very different cohort of children. If this were to be accepted, an in-depth qualitative perspective would need to be researched that would take into account the history leading to a kinship placement, but whilst there are still varying thresholds for intervention to qualify a family or child for a service, it would be problematic to provide consistent data to evidence such a position.

The potential difficulties of kinship placements are largely seen to surround the demographic of kinship carers and the fragility of state support offered to carers finding themselves in such circumstances. A support which in itself can be inconsistently offered, variably delivered and be subject to a high level of individual professional discretion. A consistent research finding is that family and friends carers are likely to be poorer, less educated and have less social mobility opportunities (Farmer and Moyers, 2008). Some are elderly or lacking energy and experiencing poor health, and for those who are grandparents finding relationships with their own children (the birth parents) often very strained. Running through all of these challenges, however, is the issue of financial hardship and lack of support reported to be given to kinship carers. This support appears to be in direct conflict with the increased professionalisation of stranger foster carers in the increasing of their status, fostering allowances and general support, whereas for kinship carers this continues to be a hard fought battle. Many authorities continue to guard against paying out to kinship carers due to their concern that this may open the

floodgates to all sorts of claims on their limited resources. This is potentially based upon the situation that a large amount of the primary childcare supplied in Britain is actually by grandparents, with grandparents frequently taking on a significant part of their grandchildren's care without any payment at all but at a significant sacrifice.

Young peoples views

In Hunt et al. (2008) there are clear examples of carers acknowledging children's need for contact and helping them make it a positive experience for the child, but perhaps conversely, also that very few children were overtly suffering because of the lack of contact with their parents. An over-riding theme from the kinship carers studied was 'an apparent passivity, even ambivalence, in regard to parental contact' (p.282).

An area of research within the study of kinship that isn't strong is young people's own views of kinship care. However, the message from them regarding what they feel they would like is consistent. They want to be cared for, normal expectations to be clear and helped to fulfil their potential (Sellick and Thoburn, 1996; Berridge, 1997; Sinclair, 2005).

Broad (2004) considers this in work he did with 20 young people during three kinship care research studies conducted in one London Borough over a three year period. He collected information about 50 kinship care placements and examined the views of the kinship carers, young people and social workers, but research remains limited in this area. In the work undertaken by Broad, he found that an important matter for young people was not whether they were with carers who were biologically related to their own parents, but whether there was a pre-existent link. There was a 'striking amount of maturing and emotional literacy expressed in a very open manner' (p.211-217) from the young people studied, but despite children's wishes and feelings being considered, little status appears to have been given to them.

Although a number of studies over the last ten years have included young people's views as part of a wider study of kinship care (for example O' Brien, 1999; Worrall, 1999; Broad et al. 2001; Farmer and Moyers, 2005; Aldgate and McIntosh, 2006; Hunt, 2008; Holtan, 2008), there continues to be limited published work which has the views of young people in UK kinship care placements, with the notable exceptions perhaps being Broad et al. (2001).

Identity and Belonging including reflections on BME in kinship care

In other research (Broad, 1998) found that 58% of the kinship care sample he considered was black or of mixed ethnicity. Although it is recognised that black and minority ethnic (BME) children represent a higher proportion in care than in the local population, this is substantially higher. It may suggest that there were a greater number and availability of BME family and friends willing to become kinship carers, but it also brings into question whether a different approach was being made by practitioners towards BME children and their families as to their white counterparts. If this is the case, it not only raises key practice issues around the understanding of cultural issues by practitioners, but also possibly around the dearth of local authority BME foster carers. In the consideration of children's cultural needs, the idea of a child being placed with white local authority middle class foster carers may have been considered a step too far for some social workers and more energy and resources put into making a family placement successful. It is however important to consider the experiences of BME research in this area as it helps contribute to the considerations as to whether kinship care does indeed preserve existing relationships which would otherwise have been at least compromised and possibly broken.

Whatever the reason behind the statistics, Galloway and Wallace (2002) consider the number of black kinship carers not only reflects the disproportionate number of black children in the care system and possibly the ethnocentric approach to

childcare practice, but also the growing interest in kinship care. It led them to comment:

> ‘Local authorities need to recognise that black children who are placed with their kinsfolk should receive the same services as all children who cannot live with their parents. It is not acceptable, as soon as a black child is placed with kinship carers that the social worker is allocated another case. There is a need for continuing support, monitoring and evaluation.’ (p.63)

Ince (2001) considers a strength-based approach to working with BME children and families. She acknowledges these strengths as utilising BME carers as role models for children and providing opportunities to help these children overcome any racism and discrimination they may face. She asserts that there are significant benefits of helping children build self esteem and assisting them to learn about their own cultural values and sense of identity when placed within their own cultural group. Ince’s approach focuses on the need for recognising the support network that can be provided by ensuring proper attention is given to issues of culture and identity which she considers as having a significant impact on young peoples ability to build an inner self: understanding universal principles, beliefs, religious and moral values.

Other studies have also suggested that the severing of ties or ensuring support through a legal order does not always sit comfortably with relatives who at times find this to be in conflict with their cultural beliefs (Gleeson, 1993; Testa et al., 1996; Berrick et al., 1994). These studies indicate that children placed with kin appear to remain in the care system longer and by doing this are a greater burden on the welfare state, whereas other research studies consider there are no significant differences in regard to the well-being of a child, be that child in kinship foster care or in non-related foster care (Dubowitz et al., 1993, 1994).

Policy development and practice implementation

Local authority differences in the approaches taken in policy and practice to kinship care are the primary focus of the present study. As such it is important to know whether research findings on policy formulation and implementation in public services in general are replicated in the kinship care literature.

The relationship between policy and practice is one that is always difficult to draw out, but the issue of the Espoused Policy and Operational Policy was important for me to consider alongside the work undertaken by Brewster et al. (1983). There may be one approach made at the documentation and policy level stage by senior managers, but another process being adopted in 'street level' practice.

Brewster et al.'s (1983) work on the distinction between Espoused and Operational Policies was a helpful reference to this. They outlined Espoused Policy as 'a summation of the proposals, objectives and standards that top-level management hold and/or state they hold for establishing the organisations approach to its employees' (p.63). They consider these may or may not be committed to paper and be open to interpretation dependent upon circumstances. For the purpose of my research I considered the written policy documents as detailing the local authority's Espoused Policy, although recognised that there may be other outlets for Espoused Policy, e.g. through management briefings. By contrast, Operational Policy describes the way senior management are seen to order and resource priorities. Brewster et al. (1983) considers that this may be done subconsciously, as well as with intent, as approaches are reflected in managerial value systems and shaped by day-to-day issues. It is interesting to acknowledge that espoused policies are often ignored, amended or downgraded in the face of conflicting pressures within organisations. Therefore, in kinship policies, it may be considered that the written policy intends to emulate 'best practice', but operationally the ability to carry out that intention is transformed through resource, knowledge and pragmatic invitations which creates a practice that is just 'good enough' (p.63-64).

This is relevant when the potential impact on an organisation is considered and where there is a contrast between policies that look good on paper, yet do not effect real change on the front line.

Smith, M., et al. (2009) considered the issue of what they called the ‘delivery chain’ and the ‘interpretation gaps’ that can cause the chain of communication to break. In their study of the transmission of central government policies and their subsequent implementation, the research team identified considerable differences at three stages of the delivery chain for Home Office policies:

1. Those who wrote the policy had a clear idea of what the policy was, what it would achieve and when;
2. Those responsible for transforming the policy into a deliverable form were committed to the vision but also aware of the problems and limitations;
3. Those responsible for delivering either considered that the policy doesn’t work or didn’t understand what it was like on the ground.

The research evidence on the process of policy implementation in kinship care is generally limited but there are a couple of key studies by Hunt (2003, 2008) and Broad (2008). Hunt et al. (2008) considered the differences in two authorities in relation to the legal status used to support kinship placements. They highlighted contrasting approaches in the use of court orders in relation to children. They acknowledge there were no statistical differences in their study but found some particularly interesting trends. For example, at follow-up, they recorded that in Authority A’s placements, 41% of placements that concluded with care orders did not last as long as needed, as compared with 26% in Authority B’s (15% difference with A having more care order breakdowns) (p.147). They concluded that there are a ‘hard core’ of about a quarter of kinship placements that continue on care orders and felt this was necessary because of the difficulties posed by the child as much as deficits in the kinship carer but possibly because, once made, care orders can be difficult to discharge (p.148).

In the research by Hunt (2003) many of the presumed benefits of moving towards a consistent approach to kinship care are considered, but part of the conclusions drawn later by Hunt et al.'s (2008) work recommends the need for further study around practice and policy. They took the position that kinship care should not be used indiscriminately, as even in their best case scenario only 58% of placements met each element in Quality Protects Objective 1 (Placement Stability), and there was a core of children (between 5-7%) whose placement did not score positively on any measure (p.291).

There is increasing consideration of the greater use of potentially inappropriate kinship care placements due to the pressure on local authority budgets and limited fostering or placement options (Broad, 2008). Most studies which address local authority approaches and practice issues argue for kinship care placements to be better monitored and supported (Sinclair, 2005).

Much of this current study aims to focus on this challenge within the policy and practice field. There is not much research on this matter but what is available does show that firstly local policy makers appear to interpret research and guidance differently, and secondly, patterns of practice vary widely across local authorities. It is the variation and challenge of divergent policy implementation that this research is intending to explore.

Conclusion and key points

Several matters have been identified in this chapter that contribute to the success or otherwise of kinship placement and the need for further study to be made to the process and supportive functions applied to kinship care. It can be shown to work well for many children. Nonetheless, given the disadvantaged position of many family carers through age, poor health and difficult economic circumstances, social workers need to be concerned about the vulnerability of kinship carers and the children and young people placed in their care.

However, the evidence available, albeit very limited, also suggests that there is no certainty about precisely which kind of structured frameworks and processes would lead to more effective decision-making by local policy makers, managers or practitioners. In the absence of any such model it is apparent that a gap has emerged between law and policy based on research messages and local implementation, where a diversity of approaches to the definition and support of kinship care can be found.

The present study is concerned with this gap, how it might be understood and whether a better policy model might be designed and implemented in this field. The aim here is not simply to make the case for kinship care as a placement option in a wide set of circumstances, but to consider how good practice, made out of good policy, grounded in evidence based research, might be modelled in an exemplary way.

CHAPTER 3: Research Methodology

Introduction

This chapter discusses the research design for a qualitative and comparative study undertaken to establish understanding of policy and practice in kinship care in the 'natural setting' (Cresswell, 1998, p.15). It involves three local authority Children's Services Departments in the south of England during 2005-2007. Study aims, objectives and research questions are described and the methodological stance, data collection and analysis methods adopted are explained. Ethical considerations are also discussed.

Study, aims and objectives

The aim of the study was to examine the extent to which government policy principles and available research evidence on kinship care have translated into professional practice on the ground in contrasting agency settings. The objective was to inform future management planning in this field in ways that might assist in improved policy compliance and hence practice effectiveness.

The study was designed to enable four research questions to be addressed:

1. To what extent are local authority policies compliant with statutory rules and contemporary research findings on kinship care?
2. To what extent do those policies vary between local authorities and why?
3. To what extent is local management and social work practice, as reported, consistent with policy and research?
4. Can a model of a kinship care policy formulation be proposed that is compliant with the principles of the Children Act 1989 and responsive to the research findings?

In this study no attempt was made to directly evaluate practice outcomes themselves. Instead the study design related on the assumption that through wider research study and policy document analysis, alongside a consideration of current practice and the legal framework surrounding kinship, a model kinship policy may be able to be proposed that can be consistently understood and implemented by practitioners and managers within the field.

Methodology

In this section I consider the research stance I took in this study and plan to outline the kind of knowledge and understanding my research questions were designed to produce along with my chosen method of enquiry. I needed a methodology that would allow me to understand how local policy had been formulated, what that policy was, how it had been interpreted in practice at the case level and why, whilst also balancing the challenge I faced as an 'insider researcher' (Robson, 2000) due to my position of manager in one of the authorities that formed part of this research.

A mixed methods comparative case study approach

Mixed methods

A mixed methods approach was indicated. In this way researchers build the knowledge on pragmatic grounds, asserting truth is 'what works' and therefore need to consider the impact or outcome of an approach or intervention.(Cresswell, 2003; Maxcy, 2003). Approaches are chosen which are most appropriate to the research questions posed, and are based on the principle that different forms of data may help better understand the research problem.

Mixed methods research is defined by Johnson et al. (2007) as:

".....the type of research in which a researcher or team of researchers combines elements of quantitative and qualitative research approaches (e.g., use of qualitative and quantitative viewpoints, data collection, analysis, inference techniques) for the broad purposes of breadth and depth of understanding and corroboration." (p.123).

Johnson et al. (2007) discuss the concept of pragmatism and mixed methods research as offering a useful position philosophically and methodologically between quantitative and qualitative approaches. Consequently and importantly for the current research they state:

"Taking a non-purist or compatibilist or mixed position allows researchers to mix and match design components that offer the best chance of answering their specific research questions" (p.15)

Johnson and Christensen (2004) outline the advantage of using mixed methods in terms of combining the strengths of both the quantitative and qualitative research processes. In addition, and of particular significance to the current research, is the means by which mixed methods can answer a broader and more complex range of research questions since the researcher is not confined to a single method or approach.

Mixed methods research designs can be classified according to two dimensions; time order (whether concurrent or sequential), and paradigm emphasis (equal status versus dominant status) (Johnson et al., 2007). The current research proposes a concurrent design, in which the methods of quantitative and qualitative data collection did not necessarily lead on from each other, and in which the emphasis was in giving equal weight to the different elements.

Understanding policy formulation and implementation required qualitative description and analysis of accounts of agency practice found in existing documents and raised through research interviews with key participants.

As Patton (2002) explains:

> ‘Quantitative research can tell us ‘when’, ‘where’ and ‘how many’, but in what interests us are the other ‘why’, ‘how’ and ‘in what way’ questions, then qualitative methodology remains the most appropriate approach’. (p.169)

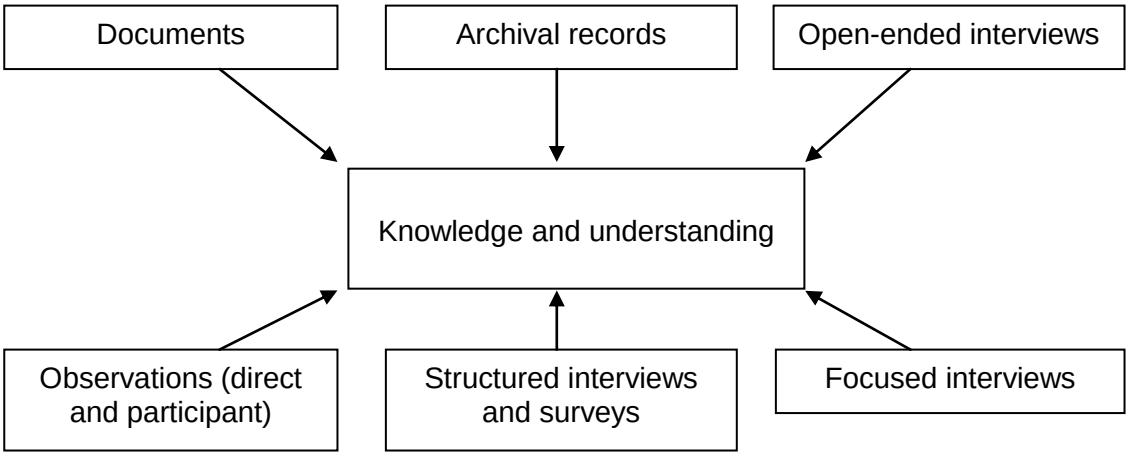
However, an element of quantitative data collection and analysis was also included, with the aim of enhancing the strength of the qualitative findings.

Case Study

Case study methodology is often a preferred method of research, particularly in bringing understanding to a complex issue and can add strength to what is already known in previous research. It can be used to provide the basis for the application of ideas and extension of methods. In this research my approach was designed to explore whether there was evidence of consistency in approach to kinship arrangements. Critics of the case study method believe that the study of a small number of cases can offer no grounds for establishing reliability or generality of findings, and giving too much credence to study of the case can bias any findings (Soy, 1997). Nonetheless, case study research is useful as an exploratory tool and Yin (1994) highlighted the benefits of this approach. He defines the case study research method as ‘an empirical inquiry that investigates a contemporary phenomenon within its real-life context; when the boundaries between phenomenon and context are not clearly evident; and in which multiple sources of evidence are used’ (p.23).

Yin (1994) believed that a major strength of case study data collection was the opportunity to use many different sources of evidence to build knowledge and understanding, as expressed in Figure 2.

Fig. 2 Convergence of multiple sources of evidence (p.93)



The use of case study methodology in this research is in line with other work around initiatives to improve kinship approaches (Fletcher-Campbell, 1997; Jackson and Sachdev, 2001) and held real resonance for me when considering the direction of the research. If I were to strive to find 'a way of knowing' what elements were required to build a 'good' kinship policy operational for local authorities, I needed to understand how approaches and policies had evolved.

Comparison

I considered comparison was an important tool to use in this research as an observation across the three authorities and across a number of the respondents would be given more credence than a single observation. However it is acknowledged that comparative research can pose several key methodological problems. This can include, amongst others; case selection, unit, level and scale of analysis, and also constant equivalence. Ebbinghaus (2005) argued that the case

selection or sampling is one of the most critical problems within comparative research. There can be a view however that cases are preselected due to particular processes. Conversely, however, Mahoney and Goertz (2004) consider that not selecting can increase the potential of including cases that are not reflective of ‘usual practice’ and may significantly impact any results.

Since the goal of comparative research is to search for both similarity and variance, my research necessitated equivalent instruments or definitions to measure constraints. The purpose in this research was to measure the same traits across the local authorities and the interviewees.

Comparative social research can be generally defined in two ways: on the basis of the core subject (Lane and Ersson, 1994; Doogan and Pelassy, 1990; Keman, 1997) or to enhance understanding as a process (e.g. Macridis and Bury, 1991; Almond et al.,1993). Therefore, my use of a comparative methodology in this research was on the basis of a goal-orientated point of reference, i.e. to understand kinship care approaches in each authority and consider if a model policy could be proposed.

In summary therefore, this study uses more than one research method, guided through an iterative process, approached pragmatically, to present a more complete analysis than could have been achieved through a single method.

Research questions and study design

The four research questions selected to frame the enquiry required a study design that enabled documentary and interview data to be collected in a systematic and sequential way. Table 1 shows the data collection and analysis framework.

Table 1. Research Questions Framework

Research Question	**Evidence**	**Date Source and Collection**	**Data Analysis**
To what extent are local authority policies compliant with statutory rules and contemporary research findings on kinship care?	Recorded kinship policies/Judicial Reviews/Research studies	All relevant local policy documents in three purposively selected local authorities	Documentary analysis with reference to published research and legal duties and powers
To what extent do those policies very between local authorities and why?	As above	As above	Comparative mapping of policies as recorded
To what extent is local management and social work practice, as reported, consistent with policy and research?	Accounts of practitioners and managers in respect of knowledge and perception of local kinship policies	Semi-structured interviews with purposively sampled social work practitioners and managers	Qualitative and quantitative analysis of interview data
Can a model of a kinship care definition and policy be proposed that is compliant with the principles of the Children Act 1989 and responsive to the research findings?	Overall findings from the study	Policy documents, contemporary research, legal statute and interview analysis	Documentary analysis and interview data analysis

The main body of this fieldwork was carried out over a two year period (2005-2007). It is a study that reflects practice and thinking in kinship care at that time, is reflexive in its analysis and able to help inform the relationship between research, policy and practice. It is clear that trying to establish a link at these three levels between research, policy formulation and practice is a difficult task to achieve in any objective way, but the approach was adapted to allow a small sample study to give data that would be rich in substance.

Sampling of local authority study sites

Purposive, convenience sampling was used to select three local authorities for inclusion in the study. Dillman (2007) contrasts this approach with randomised methods and considers that researchers who focus only on reducing sampling error by trying to collect as large a sample as possible miss the point that it is equally important to reduce coverage, measurement, and no response error in order to be able to accurately generalise from the sample data. The three authorities comprised in the research were: the authority in which I worked as a manager, a neighbouring authority with which there were good synergies in regard to demography and approaches in wider social care matters and the authority which was regionally acknowledged as having well developed kinship care practices.

The local authorities were in southern England, with two large counties and one unitary authority. The two county authorities shared several similar features, including large rural areas and parts where large numbers of older people reside. The counties are considered to be relatively affluent but there can be huge variations across each region, with significant pockets of deprivation. At the centre of the unitary authority is a vibrant city with a substantial student population. It is considered affluent but can also contain deprived communities. This unitary authority is often able to be more responsive in its approaches to services and

policy due to its size whereas the two county authorities are divided into regions which can offer challenges in ensuring consistency across the region and in effecting changes in practice.

Data collection

Data collection involved scrutiny of local authority kinship care policy documentation and interviews with selected social work managers and practitioners. No agency service users were interviewed in this study. The sampling of policy documents and interviewing of participants was also undertaken purposively (Miles and Huberman, 1994). A two stage process was undertaken, scoping interviews with key informants followed by semi-structured interviews with social work managers and practitioners.

Scoping and documentary scrutiny

In the initial scoping stage, 'information-rich' (Patton, 1990, p.169) persons in each local authority were identified at the outset to enable the policy and practice landscape to be understood in broad terms in each case. These scoping meetings were both investigative and informative in nature. They allowed me the opportunity to confirm process, clarify my understanding of the formal policies and inform the planning of the interview stage. Four practitioners and three managers were involved at this stage. In each authority it was those managers and practitioners that were involved in the case management process in kinship care, rather than the quality assurance or agency placement decision-making personnel who were interviewed. The meetings were arranged in parallel with the documentary analysis undertaken, but enabled me to predetermine certain themes of enquiry to shape the interview questions and best gain information that would help address my research questions.

Agency documentation included the respective kinship care policies from each authority. Each agency had an identified written kinship care policy that outlined its definition, procedures and expectations regarding kinship practice. This allowed policies to be described in each case and subsequently mapped to distinguish them in the form of models. Of particular interest here was the extent to which each kinship policy, procedures or operational instructions were able to be considered as 'stand alone'. Did they cover the definitions, levels of support and the process from beginning to conclusion of kinship arrangements, be that conclusion a return to parents or permanency through another arrangement? Or, did the policy sit amongst a suite of other documents which covered the wider range of childcare planning from initial assessment to permanency? It was important for my research not only to understand the kinship policy but to try and establish the extent to which it might conflict with other policy advice within the organisation.

Semi-structured interviews

In undertaking the second and main stage of the study the senior agency managers involved in the scoping interviews were asked to identify relevant line managers and social work practitioners for inclusion in the interview sample. The sample frame in this case was all those managers and practitioners who were most directly involved in implementation of kinship care policies in practice. The final sample included nine managers and 18 social workers. Interview schedules were designed to take place over a ten month time-span and were conducted on a face to face basis with the opportunity for follow-up from those participants after the interviews had been transcribed. This gave the opportunity to ensure that the data received was accurate and clarity could be checked. I ensured that policy managers would be able to talk through the formulation of their policy, but largely worked from the written word of the authority's operational instructions in making a comparative study of their policies.

The interview schedules were designed particularly for this study and covered a range of key areas. They were designed to be consistently implemented, despite the role and position of the interviewee within the authority. They were designed to cover some overarching matters but also focus on issues specific to the respondent. For example, first line managers when asked about their understanding of how policies are interpreted and translated into practice and how it helps them inform their work were given steers to discuss kinship approaches both strategically and operationally. Whereas practitioners were encouraged to give far more case based examples but from the same questions.

During the development phase, questions were piloted and subsequently amended and issues of reliability were addressed through cross checking the interview recordings. This was in an attempt to ensure the quality of data did not vary significantly between conducting the first and last interviews. The average length of the interview was approximately 40 minutes which provided a systematic but flexible coverage of the topics required. They were tape recorded and subsequently transcribed. Care was taken to ensure that none of the participants felt pressurised to give information that they felt uncomfortable about and particular attention was paid to ensure that respondents felt sufficiently in control of the interview. It was confirmed for them to say if they did not want to answer any of the questions, and whilst all the interviews were confidential, ethical concerns were overtly stated at the start regarding my position as a senior manager in one of the local authorities, particularly within that authority in which I work this was to reassure any concerns of the respondent on how the information I was being told would be interpreted. This interviewing approach was undertaken in a semi-structured way, often with the appearance of a conversation or discussion rather than a formal question and answer format, although formal questions were drafted prior to the interviews. A challenge faced was ensuring a balance between the level of open and closed questions without influencing the response. I was aware that in the different levels of each organisation there may be more scepticism or defensiveness by participants, but hoped a semi-structured informal approach may

help reduce any such difficulties and a trust could be gained from those involved as to the purpose of the research.

Interviews with managers and practitioners

With an understanding of all three authority's kinship policies, I planned interviews with nine employees from each authority, totalling 27 interviews. This was to ensure a balance across the three authorities, and to include practitioners, all social care professionals, who have, or have had, responsibility in placing children in kinship placements, delivering support or undertaking assessment of such arrangements, and of managers who would be responsible for either managing, resourcing or drafting the policies to shape and resource such services. I took this approach in order to draw parallels between an individual's understanding of the policy of their authority and how they consider this translated into practice, and then consider whether this was harmonious with what managers thought should happen. I then made comparisons across the three authorities.

I recognised that reliability and validity of both the instrument (questionnaire) and sample (the local authorities and interviewees) were important for limiting the challenges that any research study of this nature may face. Reliability refers to the accuracy and precision of a measurement procedure. Validity refers to the degree to which a study accurately reflects or assesses the specific concept or construct that the researcher is attempting to measure (Thorndike, 1997). I considered this key to help build my understanding and bring consistent analysis to inform findings.

Data analysis

Data analysis took place in two stages, consistent with the linked nature of the research questions. First, agency policies were mapped in accordance to criteria derived from the review of research findings and legal duties and powers. Next, a thematic analysis was undertaken of interview transcripts. Consistent with the

mixed method approach, '.....quantitative and qualitative data are used in an interactive way with use of qualitative work to explore quantitative evidence and vice versa with the mixed method strategy enabling new lines of thinking and questioning to emerge' (Brannen, 2005, p.174). This analysis allowed a fuller understanding of the way policy was translated into practice in each agency, by reference to the model identified. It also enabled a view to be formed as to the proposal for a model kinship care policy to be developed that would address any nature of difference across the organisations.

Mapping agency policy and practitioner knowledge

It was identified early that organisationally and structurally three different approaches had been developed, allowing for three models to be formulated. But, to understand how this related to practice needed to be done when all results from the interviews had been collated. Results were then analysed and considered against each published policy.

In line with the interview script, and from the 27 annotated transcripts, it was possible to identify some major themes, and grade responses as to their detail, depth and accuracy of understanding when considered against the law, research and each authority's policy. It emerged that all three organisations had been proactive in the kinship agenda and had undertaken training with staff, including sessions to specifically communicate their kinship policy. However, despite all interviewees expressing knowledge of the existence of a kinship policy, from the comments received opportunity was given to gain some information on the confidence felt when this question was raised. I therefore made the decision to grade responses on the information received and considered that a confident response, often including a definition of kinship, was measured as the interviewee having a high awareness, where there was a less conclusive response, a medium ranking was given, and in the case of where a positive response was given but no detail, a scoring of low was given. These responses do however need to be

contextualised within the semi-structured format in which the interviews took place. For example, when no detail was given to a particular question, although it was clearer later in the interview that there was a level of understanding that had not been articulated, I only took this into account when it was within the questions linked to that area of enquiry. In this way I considered a more consistent approach to the identified themes could be measured and a robust comparison across the three organisations be made. Equally, I limited the number of direct follow up questions, but only gave responses to explore further if views or examples were given on themes relevant to the nature of my enquiry.

I wished to give the opportunity for those interviewed to reflect on how they informed policy and what they considered the main influences in the formulation of the policy were; be it resources, research, the demography of the local area or be it a very pragmatic approach to the issue of placing children. However, I also wanted to give them the opportunity to talk freely around this issue without considering that they needed to be protective around their data or experiences. For example, did they consider it was influenced by the number of their looked after children? Did it impact on the way they approached private fostering? Was their own definition of what was meant by kinship care influenced by other local authority's definitions, or indeed when monitoring their operational procedures and processes, did they take into account the approach of neighbouring authorities? These were all matters that I thought may be considered by managers and practitioners and wanted to give them the opportunity to communicate this, if it was indeed the case. On analysis of these findings, the view of proposing a model policy was considered which could take a view on a kinship care definition and policy that is compliant with the principles of the Children Act 1989 and responsive to the research findings.

Thematic analysis of interview transcripts

Undertaking semi-structured interviews with managers and practitioners was used in this study as a method to provide opportunity for clarifying meaning and

understanding. My aim was to consider their understanding of the kinship policy within their organisation and how they in turn operated such a policy, ensuring I was already fully versed in that policy. I was then able to give a judgement as to whether the understanding and knowledge they considered in the interview was based on the written policy or had a level of difference. Eraut considered the term 'incidental learning' or ' the acquisition of knowledge independently of conscious attempts to learn and the absence of explicit knowledge about what was learned' (Reber, 1993, cited in Eraut, 2000, p.12) as to whether it refers to un-communicated knowledge and suggests that prospective respondents are not used to talking about such knowledge and the aim should be to assist the 'telling' or to acquire the necessary information to infer the nature of the knowledge under consideration. Therefore my challenge was to undertake interviews and frame questions in a way that would help encourage what may be, at least in part, tacit knowledge.

The further challenge in undertaking semi-structured interviewing, though by its nature is less controlled, is allowing for replication across the interviews. I consider this was achieved through the standardisation of some of the questions asked and limiting the response options, whilst in other questions giving the opportunity for spontaneous questions, sensitive to the participant's position and views. In the light of my insider/outsider researcher position I was also mindful of avoiding possible interviewing bias in 'selective' use of leading and spontaneous questions. Therefore, in my preliminary analysis of the interview data, I gave close study to not just the interview responses but also the consistency of prompts and the amount of detail that was contextually laden and subjective.

Thematic Analysis Reliability

In this section, a summary of the thematic analysis approach employed to analyse the semi-structured interviews will be provided. This section also describes how the analysis was investigated for theme validity. Reflections on the steps taken to

reduce the possible confounding variable of researcher bias are considered elsewhere in this study.

After transcription, the interview data were analysed using a methodology based upon the ‘thematic analysis’ approach. Banister et al. (1994) describes thematic analysis as a means by which to present interview data in relation to specific research questions. Contents are organised under thematic headings in ways that aim to be sympathetic both to elements of the research question and the preoccupations of the interviewees. Consequently, responses were compared and coded so as to highlight and classify patterns of similar incidents and responses.

Thematic analysis involves the creation of ‘codes’ to fit data and the bringing together different elements of the data to form ‘themes’. Boyatzis (1998) defines a theme as being a pattern within the data that describes and organises the observations, and aiding the interpretation of the phenomenon.

Braun and Clarke (2006) describe thematic analysis as being flexible, and as having been specifically designed for use within this type of research. Their approach was used to guide the analysis of the semi-structured interviews. A condensed summary of this method and how it was employed is provided in Table 2.

Table 2. A summary of Braun and Clarke's (2006) "Phases of thematic analysis"

Phase	**Description of the process**
1. Familiarizing yourself with your data	Transcribing data, reading and rereading the data, noting down initial ideas.
2. Generating initial codes	Coding interesting features of the data in a systematic fashion across the set of interviews, collating relevant data
3. Searching for themes	Collating codes into potential themes in relation to the extracts and the entire data set generating a thematic 'map' of the analysis
5. Defining and naming themes	Ongoing analysis to refine the specifics of each theme, and the overall story of the analysis tells, generating clear definitions and categories for each theme.
Producing the themes	Selection of vivid, compelling extracts examples, final analysis of selected extracts, relating back of the analysis and research questions, other data sources and literature.

Alongside its flexibility and compatibility with the current research methodology, thematic analysis was selected on the basis that, as an approach, it does not require the researcher to have a detailed theoretical or technological knowledge of qualitative research models (Braun and Clarke, 2006). Correspondingly, thematic analysis as being:

"A more accessible form of analysis, particularly for those early in a qualitative research career" (p.81)

Thematic Analysis Process

All interviews were taped using a Dictaphone. Each interview was transcribed, with further records kept regarding the comments raised by each interviewee, and any connection among their thoughts and experiences.

Following the completion of transcripts, individual record sheets for each interview were produced, containing mind-maps (described by Buzan (2000) as a means by which to associate ideas, words and concepts with single words or phrases) and additional comments regarding the salient issues that were beginning to emerge. Having become familiar with the responses, a bottom-up process was pursued in which links related to the responses were applied, emerging directly from the interviewee data.

In this process each transcript was considered line by line and also in ‘chunks’ of meaningful text, where the meaning or importance of a comment only became clear in reference to further responses. This work was done by hand and having completed all the initial review, the component elements were considered and examined for consistency and overlap with other responses. These provided the opportunity to link and define the responses together.

Once a structure was defined, the emerging themes were compared and contrasted with the research questions and predetermined categories which had been formed subsequent to the scoping meeting. This was in order to ensure that only those emergent issues that significantly contributed to the initial research brief were pursued. Themes were then able to be considered with the themes sought from the document analysis, and then meaningfully linked back to the research questions.

In order to ascertain the trustworthiness of the analysis undertaken, steps were considered with my research supervisor to ensure a level of consensus and integrity to the approach undertaken.

The process undertaken allowed for a good level of data from each authority to be considered in its own right prior to undertaking a comparative analysis across the three. In doing this, the subjects were identified by authority as either a practitioner or manager, purpose was considered for each question, and then responses drawn together. After this a summary was completed for each subject and the responses were considered against the predetermined themes of enquiry which were produced in response to the main research questions and the scoping meetings as the framework upon which the interview questions were formulated.

These themes were:

i) Communication of Policy
ii) Knowledge and understanding
iii) Policy influence and practice
iv) Perceived benefits of kinship care
v) Resource and commitment
vi) Policy drivers and influences
vii) Effectiveness rating

Consideration of the responses received under these headings allowed for analysis and comparison across categories between practitioners and managers. With this approach a more definitive view could be sought on considering whether a policy was seen to be effective due to its contents, or the way it was interpreted by workers and subsequently practised, that made most impact.

A challenge on the interview data was in the analysis of the responses received. As one of the elements of this research was to be a comparative study it was

important for me to be able to compare practitioners and managers with each other and across the authorities, but with the interview only being semi-structured, it was planned for responses to be interpreted and judged within the defined categories in broad terms, e.g. from a question, it was judged on the fullness, accuracy and comparison against the research, policy and other colleagues. There is an evident weakness to this approach which could open up accusations of subjectivity with me as the sole arbiter, but in reflecting the information gained from the interview data, with the other elements of the study; I considered the findings together were able to be more robust than if considered in isolation.

A model kinship care policy

Finally, on bringing the results together from the documentation and interview analysis, the formulation of a model kinship policy was proposed and reflections made as to whether this would resolve the levels of difference in kinship care policy and practice.

This approach allowed consideration of the question which took me to the heart of my research: if all local authorities are operating within a national context, with national guidelines and judged against a shared framework of National Indicator Sets and inspections, how, if such different models and approaches to kinship care been constructed, is it possible to formulate a policy that is compliant with the principles of the Children Act 1989 and responsive to the research findings?

In the study of the three kinship policies I felt it important to understand similarities and differences to triangulate with responses received from those interviewed, and ultimately to take a position on what could be considered as the key elements an effective kinship care policy should contain.

Ethical considerations

In formulating this study, it was necessary to guarantee anonymity, not just to those taking part in the study, but to the local authorities themselves. This was due to the sensitivities of any data that may be collated. Kinship care does need a level of investment if it is to be worked appropriately, however, it is also fair to recognise that many local authorities have challenging demands on their resources and have had to be pragmatic about the approaches they make. I therefore considered that if they were to be transparent in their approach, anonymity would aid this process.

I attempted to approach this study in an as objective research stance as I was able in considering the issues of protocols and practices within these identified authorities, but recognising any influence I needed to counteract due to the authoritative position I held within one of the agencies. In attempt to mitigate this, in the scoping meeting with practitioners and managers we considered any potential concerns and approaches which may help exemplify or strengthen adopted practices. It was important to be aware of any sensitivities in regard to looked after children figures, levels of support, etc, and any possible repercussions about opening these to scrutiny and comparison. However what was made clear was that although similar data was available within these organisations, similar definitions needed to be applied if any meaningful comparisons were to be made or analysis brought.

I had raised from the outset clear research governance procedures and each authority had to separately agree that my approach met the conditions of their research boards. This was particularly important due to my position as a manager in one of the authorities and it was imperative that confidence was assured in regard to my impartiality. I was constantly mindful of the dilemma facing me as an insider researcher in my own institution, whilst an outsider in the other two organisations. The term ‘insider researcher’ is used where the researcher has a direct involvement or connection with the research setting (Robson, 2000). Such

research contrasts with traditional notions of researchers as ‘objective outsiders’ studying subjects external to themselves (Denzin and Lincoln, 2000).

As I spanned both aspects in my position in this research, the concept of validity was important to be retained. Kvale (1995) argued that because of a lack of objectivity as an insider researcher, results may be distorted, but there are also many cited advantages of insider research. Some argue that insiders have a wealth of knowledge beyond that of an outsider (Tedlock, 2000) and that interviewees may feel more comfortable if familiar with the researcher (Tierney, 1994). Therefore, insider research may have the potential to increase validity due to the added authenticity and openness of the information given. I was, however, eager to attempt to retain a consistency in the knowledge gained across all three authorities studied and as all interviews in order to increase the validity of making comparisons and to mitigate the problematic nature of insider/outsider research.

For insider researchers, Mercer (2007) considered power relations when the researcher is in a more senior position than the participant, which was the case in parts of this research, but some researchers also argue that interviewees also exercise power, which can affect the experiences and outcomes of the research (Munro et al., 2004; Thapar-Bjorkert and Henry, 2004). Throughout this research however, and the potential minefield that insider research can bring, I considered I was able to harvest valuable and rich data that could be justifiably examined and true comparisons made.

I discussed with senior managers, within the three authorities, to ensure their research governance and ethics protocols were fulfilled, and through the course of the research refined the research process to ensure a similarity of approach would be made to all, but also to ensure I was given the same level of access in considering how policies were formed, resourced, managed and practised.

In each interview and at each stage of the research, I ensured a good level of understanding was present with both the individuals and agencies involved to ensure there was both informed consent to the research, which was formally recorded and agreed, alongside an understanding as to its intention.

On receipt of their Governance Board agreements the kinship policies were examined, and through the scoping meeting interviews planned with the managers and practitioners who had been most involved in drafting kinship policies or in the direct practice of brokering kinship arrangements. I also formulated the seven themes of enquiry to assist in drawing comparative data across the studied authorities, and from this, used this approach as the framework for the semi-structured interviews with practitioners and managers.

Concluding Remarks

In this chapter I have tried to outline my own methodological journey and highlight throughout the reflections I have to the arising issues and research paradigm, whilst continuingly returning to my natural state as a pragmatist. My mixed method approach and iterative strategy for gaining data and evidence with a view to gathering richer findings has, I consider, helpfully allowed an interwoven approach of both the quantitative and qualitative. As Mason (2002) sees ‘qualitative researchers as being in the business of producing social explanations, or addressing intellectual puzzles’ (p.135) I wanted to approach this study from a qualitative perspective whilst strengthening the approach with some key quantitative data. In this way, I hoped the findings may be able to contribute to the formulation of a model kinship policy that may benefit local authorities in this area of work and address the weaknesses or concerns the research raised whilst showing the route by which I came to my conclusion with a clear rationale for its validity. As in Mason’s words: ‘validity of interpretation in any form of qualitative research is contingent upon the ‘end product’ including a demonstration of which that interpretation was reached’ (p.130).

CHAPTER 4: Findings and Analysis

Introduction

This chapter focuses on the findings of this research and provides a summary of the points presented in the earlier chapters. Each of the research questions is revisited in order to explore what conclusions have been drawn from the research and how they link back to the issues raised in the opening chapters. Consideration is given to the researcher's personal reflections and the implications for any further research.

Research Question 1: To what extent are local authorities compliant and consistent with statutory rules and contemporary research findings on kinship care?

A key consideration in the study of the three policy documents was their compliance with existing legal judgements. The three areas where the policies needed to show particular compliance were:

1) In establishing that local authorities have a consistent approach in fulfilling their obligations towards the kinship carer and the child as foster carers;
2) In securing appropriate financial support;
3) In securing other support and resources.

It is necessary therefore to understand the legal obligations if kinship arrangements are to be secured legally and financially. Once there is an interim care order in place there is a duty on local authorities to accept that kinship carers have the status of foster carers. However, there may still be an argument as to the rate of payment. For financial reasons local authorities consistently attempt to argue that children who have been placed with a relative in circumstances where there is no care order, are being placed under a voluntary arrangement, rather than under a

statutory obligations to ensure children are cared for. On this basis, attempts can then be made to provide carers with financial support at much lower rates than would be paid to a foster carer. Furthermore, there have been practices where a child is placed with a relative when, even in circumstances where this is at the request of a social worker, the arrangement is considered voluntary and the child does not constitute being considered as a 'looked after child' (Authority A's Policy Guidance).

The Court of Appeal in London Borough of Southwark v D [2007] EWCA Civ 182 considered when a section 20 Children Act 1989 (CA89) duty arose. In the case, the claimant was asked by a social worker to care for a child who was the child of a former boyfriend. When the claimant applied for financial assistance, the local authority refused on the basis that the child was not a 'looked after' child. The judge found a section 20 CA89 duty and the local authority appealed. The Court stated:

> "we accept that there might be occasions when a private arrangement is made without such direct contact. We accept that there might be cases in which the local authority plays a part in bringing about such an arrangement. However, where a local authority takes a major role in making arrangements for a child to be fostered, it is more likely to be concluded that, in doing so, it is exercising its powers and duties as a public authority pursuant to sections 20 and 23. If the authority is facilitating a private arrangement, it must make it plain to the proposed foster parent that s/he must look to the parents or person with parental responsibility for financial support. The authority must explain that any financial assistance from public funds would be entirely a matter of the discretion of the local authority for the area in which the foster parent is living. Only on receipt of such information could the foster parent give informed consent to acceptance of the child under a private fostering agreement. If such matters are left unclear, there is a danger that the foster parent (and subsequently the court) will conclude that the local authority

> was acting under its statutory powers and duties and that the arrangement was not a private one at all" (para. 49).

This confirms that once the local authority has a duty to accommodate a child under section 20 CA89, the child becomes a 'looked after child' and the local authority assumes the financial obligations which flow from that.

Collins v Knowsley MBC [2008] EWHC 2551 (Admin); R (on the application of A) v Coventry City Council [2009] EWCH 34 (Admin) are two cases that also looked at the regulatory framework arising from section 23 CA89. They both involved teenagers who ended up living with friends' parents as a result of their own family breakdown. Neither local authority was involved in the setting up of the placement but became aware of it as a result of the carers requesting financial support.

Both carers judicially reviewed their local authorities, stating the children were looked after by the local authority, and both cases were found in their favour. In the first case, the mother had died and the stepfather had alcohol problems; he eventually died as well. The court held that, as there was no-one with parental responsibility for the child concerned, she was therefore a looked after child, under section 22 CA89 and the placement with her boyfriend's mother was under section 23(2). The stepfather's death was not the deciding factor, however, the local authority was ordered to pay the fostering allowance from the date she first moved to the carer's home, before he died.

In the second case, although the local authority argued that this was a private fostering arrangement, the court held that:

> "where a local authority takes a major role in making arrangements for a child to be fostered, it is more likely to be concluded that, in doing so, it is exercising its powers and duties as a public authority pursuant to sections 20 and 23".

These decisions could potentially increase the number of children looked after where previously local authorities have regarded them as private fostering arrangements.

Holman, J. in Re: H at 101 said:

> "…in some circumstances, a private fostering arrangement might become available in such a way as to permit a local authority, which is on the verge of having to provide accommodation for a child, to 'side-step' that duty by helping to make a private fostering arrangement. However, it will be a question of fact as to whether that happens in any particular case".

The leading case is R (L & Others) v Manchester City Council [2001] EWHC (Admin). 707, (2002) 1 FLR 43, 8 CCLR 268, in which the Administrative Court considered the legality of Manchester's policy of paying substantially lower weekly allowances to relative foster carers than to non-relative foster carers. In his judgement Mr Justice Munby accepted that the central issue was whether Manchester had exercised its discretion in an unlawful manner in the formulation and implementation of its policy on payments to relative foster carers (para. 59).

A further case: SA, R (on the application of) vs Kent County Council (2011) EWCA Civ 1303 (10 November 2011) confirms this position when the Court of Appeal found against Kent County Council's claim that they did not have responsibility to support a grandmother, who had taken on the care of her grandchild in 2005, at their request. The council claimed it was a private family arrangement despite their substantial involvement in placing the child. This long awaited judgement is significant in confirming that local authorities who ask relatives or friends to care for children who cannot remain safely with their parents, have a legal duty to provide support including financial assistance for the child.

Nigel Priestley, Senior Partner, Ridley and Hall (2007) who instructed counsel on behalf of the respondent in the Kent case, outlined how discretion in such circumstances should be exercised according to the following conventional public law principles:

1) it must be formulated and implemented so that it can be exercised flexibly;
2) It must be formulated and exercised according to the needs of the children concerned and having regard to its advantages and disadvantages in the individual case.
3) It must be exercised without reliance on irrelevant considerations.
4) It must be formulated and exercised without disregard of relevant principles.
5) It must not be exercised in a perverse manner.
6) It must be formulated and exercised in the light of the aim of the statutory framework within which it is comprised.
7) It must not be formulated or exercised so as to conflict with any duties within that framework.
8) It must be formulated and exercised so as to adequately safeguard the right to respect for family life guaranteed by Article 8 of the Convention and so as to avoid discrimination in breach of Article 14 (Priestley, 2007, para. 68).

In this research it is clear that there are local authorities that still fail to give kinship carers the same support they routinely give to stranger foster carers. However, on the basis of the Manchester case it is difficult to see how this differential treatment can be justified.

The position of the three written policies in this study do show elements of attempting to abdicate responsibility in fully acknowledging the status of kinship arrangements and the obligations upon councils to support them financially and professionally. This is as much evidenced by what is defined as kinship as much as what is excluded. Authority A take the position in their policy:

> "where a local authority facilitates a friend or family arrangement, the local authority must make it clear to the family and friend that this is an informal arrangement, not a placement of a child under sections 20 and 23 of the Children Act 1989 and that any payments made to the family or friend are discretionary section 17 payments. The responsibility for the child rests with the carer and parents and the carers should give their fully informed consent to this arrangement". (p.2-3 Operational Instructions, Authority A).

However, as voiced in one of the practitioner interviews from Authority A:

> "financially, they (the carers) need to be paid at the fostering rate in order to be able to offer a high standard of care but again, the budget that Practice Managers are given doesn't stretch to this" (AS8, Q5)

This practitioner's position acknowledges Justice Munby's judgement (2004). Mr Justice Munby made the point in R(P) – v – Essex County Council [2004] EWHC 2027 (Admin) that it is not open to a local authority to 'repackage' a duty that is owed under section 20 CA89 as being a section 17 CA89 duty. Once the conditions in section 20(1) are satisfied, and then subject only to sections 20(6) and 20(7) CA89, it is the duty of the local authority to provide accommodation under section 20 CA89 with all the consequences that flow from that.

Authorities B and C's kinship policies are both compliant with this judgement's position. In Authority B's case this is largely due to the 'closed' definition given to kinship placements and only accepting looked after children as defined within their kinship policy. For Authority B, family and friends care when no legal order is in place is considered outside of their kinship policy; therefore the practice is outside of their kinship definition and support from their specialist team. This acknowledges, if covertly, that the status of such placements does not warrant the same investment as a fully recognised kinship placement, lessening the status of the placement and the level of commitment given. However, in Authority B's

'Payments to Family and Friend Carers: Policy and Practice Guidance', they are clear what payments are made under section 17 CA89, friends and family foster care allowances, residence order allowances and special guardianship allowances. The policy is clear that there should be no ambiguity in section 17 CA89 payments being used to abdicate responsibilities under section 20 CA89 and are clear on the differentiation:

> 'Payments are normally made in the following circumstances:
>
> - to enable a child who is being looked after by the local authority to be securely placed with a family and friends carer thus enabling the child to achieve a stable placement outside of the care system.
> - the payment of an allowance is necessary to avoid the need for the child to be looked after and secure a family placement that best meets the child's needs' (Authority B's Children & Young Peoples Trust Payments to Family and Friends Carers: Policy and Practice Guidance, May 2008, para. 2.6).

In the policy of Authority C, they evidence their understanding both in practitioner responses and their training handout on kinship care, as to the nature of Munby's Judgement:

- The impact of the judgement is that payments to friends and relatives as carers must be on the same basis as stranger carers, whether it be a short term or long term arrangement. Any difference should relate to the child's needs or the skills of the carer or some other relevant factor that is used as a basis for an authority wide policy.

- Local authority policies need to demonstrate their approach. The case highlights the need for a more consistent approach to friends and family care, both in the practical support and the financial aspects (Authority C, Kinship Care Handout, 2004, pp. 8-9).

This in turn is reflected in their policy and the practice as outlined by practitioners within their interviews for this study (CM3, CS5 and CM2).

The fundamental duty to safeguard and promote the welfare of the child imposed by section 22(3) (a) CA89 makes the position of differential treatment between kinship carers and foster carers untenable. Whilst a local authority may have a duty in any event to provide the support that a client needs, the prospect of achieving good outcomes are likely to be greater if it can establish that all carers are routinely provided with the same support and access to respite care, the provision of a link social worker, training and holiday breaks.

In consideration of these issues, how do the three authorities in this research fare? In order to illuminate this I made a comparison of the three written policies on what I considered from the research to be the eight main areas of differential practice as considered by Priestley (2007), the Manchester, Southwark and Kent rulings, and from my own study of the three policies. This was with the intention of showing any inconsistencies. Table 3 outlines the findings of each policy as to their compliance:

Table 3. Kinship care policies considered against eight points of comparison

	Authority A	**Authority B**	**Authority C**
Clarity on exercising of parental responsibility	Unclear processes and little guidance on advising carers on need reach and remit of the care and responsibility they can exercise.	Good clarity of definition regulated through LAC processes.	Interpretive framework gives ambiguity to arrangements.
Approval Basis	Minimum checks undertaken and in many cases considered as a private arrangement.	Carers must go through panel process and meet minimum fostering standards.	Specialist Team ensures 'lower level' approval through revised assessment tool in many arrangements.
Duration	Potential for drift through informality.	LAC status ensures regulated review process to avoid drift.	Long-term/Permanency Plans not a strong feature in policy.
Placement Supervision	Frequently alongside s17 plans.	As outlined in child LAC plan.	Regular reviews on placement and carers.
Reviews	Alongside s17 Child in Need Planning.	Statutory Reviews of the child and Annual Review of Carers approval.	Regular Review of support required.
Support Services	Information, Advice and Guidance given at a s17 level and judged accordingly to assess need.	Statutory visits and LAC status formalises support.	Support given alongside on-going local authority involvement.
Financial Support	No statutory entitlement. Inconsistent: dependent on view of placing worker in discussion with carer.	Fostering Allowance minus professional fee.	No statutory entitlement but weekly allowance set dependent on age.
Basis of Financial Support	Discretionary s17 payments.	Automatic payment based on schedule of payments.	May be means tested but revisited annually.

The relevant legislation is clear that the approach, level of involvement by Children's Services and expectations local authorities place on kinship arrangements are key indicators as to the status given to a placement. I therefore considered the position each authority took on this matter and reviewed the clarity each policy bought to; the understanding of who exercises parental responsibility, the level of support, both financial and otherwise, on what basis the placement was made and what consideration or process was applied to the level of supervision of a placement. Also, I examined whether the placement was expected to be reviewed or approved, or whether arrangements were considered as temporary or permanent.

There were other elements that I considered, e.g. whether policies made any reference to age of the child/young person in decision making or if the kinship policy linked with other policies, but I made the decision to retain focus on my key research questions and concluded these would best evidence any key areas of difference or non-compliance across the three authorities. Therefore, if findings were indicative of kinship care policies nationally, it would be evident that there were issues of compliance and consistency with statutory rules and contemporary research findings in this field.

Research Question 2: To what extent do the policy similarities and differences compare across the three studied authorities?

Throughout this research I spent time reading each of the studied authorities individual operational instructions, meeting and discussing with those who had drafted and implemented the policies, as well as getting a good understanding as to how well they were known and operated by managers and practitioners. The policies were examined and particular measurements used to understand their differences. In my approach, I referenced the key elements I considered needed to be in a kinship policy, based upon legal guidance and wider research reviewed above, and then appraised each policy's content. This enabled me to establish the

extent to which the policies fell short of legal requirements and research findings on a best practice level and consider if developing a model policy would be able to combine the findings from this research and propose a way forward for local authorities in their approach to kinship care.

In the consideration of different analytic frameworks of policy analysis, I was aware of the process considered by Prigmore and Atherton (1986). They highlighted four areas:

1. Values:	Is the policy compatible with current policy styles of operating?
	Does it support enduring cultural values such as fairness and justice?
	Is it compatible with social works' values and ethics?
2. Influence:	Do people in formal decision-making positions and interest groups find the policy acceptable?
3. Knowledge:	is the policy based on knowledge that has, to some degree, been tested?
	Is it workable in the real world?
4. Costs & benefits:	Is it reasonably effective and efficient?
	Does it fit with current fiscal goals?

I considered these areas helpful in identifying and comparing elements within the presented policies. However, triangulating the information drawn from the policy analysis with the data from the semi-structured interviews, alongside the legal and research evidence, gave real challenge in ensuring appropriate weight and relevance had been given to each section of the research.

Three Policy Models

The Looked After Children (LAC) Model (Authority B)

In the LAC Model, as operated by Authority B, a child would only be deemed as being in a kinship placement if that child had reached the threshold for accommodation into local authority care and was admitted under section 20 CA89 with parental consent and placed with the extended family. If this has taken place then these arrangements would be deemed as kinship. Any arrangements with family, as defined by the CA89, that were not looked after would be considered as a private arrangement and any child placed with friends would be considered to be assessed and confirmed through Private Fostering procedures. Any looked after child residing with friends would be placed under Family and Friends Regulations but this would not be classed as a kinship arrangement. In the same way under this model, any non-LAC could not be in any arrangement that would be deemed or recognised as 'kinship'. This model gives a clear boundary in regard to its scope and definition of kinship care. Authority B covers in its policy and practice guidance the different care pathways for children in relation to family and friends placements, including payments under section 17 CA89, family and friends foster care allowances, residence order allowances and special guardianship allowances, but is definitive in regard to what arrangements are to be classified as 'kinship'. Authority B is explicit as to when such payments should be made:

- If it enables a child who is being looked after by the local authority to be securely placed with a family and friends carer thus enabling the child to achieve a stable placement outside of the care system (this would be classed as a kinship arrangement)
- If the payment of an allowance is necessary to avoid the need for the child to be looked after and secure a family placement that best meets the child's needs (this would be classed as non-kinship as child not looked after) (point 2.6 from Authority B policy)

Authority B shows a clear distinction in ‘care’ arrangements within their policy and is clear that only children and young people who are deemed as being ‘looked after’ can be considered to be in a kinship arrangement. Authority B does have a specialist kinship team and it is this team that will work with looked after children in these types of family or friends arrangements. Therefore in this policy there is a transparency and clarity of definition as to what is considered as a kinship arrangement. By being clear that the children and young people being worked with under this heading are LAC ensures an independent reviewing process and consistent support mechanisms, minimising the opportunity for drift in care planning.

However, such a limiting policy position on kinship, gives little flexibility as to its approach. If the specialist kinship team is only able to work with young people within LAC arrangements, their skills and knowledge are not available to many other young people who are residing in a variety of other arrangements, e.g. for those young people who are ‘sofa-surfing’ with friends or residing with extended family members. It is considered that kinship care processes do not apply and more discretionary and therefore potentially inconsistent levels of support are adopted.

If this policy is to be considered alongside research findings in this field, one may be able to define its potential strengths and weaknesses as outlined in Table 4.

Table 4. The LAC Model

The LAC Model (Authority B)	
Potential Strengths	**Potential Weaknesses**
Clarity of definition	Lack of flexibility of working with kinship principles with a variety of arrangements
Ensuring LAC status brings support and reviewing processes	High threshold to engage kinship practices, i.e. must reach section 20 CA89 threshold
Minimises drift for children and young people	Carers need to go through Panel process therefore meet minimum fostering standards – not always considered to be best designed for family and friends carers
Regulated arrangements with consistent approach	High level of bureaucracy involved in LAC status, with some challenging data on LAC outcomes
Kinship team in place to help support	Kinship not considered a preventative option to avoid child being looked after

The Family Model (Authority C)

The Family Model, as adopted by Authority C, considered that kinship arrangements should be made to avoid the bureaucracy and stigmatisation of the status of a child becoming 'looked after' unless absolutely necessary. In this model kinship is considered for children who have been referred to Children's Services and assessed as being children in need, (section 17, CA89) but no longer able to reside with their birth parents, yet are not considered to need to enter the care system to protect their safety or well being. In these circumstances Authority C becomes involved in initiating, facilitating or supporting the kinship arrangements, but would only consider kinship placements with 'family' or 'kin' as defined by the CA89. Therefore this arrangement would need to be with grandparents, aunts,

uncles, step-parents or siblings. More distant relatives or unrelated friends would need to be assessed to become family and friends foster carers.

This approach has a clear objective in preventing children entering the public care system and is predicated on the strong concept of 'family'. It is based on a least interventionist approach by the state and on the view that care arrangements are likely to be more stable and secure for children if placed with a known family member.

Authority C has a well-established team in place to help support young people and their carers in such arrangements and their policies clearly outlines an expectation that it is part of their role to assist in contact arrangements for the children with their wider family when such arrangements are made.

In this policy there is a clear process outlining how it will be determined whether an individual is a kinship carer and a kinship carer assessment tool is in place to assess the level of required support, ensure the arrangements are safe and the necessary checks have been undertaken. As part of this, a financial assessment is also expected to take place.

The driver for this policy is clear in its endeavour to avoid children and young people becoming looked after, but acknowledges that unless support is given to alternative arrangements then this would be the likely outcome for many of those children with whom they are involved. In discussion of this model with those who drafted the policy within Authority C, there is a strong belief in the spirit of kinship care as an alternative to state care and is considered as a supportive and preventative approach. They have attempted to be interpretive as to the legal approaches to types of placement and childcare but consider their kinship policy to be iterative and voice a belief that their policy will continue to evolve as further clarity is given through either government policy or legal judgements.

Policy features of this Family Model is considered in Table 5.

Table 5. The Family Model

The Family Model (Authority C)	
Potential Strengths	**Potential Weaknesses**
Clear driver: early interventionist	Ambiguity of legal status of placements in some cases
Allows for lower level involvement prior to reaching 'risk of accommodation' thresholds	Potential inconsistencies in support levels
Less state intervention	Long-term/Permanency plans not a significant feature within policy
Avoid LAC processes	Interpretive framework can allow for different arrangements
Has specialist team to ensure policy and give support	

The Comprehensive Model (Authority A)

The third model, within Authority A, considers that a kinship arrangement can be undertaken for both LAC and non-LAC and can be with either family members or friends. A placement is deemed 'kinship' when it has been decided that a child is unable to reside with their parent and an alternative adult is identified as a primary carer. This alternative carer can be a neighbour, friend or relative and the child would be placed under this kinship policy without being accommodated by the local authority, unless it was deemed that it would be necessary to protect their safety or well-being. If the child was a LAC it would be hoped that the particular kinship arrangement in which a child was residing could be progressed towards a residence order or special guardianship order arrangement, or if the child was moved due to being considered at risk, the safety of that child could quickly be

secured for the placement to revert to a non-LAC kinship placement supported through section 17 CA 89 funding.

This model considers a very wide definition of kinship and recognises that some relationships outside of close family can be at least as strong, if not stronger, than within. It does not define kinship in related terms but considers a broader definition as more reflective of a child's relationship than a family tree. Furthermore, this model considered that the status of a child as to whether they are LAC or not, should not immediately redefine the nature of the placement. It considers that if the child is to be LAC then a kinship carer will need to be subject to an assessment to become a full family or friends carer, but the authority will hope to avoid this by attempting to move forward on the revocation of any care order, or approach the carer to seek a residence order or special guardianship order.

The key feature of this policy is its consideration of kinship being an umbrella term to cover a variety of care arrangements. If a child is not in a local authority foster placement or at home with their birth parents, then the arrangement within which they are placed is considered as a kinship placement, whether LAC or non-LAC, with relative or friend. If it is brokered by the local authority then it is considered a kinship arrangement. Due to the variety of these arrangements, Authority A does not have a designated team to implement its contents, and kinship arrangements are operated across the authority's locality social work teams. The operational policy defines the different routes of kinship in reference to whether the child has a LAC or a non-LAC status, but by taking this approach, as opposed to ensuring distinct policies inform each arrangement, a level of difference in support levels and assessment processes are highlighted. This is perhaps most evident in the policy's expectation that if an arrangement has LAC status then consideration should be given at each LAC statutory review to the kinship foster carer applying for a residence order. However, the same expectations of reviewing or progression of permanent arrangements does not appear to be as overtly stated in those arrangements that are non-LAC, despite them being potentially more

unstable. This approach to kinship does potentially offer both benefits and challenges:

Table 6. The Comprehensive Model

The Comprehensive Model (Authority A)	
Potential Strengths	**Potential Weaknesses**
Flexibility in care arrangements	Interpretive framework can lead to inconsistent implementation
Recognise status of friends for children can be equal to their relationship with family mentors	Potential for drift in some arrangements where permanency is not considered
Attempts to avoid LAC status but will implement when deemed necessary	Variable support levels for different arrangements
Policy worked across organisation – knowledge not held in one place	No separate team to ensure consistent implementation and understanding

A comparison of these three policy models may be most clearly demonstrated within Figure 3.

Fig. 3 Comparison of Policy Models

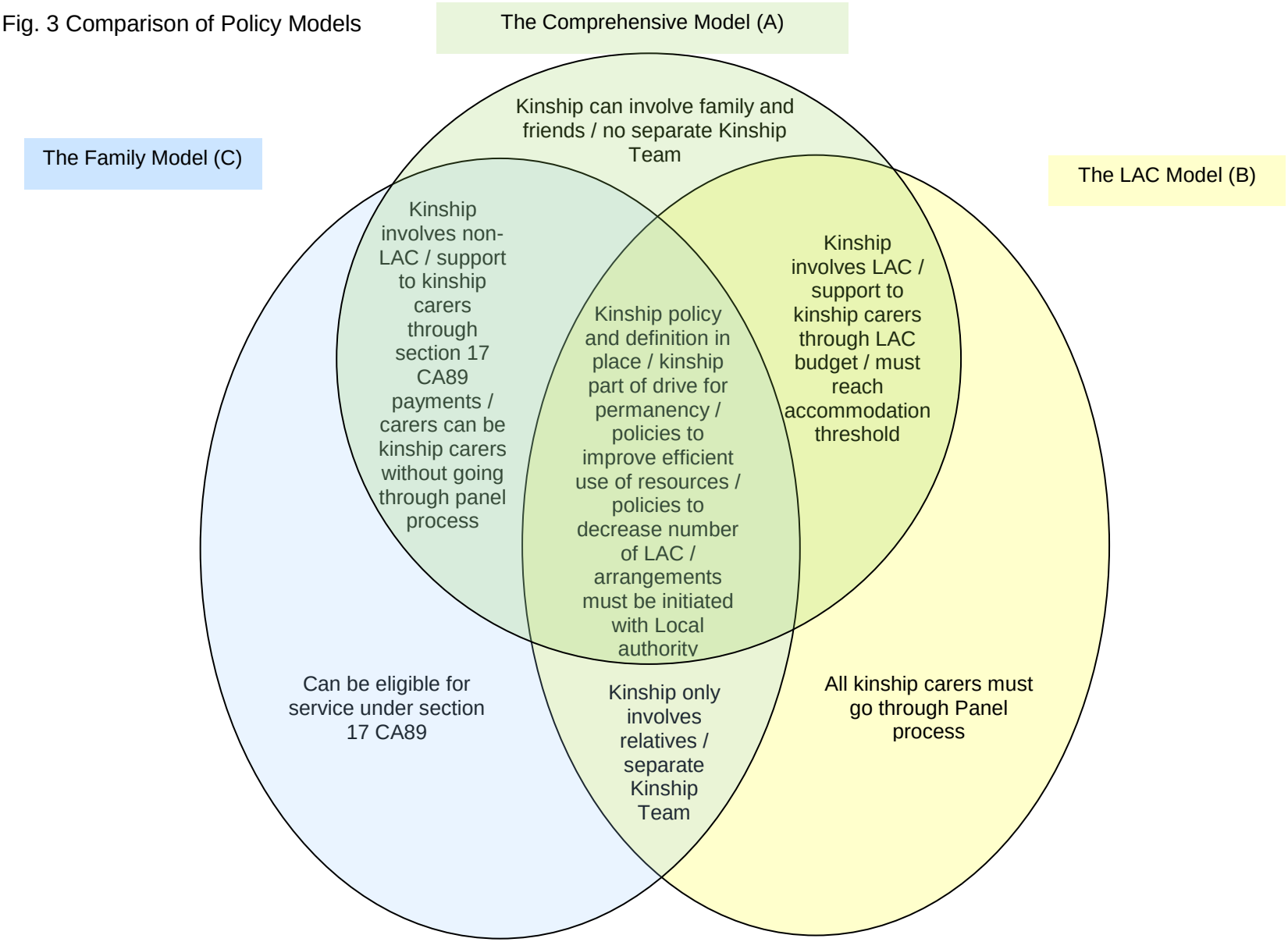


Figure 3 diagrammatically shows a common driving force of all three policies, which could perhaps be encapsulated as ‘resources’. Thus, if there is a driver to reduce cost, improve efficiency and decrease numbers of LAC, it is perhaps unsurprising that authorities are not investing further resource into comparing approaches by other authorities in an attempt towards consistency, or reviewing research evidence into good outcomes for children. This is not, of course, to claim these matters were not considered by the policy makers, but that they were not in this research found to be the overriding priority.

All studied policies were clear on how kinship needs to be positioned within the CA89, its definition of Regulation 38 (Fostering Standards and Regulation 2002) and for kinship to be considered in conjunction with other relevant policies and procedures. However, on consideration of the policies strengths and weaknesses against kinship research, many elements could be in either column. For example, the use of fostering panels to endorse extended family or friends as kinship carers could be viewed as a positive in ensuring rigour to the process, but could intimidate and even discourage carers from offering to care for a child, even it if was in that child’s best interest.

> “Once carers are approved as foster carers the full regulations and standards that govern ‘stranger’ foster carers also apply to family and friends foster carers”
>
> (Authority C, Kinship Policy 8.2)

Status of kinship policies

Subsequent to the analysis and evaluation of the policies as to their compliance with legal approaches and research findings, the next stage of my research considered the status of the written policies within each organisation i.e. that which was espoused was not necessarily what was operationalised. I needed to consider whether to challenge or intervene when these occasions of difference occurred. I

took the position that I would have greater insight into any tension by allowing practitioners the freedom to take me through their understanding and practice without contradiction, intervention or judgement. But, the subsequent weight I gave to their approach as representative and indicative of wider understanding, required a level of judgement that I tried to bring from my own knowledge, understanding and experience in this field and have a confidence in my chosen method of enquiry

Without a statutory framework in place clearly setting this boundary, the closest legal precedence that each local authority advises it has considered is the Southwark Judgement v S (2009). This indicates that a local authority can 'broker' a private arrangement but must be clear with the carers about the limits of its role

The provision of the required support for families in the first six weeks does offer some differences within the three authority frameworks. Two of the studied authorities (B and C) have a specific and particular service to respond to kinship placements and a distinct resource of workers and managers to respond to the kinship agenda, whereas in Authority A this is expected to be provided from local area teams. All three authorities expect the area social workers to be responsible for the initial placement and initial six week assessment, but two of the authorities then make an internal referral to their family and friends teams who will then plan to become involved alongside that area worker to help support the more comprehensive assessment subsequent to the six week assessment. This is with the plan towards the carers and child moving towards a match at fostering panel. Authority A considered that kinship arrangements would be maintained within their area teams with oversight by the Head of Looked After Children Services and only when a robust six week assessment had been produced by the area teams, would they give a view as to whether they considered it appropriate for a fuller fostering assessment to be undertaken. Only if they felt that the kinship carers were likely to safely evidence that the match would be above minimum fostering standards, would a piece of work then be commissioned, frequently by an independent

fostering agency, to undertake a full assessment. However, a significant area of concern in this particular authority was the perceived high standards expected of carers by the local authority fostering panel. This, to a degree, could be commended as seeking to ensure that the best quality carers are available for some of our most vulnerable children in society, but in the circumstances of kinship care arrangements, research evidences that proposed kinship carers are more likely to be older, less healthy, less well educated and at times have experienced criminal convictions, which belies a tension within the particular authority (Farmer and Moyers, 2008).

In discussions with Authority B it is evident they have undertaken a significant amount of work with their fostering panel to accept and take responsibility for some of the less comfortable decisions that have to be made in kinship arrangements. For example, a degree of pragmatism is deployed with carers who may not have been approved as local authority foster carers by a panel but are still considered to be the best match for a specific child who has experienced particular difficulties and is demonstrating challenging behaviours. Authority B further evidenced that when they have a kinship arrangement that all involved consider is in the best interests of the child, but the fostering panel would not in all integrity be able to endorse the placement under minimum standards, they have a process for that case to be accelerated to the Assistant Director, who will, if necessary, notify Ofsted with the rationale as to why an unapproved placement is being allowed to continue. This approach may demonstrate a confident transparency but perhaps exposes the legal ambiguity of such an arrangement.

It is positive that all policies acknowledge that timescales in planning are important and need to be clear. As stated, the initial Regulation 38 assessment is the responsibility of the placing social worker/line manager to complete within six weeks. However, in the case of Authority B and Authority C, if the placement is likely to last longer than six weeks, it is the responsibility for the kinship service to ensure the carers are assessed using a specific assessment tool designed for this

purpose and should be presented to panel within those six weeks. All authorities recognised that prospective carers should be informed of alternative options such as residence orders or other forms of permanence e.g. adoption, as they may wish to become party to proceedings if the child in question was subject to care proceedings.

The issue of permanency for children is evident in all three studied kinship care policies. All three local authorities and the senior managers in each authority recognise how kinship care is used but consider that the evidence on permanency in kinship arrangements is still developing.

"I think the permanency agenda should be the priority – stability and consistency should be considered as a key element for any placement and if a family and friends member takes on this responsibility the special guardianship order would be the preferred option. It does depend on individual circumstances and requires parallel planning but there is a concern in kinship arrangements that it addresses short term accommodation issues but not long term needs and if not properly addressed can lead to drift and later more concerning problems" (CS8, Q9).

An inescapable conclusion is that planning for children is a complex process with tensions and contradictions. It cannot be acceptable to 'just see how things turn out'. Clear planning with timescales and good assessments must be deployed, and in this study, all three authorities' policies outline their intention to achieve this.

Policy formulation

How the policies were formed and what influenced their formulation was important to this research, particularly when such different models had been adopted. I planned to unearth this through my interviewing, but I was aware it would be necessary to allow an opportunity to consider the issue of knowledge transfer, i.e., how such knowledge counts in practice. As, if the policies were reported to be

constructed through evidence based policy making how could neighbouring authorities produce such different models?

I considered that a policy would primarily be formed from an understanding of research, approaches made nationally by other authorities and triangulated with operational practice as considered by field managers and practitioners. However, if this was a correct assumption the models of approach would surely be more aligned than this research found them to be.

The relationship between policy and practice is one that is always difficult to draw out, but the issue of the espoused policy and operational policy referenced earlier in this study was important for me to consider alongside the work undertaken by Brewster et al. (1983) i.e. one approach made at the documentation and policy level stage by senior managers, but another process being adopted in practice.

A general finding from this is that whilst there may be law, policy and research that needs to be heeded in espoused policy, there is still a level of interpretation when it comes to the deployment of resources. Frequently the operation of policies by managers is a political or financial matter rather than just a legal or evidence based one and the context in which working environments operate cannot be ignored.

Research Question 3: To what extent is local management and social work practice as reported consistent with policy and research?

In considering this research, I want to draw out any learning that could be related to contemporary local authority kinship practice. It is necessary when making placement decisions to understand the short term repercussions of any action taken; e.g. planning with extended family members could exacerbate any existing familial conflicts already present for that child. However, the ramifications and stigma of that child being placed within local authority care and any repercussions this could cause also require consideration.

This matter raises challenges in the areas of policies, practice, motivation and the skills of the worker/assessor when considering the option of a kinship placement. The comprehensive nature and accuracy of a worker's assessment is likely to be enhanced if approached in a measured way that gives confidence to the family and helps them to discover their strengths and resources. If badly done, an assessment can be intrusive, alienating for the parents, child and potential carer, and can give a false impression of the child's welfare and whether their needs can be met within that placement. Furthermore, the personal costs of becoming a kinship carer often include carers giving up work or postponing retirement to look after the children, losing their leisure time and rarely going out in the evenings. For older relative carers, there can be an increased sense of isolation as there may be a dislocation with their friends and peers. This can be on top of the additional burden for a grandparent or relative/friend carer who may struggle with the sense of loyalty felt to the child's parents as well as the child (Farmer and Moyers, 2008).

When considering kinship care, the issue of local authority decision making for children and their carers continues to be of high importance and the questions as to whether more children could have been placed in kinship care is often raised when managers consider their numbers of looked after children. Farmer & Moyers (2008) found in their study of placements with non-kin carers only 43% had been considered for a kinship option. Whereas earlier research, Hunt and Macleod (1999), found that such consideration had not usually occurred before proceedings, and even when kinship care was considered, this usually only extended to maternal relatives which potentially halves the possible options children will have. This does perhaps reflect an improving picture but a continuing trend in social work practice where a relatively limited exploration of kin is exercised and the majority of professionals continue to expect more from the mother of a child and maternal family than the father and his friends and relatives. However, in the research by Hunt et al. (2008) they also considered the reasons why kinship placements were not made where relatives were considered and found was that the relatives 'were

more than twice as likely to decline to take the child, than the local authority was to refuse to place' (p.104).

The attitude of social workers and other professionals is a definite influence on the decision as to whether or not to place children in kinship arrangements. Research has generally shown that workers are positive regarding the value of such placements (Doolan et al., 2004; Sinclair et al., 2007; Farmer and Moyers, 2008) due to considering that it enhances a child's sense of identity and belonging. However, research also suggests that social workers can hold conflicting views on kinship care and give negative and positive views simultaneously in regard to families. The idea expressed in the phrase 'the apple does not fall far from the tree' (Peters, 2005; Farmer and Moyers, 2008) exemplifies this. The Hunt et al. (2008) findings reported that based on the 24 interviews with social workers based in active kinship places there was examples in the mid-late 1990's that attitudes were changing and a more positive and contemporary perspective to kinship care was being evidenced (p.114). This aligns with the general findings of this study, where responses within the interviews undertaken with managers and practitioners were largely positive regarding the advances made in kinship care.

In the studies by Farmer and Moyers (2008); Aldgate and McinTosh (2006); Hunt et al. (2008); and Sinclair et al. (2007); there is a general level of agreement in regard to the evidenced successes and challenges faced by children in kinship placements. The positives for children are primarily that it is considered 'natural' and builds on and preserves family ties and identity and maintains family siblings and friends relationships. There is a significant element that considers local authority care to be a 'bad' thing and kinship as a 'lifeboat' that rescues children from this circumstance. Furthermore, many children are felt to be more settled, loved and cared for and kinship care is more likely to be seen as furthering well-being and showing a mutuality of commitment for children and their carers. This is particularly important in the area of education, ambition and achievement due to concerns still existing as to the low expectations local authority social workers and

foster carers can have to children in their care. Although it is important to note that the issue considered as being one of the key problems of kinship placements was also thought to be a key ingredient of its success: the lack of bureaucratic and state intervention and the more normalised family life experienced by kinship children. The lack of statutory expectation in regard to reviews, personal education plans, health assessments, etc, were felt to further normalise a child's experience and possibly contribute to the child's improved sense of stability, security and therefore overall success. Alongside these issues, however, the matter remains that whilst the support is offered to kinship carers and stranger foster carers are on such an unequal footing, it will be difficult to separate the opportunities and challenges that are faced by children and their carers through these different arrangements.

Interview findings across identified themes

In this section, I consider the findings from the interview data within the identified themes of enquiry and bring analysis based on the alignment with the written policies of the responses from the interviews. I then draw comparisons across the three authorities. I include quotes from the interview transcripts, and bring these together to present meaning from within each theme.

The interview questions are to be found in Appendix 5 but Table 7 shows each interview question number that corresponds with each theme of enquiry.

Table 7. Themes of Enquiry

Themes of Enquiry	**Interview Questions**
i) Communication of policy	1
ii) Knowledge and understanding	2, 3, 4, 8, 11, 14
iii) Policy influence and practice	5, 9
iv) Perceived benefits of Kinship care	6

v) Resource and commitment	10
vi) Policy drivers and influences	12, 13
vii) Effectiveness rating	7, 15, 16

i) Communication of policy

The information sharing and communication processes within an organisation can be an indicator as to its sense of coherence. Within the Children's Services studied for this research, the relaying of policies, protocols or information needs to be consistently revisited to ensure the most efficient and effective methods are being utilised. In this study, both managers and staff in the three authorities considered there was an onus on them to both seek out as well as receive the relevant information or changes in relation to policy, but there also appeared to be a sense of 'information overload'. There was an indication from some of the interviewees that they wanted as much a freedom from policy information as a freedom to receive it:

> "I printed it (the policy) off again not that long ago as I was dealing with a case that I felt could be considered along this sort of thing but it took me a long time to find it and when I did it was really lengthy which I was not expecting……It was not clear enough it would be better to have at the front of the policy a guideline of what your plan of action should be. You therefore have to ask managers, peers and learnt as you go" (AS7, Q3).

The dominance in the use of email over other approaches as the primary form of communication or information giving was highlighted as contributing to this sense of challenge in policy communication.

> "Sometimes information is just given through email across the area teams, which isn't always accurate and I think it is important that staff are clear on where to get their knowledge from" (CS8, Q13)

This in itself offers an organisational challenge to local authorities and adds weight to the view of email as a 'broken business tool' with some research considering 'the cost of running an email communication system is steadily growing and employees are becoming less efficient and effective' (Jackson, 2009, p.140).

Undertaking interviews with managers and practitioners across three authorities showed the, at times, dislocation between policy and practice. It was, for example, notable from this research that the more senior a manager was within Authority A, the more confident they appeared to be in their understanding of the kinship policy. One manager states:

> "there is a mixed understanding in this authority at the moment but there is a greater consistency across middle managers and practice managers…….More work definitely needs to take place in this authority to strengthen the understanding of our practitioners but it is certainly going in the right direction" (AM3, Q4).

Whereas a practitioner in the same authority considers:

> "I think there is still confusion that requires clarity, especially with formal/informal arrangements, and I don't think staff are really aware of the correct procedure" (AS6, Q3).

In Authority A where frontline workers were proactive in implementing policy, it appeared to be because they were told to, not because they shared the vision or fully understood the policy.

This 'mixed understanding' was less evident in the work undertaken within Authorities B and C. There was recognition as to the challenges kinship care brings but overall responses were positive:

> “I hear practitioners within other teams discussing cases of this sort and appear to have quite in-depth understanding of the process and options available so I would think that most have a good understanding” (BS6, Q4).
>
> “I think there is a good understanding across the organisation” (CS6, Q4).

There was overall a higher level of confidence and knowledge through the practitioner and manager positions in Authorities B and C than Authority A.

In all the interviews undertaken, there was a reported knowledge of the existence of a kinship care policy within each organisation. There was no difference in this respect between managers and practitioners. However, a number of practitioners did not always appear confident in their responses. I noted from the responses received to Question 1: “Are you aware of the kinship care policy within your organisation?” could be considered as an ambiguous question; some purely took it to mean, as was intended, ‘are you aware of the existence of a policy?’ whereas others considered it more as ‘are you aware of what the policy says?’ This, although unintentionally, gave opportunity to explore from the beginning of the interview the position of the interviewee and, in retrospect, gave better insight into their understanding.

I had not anticipated that any qualitative information would be drawn from Question 1, but as a pattern arose I did not want to lose this opportunity. Therefore, using a grading approach, Authority C was found to have the highest level of awareness of their kinship policy, Authority B showing a less robust response across practitioners, but with a confidence as to where to seek further information, with their managers judged as having a high level of awareness, but from Authority A, it was concluded there was a lack of confidence amongst both practitioners and managers.

ii) Knowledge and Understanding

The level of knowledge and understanding of the definition of kinship care in each organisation was sought in part to uncover any tensions when responses were compared to each written policy. Six of the seventeen interview questions were formulated to seek a view on this and were analysed in part by considering responses to Question 2 and the alignment with the published policy. If there was a clear understanding by an interviewee as to the definition as reflected in the policy, their response was given a high rating, if less conclusive, a medium rating and if the definition given in the interview was either unclear or inaccurate when considered against the written policy, a low rating was given.

The definition used by each authority for kinship care is, when referenced with the written policy, generally clear. In Question 2, those interviewed were all judged as having either a high or medium understanding of the definition within their organisation. In Authority C, six of the nine respondents showed a high understanding, Authority B, four of the nine, followed by Authority A, three of the nine. No practitioner or manager in response to this question professed 'not to know' or have a low understanding or knowledge of the definition their authority gave to kinship care.

In Question 3 it was only in Authority C where the practitioners and managers all felt they had a good understanding of their kinship policy. This question sought a self-evaluation to help give insight into their own understanding of their organisations kinship care policy.

The confidence across managers and practitioners was high in Authority C, less in Authority B and least evident in Authority A, where one manager and five practitioners out of the nine judged their understanding of the policy to be only 'adequate'. These responses in turn were compared with the results from

Question 4. Interviewees were requested to consider whether they felt their knowledge was representative of their colleagues. The responses received from Authority B showed that five out of nine practitioners felt their knowledge was more reflective of others in their organisation, whereas from the other two cohorts there was an overwhelming sense that those interviewed had a greater level of knowledge than their peers, with both Authority A and Authority C showing seven out of nine respondents falling into this category.

This was further built upon by asking the respondents the differences between a kinship placement and a voluntary arrangement. All three policies are very clear as to the distinct nature of a kinship placement in comparison to a private fostering placement and this question gave the opportunity to demonstrate this understanding.

The difference between a kinship placement and a voluntary arrangement with family and friends helped confirm a high level of consistency in the responses, particularly between Authorities B and C. All authorities and respondents did note that the level of local authority involvement was the predominant factor in differentiating the placement as a kinship or private arrangement. This confirmed a confidence in this aspect of their understanding.

The responses received from Authority A in this area, did, however, raise further questions. The consideration by a manager that the level of pressure on a parent is a determining factor in making a decision on whether a placement is recognised as a kinship placement or considered as a voluntary arrangement goes to the heart of this research.

A manager from Authority A stated:

> "…there is a hazy line between kinship and private arrangements and the issue of parents feeling their arms are behind their backs and really the fact

> is they are given a ‘done deal’ by being told if they don’t accept this child being with they will take the child into care, so it is not often what I would say is organising a family placement in the right way” (AM2, Q8).

This comment is central to this research and a theme referenced in wider research (Hunt et al. 2008). The challenge of local authorities demonstrating their compliance with statutory rules and contemporary research findings and level of consistency of management and practice with policy and research is perhaps shown most starkly in this response. The pressure that can be applied by local authorities to extended family and friends networks may be considered as at times as much about gate-keeping resources than good childcare practice.

Questions 11 and 14 queried managers and practitioner’s knowledge of the research and sought views on whether a designated team, specialised in kinship care processes and policies, would be considered beneficial? Overall, the responses in regard to practitioner and manager knowledge of kinship research showed a relatively low level of confidence. It was managers and practitioners in Authority A that considered they knew most about the research into kinship care all being considered as knowing a little or a lot), followed by Authority B (eight out of nine) and then Authority C (seven out of nine).

This appeared in conflict with the results found from Authority A in regard to their knowledge and understanding of their own kinship policy. This was found to be ‘grey’ and ‘patchy’ (AS9, Q3). The implications of this is the potential of practitioners working and developing a practice based on their own understanding of research but out of the context of how it has been interpreted, if at all, in policy terms by the organisation in which they are working. This can lead to inconsistency and a non compliance to that authority’s expectation or even to their legal obligations.

An important element of kinship care, and a much debated area, is what action or inaction by the local authority constitutes a kinship placement? All interviewees in this study considered that they knew the difference despite, in the detail of their answers, there was not always the same level of consistency. When there was a clear demarcation of what constitutes as kinship care, e.g. that the carer has to be a family member as outlined in the CA89, or whether the child has to be looked after, it did make it easier for a practitioner to be clear. Whereas, the higher the level of professional discretion as to what constitutes a kinship care placement, the increased likelihood of a practitioner being unclear as to the procedure and status of a child that they have the responsibility in placing.

A key research question in this study centred on conceptual, procedural and practice differences in the three authorities approaches to kinship care. It was immediately clear that two out of the three authorities had a specialist team to work with kinship or friends and family arrangements. I was therefore curious as to whether those authorities with a specialist team had an increased knowledge or understanding of their kinship policy within their organisation.

I therefore sought views on this and the responses were unequivocal. All respondents in Authorities B and C were clear that a specialist team was in place and were positive about its existence, and all in Authority A considered such a team would be a good option. The analysis on bringing these responses together sought to answer whether a better understanding and knowledge of a local authority's policy does necessarily link to an individuals own perceived knowledge of the research? However, the findings from this fieldwork would suggest that the level of understanding within an authority appears enhanced by the formulation of a specialist team along with a policy that is clear in its boundaries and expectations.

The research knowledge the interviewees expressed appeared more perceived and anecdotal rather than practitioners being able to cite specific research. Some

individual managers were able to show knowledge of some quite contemporary research, but most managers and practitioners were most likely to say they knew ‘a little’ (20 out of 27). What respondents felt research was likely to report frequently exaggerated the positives of kinship care and showed little insight into the challenges. Some respondents recognised that the results of longitudinal study in kinship care is yet to be fully evidenced and in regard to the impact of kinship care arrangements in Britain they considered there is further work to be done (BM2, AM1, AS9, Q11)

Some kinship studies have considered that social workers can have a deficit view of birth families as impacting on the security of kinship placements (Hunt, et al., 2008). This did not prove a significant view in this research. In the main, interviewees were more likely to display over-optimism in comparison to wider research findings on the benefits of placing a child with kinship carers. There was a general finding that respondents felt kinship care should be used, or at least considered, in more circumstances than it is and all respondents considered there were benefits in training designated teams with “practitioners who had expert knowledge and understanding” (BS6) in their area of practice. In the two authorities that had specialist teams, practitioners felt able to contact them for advice and would then have a greater level of confidence in being clear as to what regulations and policy they were operating under when placing a child (CS6, Q3).

iii) Policy influence and practice

In the policy analysis undertaken in this research the nature of difference was immediately evident. As has previously been outlined in the three policies studied, there were three distinct definitions as to what constituted a kinship care placement, three different definitions on the term kinship itself, as well as the status of a child who was reported to have been placed in a kinship arrangement. Therefore, the assessment, support and monitoring arrangements, be they for the child or the carers, were dependent upon in which authority the arrangement took

place. This was despite all three authorities having managers who responded confidently that their policy and approach took into account both the available research and the policy and procedures of other authorities.

The influence of policy and practice were sought under Questions 5 and 9. In Question 5, practitioners were asked to consider how much kinship care influences their thinking when working with children and families, and their responses were scored, from one being not at all influential, to five being very influential. I posed this question to set a baseline as to the profile kinship has for practitioners, which I considered was likely to reflect the status of kinship in the authority in which they worked. It would also be given greater weight if the manager's themselves felt it had little or no influence. In the preparation and asking of this question, I was aware that I would want to attempt to quantify the answers received and considered whether to ask them to rate their view numerically from 1-5. I decided against this to avoid the possibility of only receiving a number with little narrative and instead decided to give a more open question could bring a more reflective answer with greater depth. I then planned to bring my own analysis to their responses and grade them alongside the knowledge gleaned from the authorities themselves and the wider research. I had to accept in this process there were evident weaknesses of me being the scorer and to guard against accusations of arbitrarily ranking answers on length of narrative as opposed to accuracy of content, but by triangulating the answers received against each policy and placing them in the context of responses from colleagues within the same authority, patterns and trends were seen to emerge.

In undertaking this approach, all practitioners and managers in Authority C were considered to be rated at 4 or 5. In Authority B only one practitioner was rated outside of the scoring of 3, whereas Authority A had responses rated between 2 and 5, with clear differences in the level of influence that they felt kinship care plays in their decision making process. Examples of responses across the categories are shown in Table 8:

Table 8. Question 5: Response examples

2	I maybe don't always think about it in terms of kinship care but I am aware that, particularly now with the judicial protocol, we have to consider wider friends and family before or alongside considering plans for the child (AS5, Q5)
3	…I would say my understanding has increased and therefore my approach to placement arrangements has changed in this time also (AM3, Q5)
4	When we are assessing families the family tree and family supports are key, therefore kinship care should always influence if we are considering the possible removal of the child from their parents (BS4, Q5)
5	…I would expect it to be embedded into every practitioners practice (CM5, Q5)

Question 9 was framed to consider issues of residence order and special guardianship order options, with the issue of permanency in kinship giving rise to significant discussion within the interviews from both practitioners and managers. This question gave an opportunity to consider the issue of permanency through the use of legal orders. I was aware it was possible that some respondents may see little connection between such a question and kinship arrangements as they saw it, but it gave a result that showed a clear correlation that legal orders did have a place in kinship considerations. It also provided opportunity to raise issues of the age of children when placed and the level of commitment required from kinship carers. Significantly, 21 out of 27 respondents said they considered residence orders and special guardianship orders when considering kinship care. However, Authority A was the only authority where all respondents reported that they considered some form of permanency order when considering kinship care. This issue is of particular note in the challenges faced when considering kinship care arrangements. Permanency is a factor in decision making that surrounds

residence orders and special guardianship orders, particularly in respect to the levels of support and payments that need to be considered. When a residence order is in place, the local authority is under no duty to monitor the placement and the carer is under no duty to notify the local authority of the placement. Whereas special guardianship orders frequently contain conditions and give the carer clear responsibilities on the aspects of care for the child or young person. It necessitates taking decisions about a child's upbringing and can be helpful for children in long term foster care or those who are cared for on a permanent basis by members of their wider family or friends in regard to their sense of security and identity. However, in both circumstances, just as in kinship care arrangements there can be an inconsistent provision in support services including the levels of financial support. Therefore, as in kinship arrangements, where there is discretion as to levels of support, ambiguity and inequity in both quality and levels of support can also exist.

There was a view within Authority B that their kinship care policy was designed to respond to the needs of slightly older children, i.e. school age children, but was now being used to place younger children which offered concern as to the long-term stability for these children;

> "It is obviously not going to work in all cases and we find most of the children we work with are around 11-13 but we have had 5-6 year olds. Therefore when a child is 13 you know it is not likely to be very good for them if they go to foster carers." (CS5, Q6).

It is the case, however, that two practitioners in Authorities B and C didn't consider residence orders or special guardianship orders when considering kinship care for a child, and across the three authorities, out of 27 responses, only 18 considered both. This evidenced a position that securing a child within their family and friend's network with an order was not always felt to be given the same priority as for a child placed in stranger foster care;

> “Special Guardianship Orders are certainly considered early on, the question is sometimes whether they are considered too early?” (CS9, Q9).

Yet, in practice, some kinship care placements may be inherently unstable through the lack of long term security that may be able to be resolved through seeking a legal order.

iv) Perceived benefits of Kinship care

The issue of permanency for children featured strongly in seeking views on the perceived benefits of kinship care. The evidence based benefits that can be derived for the child and their family from a kinship arrangement, should that child no longer be able to reside at home with their birth parents, do not always align with professionals perceptions of kinship care. The question to consider perceived benefits (Question 6) helpfully contributed to my understanding on interviewees views. However, on the reflection of my approach and with the benefit of hindsight, this question may have been better designed to ensure against the presumption that respondents did perceive that kinship care brought benefits. It instead could have given more open permission to explore the challenges and potential limits of such arrangements. In the consideration of the responses I therefore attempted to guard against this bias in the presented findings by balancing responses with wider research findings.

However, this question did raise the view that although older children were a concern, and indeed a safeguarding issue, valuable resources should not be diverted from vulnerable younger children. It was suggested that the future of young children may best be secured through either adoption or permanency outside of the birth family and if an attempted kinship placement wasn’t successful then it was maybe too late to achieve this option the second time around.

Practitioners and managers appeared easily able to articulate their thoughts on the benefits of kinship:

> "I think the benefit to a child of kinship care is that there is less disruption for them and a better sense of identity and they are more likely to do better than if they were brought into care and become looked after. Also it is more likely that the family contact would be better arranged and there would be less upheaval for the child and family" (AS5, Q6).

and,

> "Well the main benefits are for the child that the people they are staying with are part of their family, known to their parents and it will be about less disruption and a better sense of belonging" (CS4, Q6).

This does align with some of the research referred to earlier when reviewing other studies on this issue (Hunt et al., 2008). It is of course questionable that the assertions made by the interviewees in this study are fully corroborated by wider research, but generally findings consider a sense of stability and identity are acknowledged benefits to kinship care. Further research on these issues however may be needed, as this study did not explore how these benefits are evidenced and why practitioners consider this to be so. Is it because the expected standards of appropriate behaviour is different in a kinship placement and a stranger foster care placement, therefore what leads to a disruption may be different? Could it be that kinship carers are more committed to these young children than stranger carers? Or are concerns more likely to be kept within the family in kinship arrangements, whereas foster carers could look for alternative options within Children's Services Departments and alternative foster placements identified more readily than a child being accommodated with a kinship carer, which may contribute to the disruption rate?

A child's sense of identity in placement planning was also considered as an important factor for interviewees. For the practitioners, it gave them a sense in understanding family dynamics and feeling that children need to continue to be placed where possible within their own families, and helped them recognise that because the parent is not perhaps in the best position to care for the children, this does not necessarily negate the whole family. There was a view that kinship allows children to maintain their sense of identity, self-esteem and knowledge about their families when they continue to live with them. It was felt important that children continue to feel a sense of belonging, worth and a sense of their history.

A clear view from the interviewees was that kinship placements could be best utilised when there is a pre-existent relationship, and when relationships with birth family, school, friendship groups, etc, could be maintained. Particularly when the child themselves were of the age and emotional maturity to cope with such an arrangement. An issue for practitioners, however, was the concern that the local authority would attempt to pressurise kinship carers to commit to a child permanently, particularly through a residence order, precipitously. When relatives, or in some cases family friends, take on the commitment for a child, this is often done in a crisis, and families, it was felt, needed to be given time to absorb and reflect on the ramifications of such a decision. There was no advocating of drift in care planning, but consideration that timely planning does not necessarily mean quick, and it is best to make the right choices than decide in haste.

> "I know in a placement I've had for a child with grandparents, asking them to go for legal orders can be tricky. It can also be compromised by family members who also don't want it to go to court…….Assessments at that stage (6 weeks) just can't be comprehensive enough to deal with all the long term options and at that stage you often don't know enough" (CM1, Q9).

The notion of kinship, extended family, friends and community networks are all potential supports that would want to be drawn upon prior to placing a child with a

stranger foster carer and them gaining the status of a looked after child. Likewise, in local authorities with limited resources there is a clear and significant financial incentive to avoid accommodating a child and placing them with local authority, or even with private agency foster carers. In seeking a kinship arrangement, there may also be emotional profit for a social worker who is able to frame a perception of the benefits of kinship care that aligns with their own philosophy. In many ways the expectations and regulations under which social workers need to practise, be that through policy or statute, are not always in their hands, but they themselves need to retain a belief that how they practice is going to be as positive for a child as it can be.

Question 6 sought out the knowledge and understanding of interviewees in both their local authority's policy and any knowledge they had of research in this area. It was posed to consider their interpretation on what they had experienced, heard and understood, and how they perceive any benefits. If indeed they did see benefits to this type of practice.

The responses received were largely consistent with wider research (Rowe et al., 1989; Millham et al., 1986; Bullock et al., 1993). They ranged from the view that kinship is generally a good thing, and having to accommodate a child with a stranger foster carer away from their friends and family is usually less beneficial for a child than retaining them in family networks. In this study, however, kinship placement appeared to be more positively perceived than current wider research bears out. Responses received from the interviewees in this research gave a more generous view of the perceived benefits of kinship care than the research evidence considered in this study's review. This was evident in the responses of both managers and practitioners and was a constant across the authorities.

Cited as a positive benefit across all three authorities, and across both managers and practitioners, were the themes of identity and stability for a child in a kinship placement. The concern of accommodating a child into local authority foster care

and submitting that child to a potential experience, which may result in several moves of placement and dilute or confuse their sense of identity, was clearly a concern. Interviewees considered more positive outcomes could often be achieved through kinship than stranger foster care. This is perhaps with foundation when one considers that wider studies have shown looked after children returning to their birth families when older, and that children in kinship placements often do at least as well as those in foster care (Broad, 2004).

Another identified benefit of kinship arrangements was the issue of contact. A significant view expressed was that a child had better opportunity to retain good contact and relationships with their family, including their parents and extended family and the retention of support being received by the family, if the child was in a kinship placement.

> "…when area social workers place the children in placements with other family members, they can feel relatively assured that there is going to be support following up" (CM2, Q6).

This position is supported by wider research:

> "Studies which have looked at contact have shown a strong correlation between frequent contact and favourable outcomes including a return home to natural parents" (DOH, 1991). Research has also shown that attitudes to foster carers as well as practical considerations can mitigate against contact (Aldgate, 1980; Milham et al, 1986). Similarly, a positive attitude by carers and proximity between foster home and parental home has been shown to increase contact (Triselcotis et al; 1995)" (quoted from Iwaniec, 2006, p105).

The view that a kinship placement ensured a level of support is, however, not defined well enough to consider better support in comparison to what? Some wider studies (Broad and Skinner, 2005; Farmer and Moyers, 2008), show that

however impressive the level of support is to kinship placements, it is unlikely to be as well supported, either financially or though professional support, as it would be if the child were in foster care. It is therefore likely that the respondents felt that formalising as a kinship placement ensured the local authority had a form of ownership of, or responsibility for, the arrangement and therefore would not precipitously withdraw from their responsibility.

> "When properly assessed and supported, children are, and feel, more stable" (CM3, Q6).

The other issue raised from Question 6 was in regard to finances. This was raised within the practitioner cohort of Authority B. It is the only significant perceived benefit raised in the interviews that was not about the benefits of kinship care to the child or family, but was of benefit to the local authority. It was considered that a main benefit behind kinship care was as a 'cheaper' alternative for the local authority than foster care;

> "With kinship there is less disruption, no worse outcomes and financially it is far cheaper" (CS8, Q6).

v) Resource and commitment

In this study, the work undertaken prior to the interviews gave the best understanding as to the commitment the three authorities put into kinship care arrangements. The consideration of their policies, approach and the profile of kinship in each organisation all contributed to the status the policy was given. It was undeniably easier to gauge this in the two authorities that had a very tight definition of kinship and a specific team to deal with such arrangements (even though they were very different from each other), than the far more open and wider arrangements that are undertaken and worked within Authority A. Nonetheless, Question 10 did give opportunity for responses to consider the financial

implications of kinship, but was phrased in a way to consider the consistency of approach in comparison to the other authorities. It gave the opportunity for finance and levels of support to be critiqued, but the overwhelming response was that support given by each of the three organisations was considered likely to be consistent with other authorities. However, many respondents in Authorities A and B did appear vague.

This is perhaps best summarised by the response from a practitioner in Authority B:

> "I don't really know that much about what other authorities do in this area but I would be surprised if there was much difference, especially with inspections where different authorities are being judged against each other" (BS5, Q10).

An unexpected finding from this study is the authority that appears to evidence the most impressive commitment to kinship care and is perceived by other authorities as the most influential ambassador in this area of practice, Authority C, subsequent to discussion with managers appears to invest comparatively the smallest financial resource out of the three authorities in the field of kinship care. However, it had the most positive view expressed through those interviewed that it had a consistent approach in comparison to other local authorities and national requirements.

From the fieldwork undertaken for this study, Authority C shows itself significantly ahead of the other two authorities in regard to the profile, level of understanding across the workforce and level of commitment to kinship care by its practitioners, managers and organisational approach. Their kinship policy is clear in its focus, has a synergy with kinship research, whilst still acknowledging the challenges kinship brings. It appears since the specialist kinship team's conception in Authority C, it has been transparent in its approach and has demonstrated a willingness to share its experiences with others. There are clear processes in

place to hear the voice of users of kinship and the team are engaged with groups such as Grandparents Plus who advocate on behalf of grandparents looking after their grandchildren in kinship arrangements. Their commitment to kinship care is clear to see and is particularly evidenced by key champions within the authority who have been seen to drive the agenda forward based on a 'good practice' and a 'what works' family rights based agenda.

The resource that Authority C had put behind this commitment however, is relatively modest. They have clearly set out a payment and support structure to kinship carers, that other authorities have subsequently adopted, i.e. the financial payment is aligned to the payment made to local authority foster carers, minus the professional fee. But, the support given to kinship arrangements is largely by unqualified workers and is more based on a 'needs led' approach, once a kinship placement has been made. In Authority C it is recognised that kinship is used purely for non-LAC and therefore the support given under section 17 CA89 arrangements can by their very nature be more fluid. This does not, however, allow any young people who are in a kinship placement in Authority C to be eligible for any leaving care allowances upon leaving their kinship placement and can allow for a less consistent monitoring process in regard to needs and issues of permanency than the LAC process.

The approach undertaken by Authority B by its very nature sees kinship as less overtly based on the principle that such arrangements are in the best interests of the child and is instead a more pragmatic response to a challenging issue. Their approach to kinship, being considered as a set of arrangements that only involves children who have a looked after status but are placed with family or friends, is clearer in definition arrangements and resources. The approach adopted shows a commitment to those children within this set of arrangements but raises questions to those who don't fall into this cohort. In the study of Authority B, it does appear that some of the difficult challenges that kinship care usually brings have been able to be avoided through having such a tight definition of kinship. The matter of

teenagers who may be ‘sofa-surfing’ or in private-fostering style arrangements, but with the local authority having some influence in their brokerage is, it appears, kept away from the kinship team and retained in area teams:

> “I do feel that overall we have a good process being undertaken, we are clear on what we do, clear on what we don’t do and although other authorities have widened their policy, we at this stage have no intention of doing this ourselves” (BM2, Q10).

The commitment to the ethos of kinship care needs to evidence a willingness to balance the use of resources against the well-being and best interests of children and young people. It can provide a bridge for those who are unable to remain with their immediate birth families but would not best benefit from becoming looked after. The young people in Authority B, who are in this category fall outside their kinship team and sit within area locality teams, with inconsistent levels of support for them or their carers. However, the resource given to those that do come within kinship care arrangements, as defined by Authority B, appears to be clear, consistent and valued by those managing and operating its policy.

The approach to kinship care adopted by Authority A is clearly the most all-encompassing, but in the same way perhaps the least clear. There is evidently a commitment to the notion of kinship care in its policy and vision, which is expanded on by discussions with senior managers, but through the authority’s current position of not investing in a specialist service, or being willing to have a more specific definition of kinship care, makes it a challenge to judge their investment and commitment. The approach, as adopted by Authority B and Authority C to pay kinship carers the fostering rate minus the professional fee, is a consistent position and a show of commitment and resource to kinship carers. However, a matter that has arisen from this study for Authority A is the level of understanding of both practitioners and managers as to what is trying to be achieved through the policy. A clearer and more boundaried definition and an increase in staff training for those

who are involved in these arrangements appears to be needed, unless a specific kinship or family and friends team is formed. The findings from Authority A respondents to Question 10 'how consistent do you feel the approach this authority makes to kinship care arrangements compares to other local authorities/national requirements?' saw a high level of practitioners and managers unclear as to whether the authority's approach was consistent with either. This raised the question whether practice is shared across professionals and understood, and therefore if not, can confidence be placed in that authority's commitment, consistency and compliance in this area of social work practice?

vi) Policy drivers and influences

In regard to the drivers and influences on the policy formulation and approaches to kinship care within the three studied authorities, the themes arising from the discussions, policy study and interviews were far more consistent than the policies content and subsequent practice.

In the responses received, both Authority B and Authority C considered that practitioner views highly influenced the formulation of their kinship care policy. However, the managers and practitioners in Authority A had little confidence of influencing policy, whereas Authority B felt relatively confident that practitioners did have a voice, with only one practitioner not agreeing (BS4, Q12).

The policy drivers and influences behind each kinship care policy were an important area of this research to consider to what degree, if any, the law, research or other local authority practice played a part. Questions 12 and 13 sought out views on this and found a good level of consistency in the responses.

The main recorded influences are shown in Table 9, below:

Table 9. Influences on policy formulation

Authority	**The main considered influences on policy formulation**
Authority A	Research Other local authorities practice Financial implications
Authority B	Managers and practitioner's views Finance Research and Government policy
Authority C	Service knowledge Finance

Overall, there was a high level of consistency as to the influences and drivers brought to bear on the formulation of policies. However, if there was such a good level of agreement as to the drivers and influences on kinship care policies, the question that again arises is how is it that the policies and the way kinship care is administered so different? If the same kinship research is considered and local authorities take into account either the voice of their workforce or the practice of neighbouring authorities in their policy formulation, the three authorities studied would have been expected to be far more consistent. As it transpires the definitions of kinship care are widely different, and from there, the adopted practice goes in different directions. When a practitioner makes a placement arrangement and whether in their authority it falls under the banner of kinship care, is purely dependent upon which authority they are practising within.

Nonetheless, the influences provided in Table 9 needs to be understood within the framework of each organisation. All appear to have been influenced by the financial challenges facing local authorities and, if the influences quoted are to be accepted, all authorities are responding to an understanding of this agenda, either implicitly (service knowledge) or more explicitly (though managers and practitioners views, policy or other authorities practice). This would suggest policy being shaped

through an emerging sense of kinship care needing to be recognised as a cost-effective and responsive approach to the circumstances in which children and families find themselves.

In all three authorities there were concerns at the point of the kinship policy formulation that this area of work may open the floodgates to a resource that is unsustainable. The dilemma for those responsible for brokering kinship arrangements do, in the main, recognise the impact, both emotionally and physically, they are putting on carers who had not planned to look after the child in question, but all are keen to ensure that the limited resources available do go to those families in most need. The awareness of the 'rights-based agenda' is obviously concerning to many managers and practitioners as it is clear that for example, many grandparents are caring for their grandchildren on an informal basis without any recompense (Farmer and Moyers, 2008), but where does the judgement sit as to when it is 'right' for the local authority to give financial assistance?

vii) Effectiveness rating

I considered the challenge of measuring the effectiveness of the kinship care approach within each of the three authorities was best achieved by viewing each in turn, prior to attempting to make comparisons. Three questions within the interviews were formed to give reference to this. They were designed to give a more quantitative measure than some of the other questions in this research and were helpful in gauging the perceived effectiveness in the view of those responsible for progressing kinship arrangements.

Responses to Question 7 were significant in evidencing the universal confidence felt in Authority C by its managers and practitioners that their policy was fit for purpose. This was aligned with a relatively high positive rating for Authority B, with only three practitioners considering it could be more robust. This was contrasted

against only one manager in Authority A forwarding the view that their policy is fit for purpose with the other two managers, and all of the six practitioners, considering their policy needs to be amended or changed.

From the responses received it is a clear finding in the link that amongst authorities that have a separate kinship care team, there is a better level of confidence in the policy that has been created.

This position was further strengthened by the results from Question 15 which focused on stability and long term issues that may arise for a child. No practitioner or manager rated stability as ‘very good’ in Authority A. In contrast in Authority B, all the managers felt this, as did one of their practitioners, with their other practitioners considering it ‘good’, except one who considered it ‘satisfactory’. Authority C, had responses that included either ‘good’ or ‘very good’. Authority A had the lowest rating in this area, and was the only authority to have responses that considered their authority poor, with two practitioner views recorded as taking this position.

The challenge raised by such a question as Question 16 gave a dilemma between recognising the subjectivity of the interviewee, their understanding and their own experience in kinship care practice. The mean average score for the three authorities when interviewees were asked to rate their kinship care policy from 1 to 10, were Authority A scoring an average of 6.5, Authority B rating 7.1 and Authority C rating 6.9.

The data and subsequent questions that can be considered from this research do indeed show kinship care is much considered both strategically and operationally within local authorities. A significant amount of time and resource is invested in the subject and practitioners have a sense of its importance in how they approach perhaps one of the most difficult and challenging area of their work. However, the

disparate levels of understanding, confidence and consistency are concerning and likely to have significant ramifications on the lives of those with whom they work.

It was evident within the interviews that when considering kinship, some respondents would in their mind bring up a model of kinship that incorporated a close family member, being both close geographically and emotionally to the child in question, and would contrast this against a stranger foster carer who could be both geographically distant and socially different from the child. They considered that a child gaining a looked after status would generally be a negative experience for them (outside of possibly being able to access more financial support), but whether this was an endorsement for kinship or more an indictment on public care isn't clear. Many respondents did factor in the issue of the age of the child at point of kinship placement as an indicator as to whether the placement is likely to be successful, but only one respondent appeared to consider comparing the benefits for a child in kinship, not just against foster care, but also leaving the child where they are and putting further support there. This practitioner (CS8, Q6) did have an understanding as to the significant number of young people who return to their birth family on leaving care and considered that the outcomes data for children in care frequently does not evidence positive outcomes.

Research Question 4: Can a kinship care definition and policy model be proposed that is compliant with the research findings?

A key driver for this research has been the matter of difference in local authorities' approaches to kinship care. However, in the intervening years between the start of this research (2007) and its conclusion (2013) many key developments have been made. It is not possible to acknowledge all of the developments over this time, but the purpose of Research Question 4 was to consider whether a model kinship care policy could be proposed that is compliant with the theoretical, legal and operational policy tensions that have been revealed in this study and whether this would be beneficial, particularly in seeking a consistency in definition and process.

My initial assumption was that the formulation of a model policy would resolve the problem of consistency and compliance. However, from the findings, this position has now been shown to be flawed, as even the best of the studied policies were not understood adequately or implemented effectively. Therefore, even a 'model' policy that is able to be compliant with legal and procedural expectations and able to address the tensions of kinship care outlined in this research, can only go part-way to progressing kinship care implementation within local authorities in a consistent, equitable and legally compliant way. The training and levels of ownership for a policy to be cascaded throughout an organisation in order to embed an understanding and to influence front line practice, all needs to be in place for any policy to be effective and influential.

However, throughout this research I have reflected on the theoretical, legal and operational policy tensions and considered what should be present in a policy if it were compliant to the findings. A research question formulated for this research was to consider whether a policy could be formulated that would address the evident divergence apparent in the policy implementation and practice in kinship care, and whether the proposal of a 4th model, however compliant with findings, could significantly make a difference to kinship implementation by local authorities?

It is acknowledged that there are limitations in the levels of research available on formulating kinship policy, but there is a good level of consensus, including from this research, as to its importance. From this position, I therefore made the decision to propose a model kinship care policy to be considered by local authorities that is formed out of the findings of this study whilst taking into account the external research outlined in the key messages from research. However, as has been found in this research, on its own a compliant model will not fare any better than a poor one, unless the learning from policy implementation is also understood. Unless there are clear mechanisms in place to cascade the information and expectations of new policies throughout an organisation, through

to frontline practice, with review processes to ensure compliance and embedding, inconsistent and individualised practice is likely to emerge and continue.

The driver for formulating a model policy is justified in this research based on the finding that such inconsistent approaches to kinship care are undertaken. This proposed policy is founded on the legal expectations with which kinship policies should be compliant and then takes a pragmatic but definitive position in relation to the definition of kinship, which was found in this study to be a source of confusion. It takes into account wider research, but also responds pragmatically to the issues of the limited resources for local authorities.

This proposed model, entitled Family Plus, is published in full in Appendix 17 and was created from bringing together the three written policies considered, the practitioner and manager responses received, the strengths and challenges each brought, the different kinship definitions proposed and from evidence gained. It proposes a policy that reflects the principles of the Children Act 1989 that is responsive to carers, children, families and local authority's needs. It does not claim to be original in its own right and borrows heavily from the learning gained from the policy analysis in this study, but takes a position of implementing the findings where concerns were highlighted and pragmatically proposes a way forward on sections that remain in tension.

Summary of findings

The values espoused by the Children Act 1989 clearly appear to have been accepted in the formulation of the three local authority kinship policies considered in this study. All of the policies have embedded the message and requirements by the accompanying guidance 'if young people cannot remain at home, placement with relatives or friends should be explored before other forms of placements are considered'(CA89) and the responses from those interviewed, whether manager or practitioner, gave support for this approach.

However, the assertions and responses given by managers and practitioners evidence a significant level of incoherence in their understanding of the policies to which they should be working, the available research evidence and the legal judgements that should inform their approach. On analysis, these findings further illustrate the contested nature of kinship care, as referenced at the beginning of this research, and are evident across all aspects of the research. Legal precedence and judgements are being made in response to practices and local authority decision making, rather than the law leading through clear statutes. Furthermore, at the time of this study, British research was yet to reach a point where there was a clear and substantive enough body of evidence to substantiate the claim that kinship is beneficial over stranger foster care in the majority of cases, but there is a clear finding that inconsistency is most evident in kinship policy and practice. This research has found inconsistencies across all three of the local authority kinship care policies, in the way they are compiled and to the level they are compliant or consistent with statutory rules and contemporary kinship research findings. Furthermore, there were different levels of understanding of the practitioners and managers responsible for forming, brokering and supporting kinship arrangements across all authorities.

This rather bleak conclusion does not however mean kinship care is not in the ascendance. The profile of kinship care is being raised, more research is emerging and an increasing number of authorities and groups such as Grandparents Plus and Family Rights Group (FRG) are offering challenge to the status quo. This challenge is frequently in the form of publications by the FRG in collaboration with BAAF or ‘pressure groups’ such as the Kinship Care Alliance and The Fostering Network, Who Cares? Trust. In the Fostering Network’s publication ‘A Guide to Good Practice for Local Authorities in England’ (March 2010), they submitted a Freedom of Information survey (2009) and reported that ‘services provided to family and friend carers, and the children they are raising, vary substantially across the country and are often grossly inadequate’ (p5).

The issue of policy ‘adequacy’ is debatable, but consistency and compliance with the legal position and research less so. In most areas of social work practice it is acknowledged that a consistent national practice should be expected, e.g. in approaches to LAC, adoption, fostering standards, etc., yet there appears little evidence to consider why this should not be adopted in key areas of practice such as approaches to kinship care.

Reflections on current research

The position taken from this research is that the starting point of any kinship policy should have a clear definition as to what is meant by kinship care, or the term itself should be eradicated. Unless there is a universal understanding as to what is meant when kinship is discussed, then the term itself just serves to confuse. The nature of authorities having different operational instructions on kinship, separate from family and friends operational instructions, that may or may not take into account more varied arrangements, causes confusion for practitioners and managers alike. In some operational instructions, for example, the term family and friends carer is used differently from kinship foster carer. This is in an attempt to highlight the different legal status of carers of a looked after child and those who care for a non-looked after child. Furthermore, there are points of detail across the policies studied that can give an ambiguity as to how terms such as ‘securing permanency’ are used. From this study the position taken is that due to the importance of permanency for children, all the detail of residence orders and special guardianship orders, and how to apply them, should be included within any kinship care operational policy so the whole process can be carried through. A single policy should be used that covers family and friends operational instructions, kinship (foster carer) operational instructions, as well as residence order and special guardianship order operational instructions.

An important matter for practitioners was the assessment tools or forms that are being proposed for this area of work. The forms endorsed from the findings of this study are modelled on Authority C's. They allow a simpler assessment process for workers with children who move from one status to another, and avoid the need to complete further forms. To be accepted, however would need clear agreements across fostering services as well as local area services. From this research, assessment processes are shown at its most robust when a case is in legal proceedings and the care plan is for the carers to be considered as the longer term carers under a residence order or special guardianship order. In the proposed model formulated from this research, section 3.2, states:

> *'If the care plan is for the child to remain permanently with the kinship foster carers, this should be achieved wherever possible through a special guardianship order or residence order'.*

This approach is absolutely compatible with the general approaches taken within family and friends arrangements. Wherever possible local authorities should endeavour to keep children out of local authority foster care and the looked after children system, and avoid carers requiring onerous foster carer assessments and regulation. From this research it is proposed that any assessments for residence orders or special guardianship orders for kinship care, should be done alongside area social workers, but from within a designated specialist team. A finding from this research is that a higher level of knowledge and therefore improved practice is advanced, if there is a designated team responsible for the understanding and progression of the kinship policy and agenda within an authority.

Implications of research questions outcomes

Consideration has been given in this study to the strategic direction that kinship care appears to have taken within three local authorities. The advancement of

kinship care use in placement planning as well as the heightening of its profile at a national level is evident through the research work of Hunt et al. (2008), Broad (2004) and others. However, the purpose of this study was not to concentrate heavily on these matters, but to place this research within the confines of local authority approaches and practice. It does not intend to be in isolation from the wider picture, or without acknowledging that the decisions that are crucial in this area of work are made in a context of limited and conflicting resources, and within national and local frameworks. Although it is the case that despite there being no single legal statute in place that dictates the path, process or definition of kinship care, it cannot be undertaken without an understanding of the Children Acts 1989 and 2004 or of fostering standards and legislation. This is in addition to ensuring a consistency in the way authorities support, monitor and approach kinship arrangements. It is clear from this research that there is no single position taken by local authorities as to what kinship care is considered to be, or indeed what duties should be enacted when such an arrangement is undertaken.

The position taken from these findings is if it is to be accepted that this small study is indicative of the national picture, and there appears no clear reason why this wouldn't be the case, then kinship policies and practices are fragmented and inconsistent. It is helpful that local discretion within law is now government policy and it is perhaps right that a level of flexibility exists in policy and practice, but matters that influence the success or otherwise of a placement need to be tested and assessed. At the point of a placement being made it is often unclear as to how long such an arrangement is likely to be needed. It could be argued that prompt permanency planning is increasingly necessary due to the heightening debate regarding child protection and care planning. However, post Baby Peter (2007), alongside an increasingly strong lead from government, supported by a cross-party consensus, the view is taken that children who cannot live with their parents should live with their relatives or friends wherever that is safely possible, rather than going into care. It may be naïve to consider this cross-party consensus is purely based

on ‘good practice’ but is likely to be exacerbated by the pressure on the public purse.

According to figures from the DfES/DCA/Welsh Assembly (2006), it is considered that the total cost of looking after a child in care without any additional support needs, who remains in the same local authority foster placement over a twenty-month time period, has been calculated at £35,106. This can rise to more than six times higher: £215,756, if the child has additional difficulties. For those children in residential care, the unit cost can be up to eight times higher than foster care. Therefore if a kinship approach is taken prior to care proceedings and a care case is avoided, this can save more than £25,000 in court process fees alone. If this saving is projected nationwide and all of these costs are saved when a vulnerable child is diverted from the care system and placed with kinship carers, a reduction of 5% in the care population could reduce expenditure on the care system in England and Wales by over £100 million a year. It is therefore perhaps unsurprising that the research showed that the popularity of kinship care with local authority managers may be due to the clear financial benefit.

Practical issues relating to successful kinship care implementation

In the considerations in proposing a model policy document that responds to the findings from this research, I did consider kinship care arrangements could be properly defined, regulated, supported and endorsed. National evidence cited in this study (Broad and Skinner (2005); Hunt (2003); Farmer and Moyers (2008)) show the importance of considering kinship options for children, but it is necessary for this to be translated into local authority policies to help inform the practice of social workers and their managers. I consider from this research there is a good appetite to progress kinship care but concerns lay more in levels of understanding of local authority practitioners and managers than of the level of commitment to the concept of kinship care. In attempting to give kinship care a better focus within the social work profession, it would appear from this research that one would be

pushing an open door, but to get local authorities to consider the importance of this agenda and accepting the need for a specialist team to deliver clear support, at a time when Children's Services are facing child protection priorities, alongside constricting budgets, will be a significant challenge. At the time of this study the Government was yet to fully deliver clear guidance nationally as to the definition and expectations they would have of kinship care arrangements and in this void it is likely that local authorities would continue to formulate their own policies, but as this research shows this creates different models, approaches, definitions and support levels for kinship carers and the children for whom they have taken, or not, a level of responsibility.

On 12 May 2009 a meeting took place in the South East of 18 local authorities to consider some of the issues surrounding kinship care. A policy manager from the Children in Care Division, a member of the Families Strategy and a member for Fostering and Children's Homes, all from the Department of Children, Schools and Families, were also present. This meeting gave the opportunity to consider the issues kinship raise which aligned with the matters outlined in this research. It was stated that the Government are committed to producing statutory guidance to address some of the issues raised with the DCSF about kinship care and preparation was being made for this guidance. It was acknowledged that at present many different approaches are made and the local authorities present, who included two out of the three involved in this research, outlined their concerns. These included:

- Huge variation in the use of family and friends placements beyond what you would expect to see as a profile. Blanket policies inhibit the use of kinship care but there is considerable variation in how kinship care is used and managed
- Lack of transparency of entitlements – whose responsibility?
- Is the foster care approval process appropriate?

- Better use of Family Group Conferences – to consider kinship care at an earlier stage
- Family and friends placements – the Children and Young Person's Act 2008 removed the barrier to give relatives parity with foster carers (so the child needs to have lived with them for 1 year not 3)
- Benefits and tax arrangements – DWP and HMRC have to be involved
- Children's Trust Boards – commissioning of services (e.g. housing issues)
- A want to achieve a clear and explicit framework that local authorities are required to share information with different agencies and professionals
- Guidance to cover children including those who are not looked after

Since September 2009, however, and at 2013 at the point of concluding this research, significant events have impacted upon the operation of children's services. Some of the most significant events have been repercussions from the death of Baby Peter (2007) and the subsequent national review of safeguarding, the economic recession and subsequent reduction in resources, and a change from a Labour Government to a coalition between the Conservatives and Liberal Democrats. Over this time there has been a reprioritising for many local authority services and in some areas a change in policy direction that are likely to impact on many families and the kinship agenda. However, at the time of writing, the full impact of this change is yet to be seen.

Implications for further research

The challenges faced in formulating this research were considered at the point of drawing together the research findings and on reflection of its process and approach. The nature of writing and researching a subject which is in the midst of national statutory changes, local authorities needing to respond to dwindling resources and more contemporary research on the subject of kinship care becoming available, was increasingly challenging. However, despite these changing conditions it is encouraging to note the heightening profile of this agenda

and the opportunity, even at point of conclusion and reflection, to contribute to the continuing debate. The strength of the research, despite its construction spanning significant changes in the agenda, is considered to retain a relevance and can contribute to the path local authorities find themselves on in considering operational practices and policies that can be evidence based and strive for best outcomes in a cost effective way.

Furthermore, some of the recent developments in childcare planning have also needed to be considered. With a change from a Labour Administration to a Conservative/Liberal Democratic Coalition Government in 2010, recent policy is influencing kinship practice, particularly in regard to how the Public Law Outline (2007) the Welfare Reform Bill (February 2011) and the Munro Review (2011) have a bearing on policy formulation in kinship care. For the sake of clarity, these matters are discussed here, despite them not being in place during the time this research took place.

Public Law Outline (PLO)

The Public Law Outline showed a determination to improve the conduct of care proceedings, to reduce unnecessary and inappropriate delay for children, and to provide clearer and more easily accessible information for parents before and during proceedings. This approach was largely welcomed but it was recognised that however sound the framework there are other factors that also have significant influence in proceedings that the PLO does not address, e.g. judicial continuity, experienced social work professionals in local authorities and CAFCASS and good levels of communication between parties. The PLO considered a need for a forty week timetable for care proceedings and outlined guidance on how proceedings should be commenced, including the completion of a pre-proceedings checklist and the necessity for an Advocates meeting. There were certain presumptions made within the PLO, for example, delay being *automatically* damaging, despite a concern in some proceedings that families are not given sufficient time to evidence

a change in their ability to parent, or allowing sufficient time for the assessment of a proposed permanent carer, particularly if this needs to be pursued within family and kinship networks. The development of the PLO is particularly relevant to kinship care practices. It is clear as to its emphasis in exploring kinship options as an early part of the formal process in children and families social work, with an expectation that family care options are exhausted prior to seeking care for a child outside of family and friends networks.

Welfare Reform Bill (2011)

The provisions made in the Welfare Reform Bill raises concern for the status of family and friend's carers due to the Governments stated intention that there should be a higher threshold upon those seeking benefits. This could potentially penalise kinship carers as their circumstances are not uniquely recognised, with the result for some that they could be invisible as a group to the Department for Work and Pensions and Job Centre Plus when trying to seek additional support. There are a number of clauses within the Bill which restrict benefit entitlement and in the recognition that family and friend carers are frequently less prosperous and more prevalent to ill health or a disability, there is a potential that kinship carers are vulnerable to unintended consequences as a result of provisions in the Bill.

Munro Review (2011)

The final report of the Munro Review was in response to the death of Peter Connolly (Baby P) and highlighted many of the system changes within Children's Services that are considered to be needed to release social workers from unnecessary bureaucratic constraints and focus on children and their families rather than meeting targets or being constrained by systems and processes. This Review has been largely welcomed by professionals and highlights the importance of professional decision making, ensuring the child and family at the centre. However, there are challenges where the families taking the lead in making

decisions about their children and where the State's role in protecting children might potentially clash.

Conclusion – final reflections

In many areas of policy development, as has been noted throughout this research, the practice of childcare planning and family/kinship involvement in such planning will continue to develop and change and be influenced by on-going political and social thinking. However, a consistent finding from this research is that if an authoritative position on kinship is adopted nationwide it can only be of benefit to practitioners, researchers, policy makers and lead to positive outcomes for children and their families.

There were a number of decisions that confronted me when I came to make an analysis of the three local authorities' policies. I was aware of the different systematic nature of the policy, the different values, drivers and context that had forged each policy, as well as being careful not to make assumptions about the terms and approaches present in each policy.

The challenges faced in the process of the research did, I consider, lie in the use of semi-structured interviews, the process of policy analysis and the subsequent attempts at drawing comparative data that was able to give integrity to any proposed model policy.

The semi structured interview is a managed verbal exchange (Ritchie and Lewis, 2003; Gilham, 2000) and as such its effectiveness heavily depends on the communication skills of the interviewer (Clough and Nutbrown, 2007). I therefore throughout the process recognised the importance of my position in the exchange, and spent a significant amount of time on reading the transcripts in reflecting if I could be confident my interviewing style was consistent throughout. I did feel confident in this but also recognised how dependent I was on the interviewee to

talk. I considered that my time spent on the scoping interviews and formulation of the questions encouraged this approach balancing the opportunity for interviewees to develop their answers whilst placing boundaries to ensure a focus of response that could give comparative information. However, on reflection many of my questions would have to be responded to in a very limited way, giving little depth or contribution to the research. Thankfully however, the respondents largely appeared to give relatively open and full responses because they were generally interested in the subject in hand, but with this knowledge I needed to ensure I didn't extrapolate their responses to be fully reflective of other colleagues, whilst acknowledging that there was no reason to believe that they weren't indicative of the wider views. I was therefore committed to ensure the process reflected the interviewees 'voice' and a consistent approach was made in drawing relevance from their responses to minimise my interpretation of their answers, prior to being able to draw together a coherent policy document responsive to the findings in this research.

CHAPTER 5: The Way Forward

A key finding from this study is that the level of involvement from a local authority in a kinship arrangement is the pivotal issue upon which kinship policies are largely challenged. If the local authority has been instrumental in the decision that a child should live elsewhere than with his birth parents, even for a temporary period, then there is a duty on the local authority to help formulate this arrangement and take some level of responsibility towards it. This is the case even if that child was not considered to be at the level of requiring accommodation through either section 20 (Children Act 1989) voluntary accommodation or of the process of a section 47 (CA 89) child protection investigation. Further, if a social worker discusses with a family as part of a section 17 (CA 89) assessment or through a Common Assessment Framework (CAF) that arrangements such as respite or private arrangements could assist the family in their current circumstances, then it should not be incumbent upon the local authority to support this within kinship arrangements if this recommendation is accepted. If a private fostering arrangement is undertaken subsequent to these discussions then evidently the local authority would have a duty to assess, endorse and if necessary support under section 17 (CA 89), but not under kinship arrangements.

The responsibility of the local authority is frequently evidenced in these circumstances and it should be clear as to what provision or arrangement is made and the level of support and status of the arrangement. If a local authority was to coerce a family to make arrangements for a child to live elsewhere, or would have sought to remove the child should other accommodation arrangements not have been made, then the subsequent placement cannot be considered to have been undertaken voluntarily and as a private fostering arrangement. If a child were placed with extended family or friends with local authority involvement then this would need to be arranged under the heading of a kinship arrangement. The next step is then to consider whether the child should be looked after, that the planned placement is safe and a level of checks has taken place prior to a six week viability

assessment. In this way all involved are clear as to the nature and status of the arrangements, the level of support that should be expected and the processes that will need to be followed. If the placing social worker is unclear on any of these issues then it would be necessary for them to seek immediate clarity from a specialist team.

The first steps in a child's placement away from their parents is key to that child's sense of stability, understanding of their situation and circumstances, and in many ways are as important to their sense of emotional security (Hunt and Macleod, 1999; Gleeson, 1996). It cannot be acceptable for a local authority to be involved in brokering an arrangement for a child and not take a responsibility towards that arrangement, even if they are not ultimately responsible for the arrangement. However, the potential moral hazards of local authorities attempting to 'hold back' from becoming involved in brokering arrangements for fear of being drawn into committing resources is evident within this research. Therefore the position that is taken from this research is to strive for the best practice that is consistent with resource constraints and consider the brokering by local authorities of family and friends care ultimately as an invest to save approach.

Key principles of kinship care

On concluding this research and in the analysis of the findings, I did consider key messages were able to be drawn to frame kinship care policy and practice. In order to propose a model policy from this study I first sought to uncover the principles of kinship care policy and practice behind the interview responses, document analysis, legal position and key research messages.

I concluded this enabled me to propose 23 key principles of kinship care policy and practice. These principles are shown in Table 10 with the primary research source that informed that principle.

Table 10. Principles of kinship care policy and practice

Principles of kinship care policy and practice
The welfare of the child is paramount. Their rights, wishes, needs and safety are central to decision making (CA89).
Children need to have safe, secure and permanent care with primary carers and the opportunity to maintain meaningful links with their extended family and community; ensuring this should be central to the planning for all children (Research Messages).
Children and young people have the right to have this care provided by their parents wherever possible (CA89).
Every reasonable and practicable support will be given to enable a child assessed as being a child in need to live with their birth parents, as required under section 17 of the Children Act 1989, unless and until it is clear that this is not safe to do so. The family network should be involved in planning with professionals the support to be offered to the parents to enable them to care safely and well for their children – this can be done through a Family Group Conference (CA89).
Family Group Conferences should be offered and expected to take place for kinship placements to be clear in regard to the levels of support and expectations (Research Messages).
Each local authority should ensure a specialist team that is able to undertake a consistent position on kinship arrangements within their area and ensure consistent practice (Interview Data).

Where it is not safe for a child in need to live with their birth parents or other adults with parental responsibility, even with support, every reasonable and practicable effort must be made to enable him/her to live within their wider network of family or friends (Public Law Outline – New Approach to Care Proceedings 2008 and the Children Act 1989 Guidance Volume 1 (revised 2008)).
Ensure that allowances paid to family and friends, who care for children under section 17 CA89, or under a special guardianship or residence order, as an alternative to children being looked after by the local authority, are brought in line with the fostering allowances paid to family and friends who are foster carers. This will be subject to a means test and to deductions equivalent to the value of state benefit entitlements to which the carers are entitled (Document Analysis).
In the first instance parents, family members and close family friends should be asked to suggest people in the child's wider network who could care for him/her. Ideally this should be done through the use of a family group conference to enable the involvement of the widest possible network to share together in the decision making and planning about their child (Research Messages).
Where the parents and family are able to agree their own arrangements to provide an alternative primary carer for a child in need, the carers can be supported to do so, as made possible under section 17 CA89. This family agreement needs to be a clear and agreed plan involving at a minimum the parent and the carers; for example the needs of the child will be assessed and the support to enable them to care for the child can be provided through social work support, access to universal support services/specialist support services and financial assessment for a means tested allowance (CA89).

Such family or friends may then be supported in making their own application for a legal order to achieve permanence for the child, e.g. through a residence order or a special guardianship order. (Document Analysis).
Where an arrangement of alternative care with friends or more distant relatives are made, private fostering regulations will be applied (Private Fostering Regulations).
Where the parent will not take part in planning for, or agree to, family arrangements and it is not safe for the child to live with their parent, then care proceedings will be initiated in order to gain a legal framework that allows family and friends care (CA89).
Only when appropriate family and friends care has been sought and is not available or safe, will stranger foster care be used for children. If stranger foster care is used then the possibility of a subsequent move to family/friends care must be actively pursued before plans for a child to live permanently away from their family and friends network are confirmed. It is recognised that planning for both possibilities may need to take place in parallel to prevent delay in achieving permanent care for a child, however family/friends care should be the preferred alternative where it is safe to do so (Interviews/Document Analysis).
If a child can at a later stage return to parental care this will be supported. If a return is not in the child's interests then permanent legal underpinning for family arrangements for family/friends care will be encouraged and supported by the ongoing provision of support services, financial support for carers to gain appropriate levels of parental responsibility and assessment for a continuing means tested allowance at fostering maintenance level (Document Analysis).

Where family and friends carers have become foster carers to look after a child then this ongoing support will also be offered to them if they seek to gain parental responsibility for the child through an application for special guardianship order (Document Analysis).
Assessments of the suitability of family and friends carers, whether within family arrangements or as foster carers, will take fully into account the strengths of such care as identified in research. The support offered will be informed by what research considers as the particular stresses on and needs of family and friends carers (Research/Document Analysis).
This policy supports the 'Least Order' principle of the Children Act 1989. The local authority will always follow the 'Least Order' principle for the child not to become a looked after child. Reasons must be clearly demonstrated why the child needs an Order and why legal proceedings are essential to safeguard the welfare of the child (CA89).
If the child becomes a looked after child as a result of initiating care proceedings, the child can be placed with family and friends as kinship foster carers and subsequently as approved foster carers for that particular child (Fostering Service Regulations 2002, Regulation 38).
Where family and friends have become approved kinship foster carers to a looked after child, and the child care plan is permanence for the child with his/her kinship foster carers, the aim should always be to secure permanence through the seeking of a special guardianship order or a residence order (Document Analysis/Interview Data).
If the child has to become looked after to safeguard his/her well being it is the

responsibility of the child's social worker to ensure that this placement is safe by carrying out an interim assessment before the child is subject to proceedings and becomes looked after, but within 6 weeks of the child becoming looked after (Fostering Service Regulations 2002, Regulation 38).
The interim assessment report must be submitted to the Fostering Panel for a recommendation for interim approval or not (Document Analysis).
If the child care plan is to seek permanence through a special guardianship or residence order with the kinship foster carers the child's social worker will need to complete the appropriate assessments. Only if kinship foster care continues to be the care plan with the child remaining a looked after child in the medium or long tem then a full BAAF F2 assessment needs to be completed and presented with a recommendation to the Fostering Panel (short or medium term) or to the Adoption and Permanence Panel (if the child is to remain permanently placed until 18) (Document Analysis).
Once the kinship foster carers have been approved by the agency decision maker as local authority foster carers, the kinship foster carers will be supported, supervised and reviewed as foster carers. Permanence through special guardianship order or residence order should always be discussed with kinship foster carers as part of reviewing the child care plan (Fostering Service Regulations 2002, Regulation 38).
This support will be offered from the Specialist Team and be available to carers in kinship arrangements whether or not a special guardianship order or residence order has been secured (Interview Data).

Updated legal and statutory guidance

A key document on approaches in kinship placement: Family and Friends Care: Statutory Guidance of Local Authorities was published in March 2011. It sets out a framework for the provision of support to family and friends carers and considers the responsibilities of Children's Services towards meeting the needs of children living with family and friends carers. The guidance helpfully considers some of the tensions highlighted in this study and places itself in conjunction with the following statutory guidance:

- Replacement Children's Act 1989 Guidance on Private Fostering, DfES 2005
- Special Guardianship Guidance, DfES 2005
- Adoption Guidance: Adoption and Children Act 2002, (revised Feb 2011) DfE 2011
- Statutory guidance on Fostering Services, DfE, 2011

Further, the legal framework that local authority kinship policies would be expected to be compliant with, are:

- Children Act 1989
- Fostering Services Regulations 2002 and Fostering Regulations 2009
- Adoption and Children Act 2002
- Family Proceedings Rules 2005
- Children Act 2004, Sections 44-47
- Special Guardianship Regulations 2005
- The Children (Private Arrangements for Fostering) Regulations 2005
- Public Law Outline – New Guidance Care Proceedings 2008
- Children Act 1989 – Guidance Volume 1, Revised 2008
- Children and Young Persons Act 2008

As in the drafting of many policies, the need to cover professional practice can leave them open to interpretation and professional discretion, but legal compliance remains crucial. However, as was found within this research, although all the studied authorities contained a kinship care policy its legal compliance was not widely understood, was infrequently consulted even by enquiring professionals and was found wanting if that authority became subject to a Judicial Review.

Assessment in kinship

Assessments of kinship foster carers have been found to contain the added complexity of the family and friendship dynamics and the fact that the carers may have conflicting loyalties to the child and the birth parents. These added complexities further underline the need for good and effective communication between the social worker involved to assess the carers and the social worker for the child to ensure the needs of the child are at the forefront of the decision making. As has been seen from this research, a negative bias can be given by some social workers to birth parents and members of family and friends networks (Farmer and Moyers, 2008) which will be important to redress if kinship placements are to be given due consideration.

Undertaking the right assessment process in these circumstances should ensure that children are not being placed in arrangements where there have been inappropriate levels of safeguarding checks. As is evident from research (Talbot and Calder, 2006) there is a level of concern of putting kinship carers through such a thorough assessment process and expecting them to attend panel, but due to the task that they are taking on, in raising a child who is not their own, it is necessary for them to understand the importance and responsibility of such a task. However, the at times inflexible approach made by panels and the standards set to endorse a carer, does give challenge. It is understandable that panels need to consider the minimum fostering standards, but this needs to be considered alongside the specific circumstances and best interests of the particular child for whom the

kinship carers are proposing to care. It may be necessary for panel members to undertake further training in this area and recognise the different models of families and arrangements that can be made whilst still being in the best interests for a child with the best opportunity to achieve a good outcome. Unless a level of difference is recognised when assessing kinship carers, from those applying to be local authority stranger foster carers, then it is likely that in many cases the best option for a child will not be able to be progressed. As outlined in the key messages from the research which formed part of this study, the circumstances, financial status, health, age and motivation of kinship carers are frequently different from those seeking to become local authority foster carers (Farmer and Moyers, 2008). Equally the difference in role of a local authority foster carer being expected to be able to offer a service to a range of children, often with little pre-history, or knowledge, is significantly different from a specific carer, putting themselves forward to care for a child known to them, with frequently a strong pre-existent attachment. However, should a kinship arrangement in such circumstances be presented to a panel or not, it is important that kinship carers are able to have similar access to training and support as other foster carers, as well as having access to a specialist kinship team if needed. It is important kinship carers receive the fostering maintenance allowance based on the weekly cost of bringing up a child as recommended by the Fostering Network, and be reviewed annually; including reviewing the implementation of any requirements placed on the kinship foster carers at the time of their approval. It is only in this way compliance to the principles, law and wider key messages surrounding kinship can be assured.

Reflections

The proposal of a model policy has been in response to the differences found in local authority kinship policies within this research. It would, however, only be a part response to propose a policy without commenting on the importance of once a policy is adopted, how it is resourced, operationalised, understood and practised, is what is ultimately of importance. It is with this in mind, and the limited

understanding evidenced in this research from some of the interviewees, that the training of practitioners and the expectations of managers involved in the placing of children, should be as knowledgeable about kinship policy and procedures as the other childcare legislation and policies. In this way, progress may be able to be achieved in bridging the gap between kinship policy, practitioner and manager knowledge, and in turn, practice itself.

The social work professionals questioned within this research appeared clear that kinship services and approaches should not be related purely to legal status but according to the needs of the child. In the scoping meeting a view was given that many who are considering kinship are starting from the wrong place, i.e. we should start with recognising that the child who goes into kinship care frequently has similar needs as a looked after child, but this does not necessarily mean monitoring and support arrangements should be less. From this position, we should be appropriately assessing and supporting children in need in kinship placements in a similarly robust way. Perhaps only in this way can families and children be given the support they need. It is acknowledged that through the amendment of section 17 CA89 to take out the fact that payments can only be made under 'exceptional circumstances' makes it possible to give families more support but there continues still too much of a distance between clear obligation and where kinship arrangements are open to interpretation.

Final summary

A key finding from this research is that whatever changes are made at a government level, and whatever local guidance is issued around kinship care, the importance of how this is then enshrined into local authority policies and then manifested in social work practice, is likely to be an area of challenge for a significant time to come. Kinship approaches in their various forms have been with us for a good period of time, but the identified formulation of 'kinship' as a social work construct is still relatively new. Many would argue that it is still untested as to

its success, as until longitudinal studies are able evidence for whom kinship is able to best benefit, at what age, in what circumstances and with what definitions, will we truly be able to give a clear endorsement to this approach. However, a significant part of the solution is in our hands; only through the adoption of kinship care as a banner over arrangements that are properly assessed and supported with clear and transparent expectations, will this focus of care be able to be progressed robustly and give children opportunities, that without this approach, may not be open to them.

Bibliography

- **Aldgate, J. (1980) *The Educational Progress of Children In and Out of Care*. Clarendon Press.**
- **Aldgate, J. and McinTosh, M. (2006) *Looking After the Family: A study of children looked after in kinship care in Scotland*. Edinburgh: Social Work Inspection Agency.**
- **Almond, G.A., Powell, G., Bingham/Mundt, R.J. (1993) *Comparative Politics. A Theoretical Framework.* Longman.**
- **Altshuler, S. J. (1999) *Children in kinship foster care speak out: "we think we're doing fine"*. Child and Adolescent Social Work Journal, 16: pp. 215-235.**
- **Banister, P., Burman, E., Parker, I., Taylor, M. and Tindall, C. (1994) *Qualitative Methods in Psychology*. A Research Guide. Open University Press**
- **Beecher, R., Cash, M. and Graham, A. (2000) *Do children have a voice in Family Group Conferences?* Sheffield: University of Sheffield.**
- **Benedict, M.I, Zuravin, S. and Stallings, R. (1996) *Adult Functioning of Children who lived in Kin versus Non-relative Family Foster Homes*. Child Welfare: Journal of policy, practice and program, vol 75 p. 529 – 549.**
- **Berrick, J., Barth, R. and Needell, B. (1994) *A Comparison of Kinship Foster Homes and Foster Family Homes: Implications for Kinship Foster Care as Family Preservation*. Children and Youth Services Review, 16 (1) p 33-63.**
- **Berridge, D. (1987) *Foster Care: A Research Review*. London: The Stationery Office.**
- **Bowlby, J. (1969 & 1982) *Attachment and Loss: Attachment*. Volume 1. New York: Basic Books.**
- **Boyatzis, R. (1998) *Transforming Qualitative Information: Thematic Analysis and Code Development*. Sage.**
- **Brannen, J. (2005) *Mixing Methods: the entry of qualitative and quantitative approaches into the research process*. International Journal of Social Research Methodology, 8(3), p. 173-184.**

- **Braun, V. and Clarke, V. (2006) *Using thematic analysis in psychology*. Qualitative Research in Psychology, vol. 3, p. 77-101.**

- **Brewster, C.J., Gill, C.G. and Richbell, S. (1983) Industrial relations policy; a framework for analysis. Industrial Relations and Management Strategy. Cambridge University Press, Cambridge. p.67-72.**

- **Broad, B. (1998) *Young People Leaving Care: Life after the Children Act 1989*. London: Jessica Kingsley Publishers.**

- **Broad, B. (2001) *Kinship care: The Placement Choice for Children and Young People*. London: Russell House Publishing.**

- **Broad, B., Hayes, R. and Rushforth, C. (2001) *Kith and Kin: Kinship care for Vulnerable Young People.* London: Joseph Rowntree Foundation and National Children's Bureau.**

- **Broad, B. (2004) *Kinship care for children in the UK: Messages from Research, lessons for policy and practice*. European Journal of Social Work, 7 (2) p.211-227.**

- **Broad, B. and Skinner, A. (2005) *Relative Benefits Placing Children in Kinship Care.* London: BAAF.**

- **Broad, B. (2008) *Looked After Children - Kinship Care*. Community Care Inform.**

- **Bullock, R., Little, M. and Millham, S. (1993) *Going Home: The Return of Children Separated from their Families*. Dartmouth: Aldershot.**

- **Buzan, T. (2000) *Use Your Head: Innovative learning and thinking techniques to fulfil your mental potential*. Ashford Colour Press.**

- **Cairns, R. and Cairns, B. (1994) *Lifelines and Risks: Pathways of Youth in Our Time*. Cambridge University Press.**

- **Campbell Collaboration (2009) *Kinship Care for the Safety, Permanency, and Well-being of Children Removed from the Home for Maltreatment.* http://www.campbellcollaboration.org**

- **Carter, B.E. and McGoldrick, M.E. (1988) *The Changing Family Lifecycle: A Framework for Family Therapy*. Gardner Press.**

- **Clarkson, J. and Frank, J. (2000) *The Voice of the Child* in C. Lupton (ed) Moving Forward on Family Group Conferences in Hampshire: Development in Research and Practice. Portsmouth: University of Portsmouth, pp. 77-88.**

- **Clough, P. and Nutbrown, C. (2007) *A Student's Guide to Methodology – Justifying Enquiry*. Sage Publications.**
- **Cresswell, J. (1998) *Qualitative Inquiry and Research Design: Choosing among five traditions*. Thousand Oaks, CA, Sage, p.15.**
- **Cresswell, J. (2003) *Research Design*. Second Edition. Sage Publications**
- **Denzin, N.K. and Lincoln, Y.S. (2000) *Handbook of Qualitative Research*. Second Edition. Sage Publications**
- **Department for Children, Schools and Families (2008). *Public Law Outline – New Approach to Care Proceedings 2008 and the Children Act 1989 Guidance* volume 1. HMSO.**
- **Department for Children, Schools and Families (2010) *Planning, Placement and Review: A report of a children's consultation of the DCSF by the Children's Rights Director for England.***
- **Department for Children, Schools and Families (2010). *Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children 2010.* HMSO.**
- **Department for Education and Skills (2001) *Quality Protects* (Bulletin One).**
- **Department for Education and Skills (2002) *Choice Protects***
- **Department for Education and Skills (2006). *Review of the Child Care Proceedings System in England and Wales*. HMSO.**
- **Department of Health (1986) - *Children & Young Persons (Amendment) Act* 1986 (commencement No.1) Order 1988. HMSO.**
- **Department of Health (1989) *Introduction to the Children Act* 1989. HMSO.**
- **Department of Health (1991) *The Children Act 1989 Guidance and Regulations.* Volume 3. Family Placements. HMSO.**
- **Department of Health (1991) *Patterns and Outcomes on Child Placement*. HMSO.**
- **Department of Health (2000) *Care Standards Act 2000*. HMSO**
- **Department of Health (2000) *Framework for the assessment of children in need and their families*. HMSO.**

- **Department of Health (2004) *Children Act 2004*. HMSO**
- **Department of Health (2005) *The Children (Private arrangements for Fostering) Regulations (2005).* HMSO.**
- **Department of Health (2005) *Every Child Matters. Legal Arrangements for Family and Friends Carers.***
- **Department of Health (2007) *Care Matters: Time for Change*. HMSO.**
- **Department of Health (2008) *Children and Young Peoples Act 2008*. HMSO**
- **Department of Health (2011). *Family and Friends Care: Statutory Guidance for Local Authorities.* HMSO.**
- **Department of Health (2011) *The Munro Review of Child Protection: Final Report - A child-centred system*. HMSO.**
- **Department for Works and Pensions (2011) *Welfare Reform Bill*. HMSO.**
- **Dillman, D.A. (2007) *Mail and Internet Surveys: The tailored design methods.* New York: Wiley.**
- **Dogan, M. and Pelassy, D. (1990) *How to Compare Nations: Strategies in Comparative Politics.* Second Edition. Chatham NJ. Chatham House.**
- **Doolan, M., Nixon, P. and Lawrence, P. (2004) Growing up in the Care of Relatives or Friends Care. London: Family Rights Group.**
- **Dubowitz, H., Zuravin, S., Starr, R., Feigelman, S., Harrington, D. and Sawyer, R.E. (1994). *Children in Kinship Care: How do they fare?* Children and Youth Services Review, 16: p. 85-106.**
- **Ebbinghaus, B. (2005) *Can Path Dependence Explain Institutional Change? Two Approaches Applied to Welfare State Reform*. Cologne: Max Plank Institute for the Study of Societies.**
- **Eraut, M. (2000) *Non-formal learning, implicit learning and tacit knowledge*. In F. Coffield (Ed) The Necessity of Informal Learning. Policy Press: Bristol.**
- **Family Rights Group (2010) *Family and Friends Care: A Guide to Good Practice for Local Authorities in England*. FRG.**

- **Farmer, E. and Owen, M. (1995) *Child placement practice: private risks and public remedies*. London: HMSO.**
- **Farmer, E., Moyers, S. and Lipscombe, J.C. (2004) *Fostering Adolescents*. London: Jessica Kingsley.**
- **Farmer, E. and Moyers, S. (2005) *Children Placed with Family and Friends: Placement Patterns and Outcomes*. Report to the Department and Skills School of Policy, University of Bristol.**
- **Farmer, E. and Moyers, S. (2008) *Kinship care: Fostering effective family and friends placements.* London: Jessica Kingsley Publishers.**
- **Fletcher-Campbell, F. (1997) *The Education of Children Who Are Looked-After*. Slough: NfER.**
- **Flynn, R. (1998) *Family and Friends as Foster Carers: The forgotten face of foster care.* Unpublished paper prepared for the UK Joint Working Party on Foster care.**
- **Foucault, M. and Sheridan, A. (1991). *Discipline and Punish: The Birth of the Prison.* Penguin Social Sciences.**
- **Foucault, M. (1977). *Nietzsche, genealogy, history.* In P. Rabinow (ed) *Essential Works of Foucault 1954-1984. Aesthetics, Method & Epistemology*. London: Penguin.**
- **Galloway, H. & Wallace, F. (2002) *Managing Contact Arrangement in Black Kinship Care*. In Argent, H (ed) op cit pp. 58-64.**
- **Gilham, B. (2000) *Case Study Research Methods Continuum*. Bloomsbury Academic.**
- **Gleeson, J. (1993) *Kinship care: The Bridge Between Diverse Families and the Child Welfare System*. Paper presented at the 39th Annual Programme Meeting of the Council on Social Work Education.**
- **Gleeson, J. (1996) *Kinship Care as a Child Welfare Service: The policy Debate in an Era of Welfare Reform*. *Child Welfare* 75: pp.419-449.**
- **Greeff, R. (ed) (1999) *Fostering Kinship: An International Perspective on Kinship Foster Care.* Aldershot: Ashgate.**
- **Hicks, S. (2006) *Genealogy's Desire; Practices of Kinship Amongst Lesbian and Gay Foster Carers and Adopters*. British Journal of Social Work 36 (5) p.761-776.**

- **Holland, S. and O'Neill, S. (2006) *'We had to be there to make sure it was what we wanted'. Enabling children's participation in family decision-making through the family group conference*. Childhood, 13 (1), p.91-111.**

- **Holtan, A. (2008) *Family types and social integration in kinship foster care.* Children and Youth Services Review, 30 (9), 1022-1036.**

- **Hunt, J. and Macleod, A. (1999) *The Best Laid Plans: Outcomes of Judicial Decisions in Child Protection cases*. London: HMSO.**

- **Hunt, J. (2001) *Kinship care, child protection and the courts. Kinship Care: the placement choice for children and young people.* Russell House Publishing.**

- **Hunt, J. (2003a) *Family and Friends Carers: scoping paper prepared for the Department of Health*. London: HMSO.**

- **Hunt, J. (2003b) *Researching Contact*. London: National Council for One Parent Families.**

- **Hunt, J., Waterhouse, S. and Lutman, E. (2008) *Keeping them in the family: outcomes for children placed in kinship care through care proceedings*. London: BAAF.**

- **Ince, L. (2001) *Promoting Kinship Foster Care: Preserving Family Networks for Black Children of African Origins*. In Broad, B. (ed) *Kinship Care: The placement choice for children and young people*. Dorset: Russell House Publishing.**

- **Iwaniec, D. (2006) *The Child's Journey Through Care: Placement Stability, Care Planning and Achieving Permanency*. Wiley.**

- **Jackson, S. and Morris, K. (1999) *Family Group Conferences: User empowerment or family self-reliance?* A development from Lupton. In British Journal of Social Work, Volume 29 (4) p.621-630.**

- **Jackson, S. and Sachdev, D. (2001) *Better education, better future*. Ilford: Barnardos.**

- **Jackson, Dr T. (2009) *The Email Optimisation Toolkit.* Ark Group. p.140.**

- **Johnson, R.B. and Christensen, I.B. (2004) *Educational Research in Quantitative, Qualitative and Mixed Approaches*. Boston, MA: Allyn and Bacon.**

- **Johnson, R.B., Onwuegbuzie, A.J. and Turner, L.A. (2007) *Toward a Definition of Mixed Methods Research.* Journal of Mixed Methods Research, 1 (2), p112-133.**

- **Joseph Rowntree Foundation, (2001). *Kinship care for Vulnerable Young People*. www.jrf.org.uk**

- **Judge, N., Mutter, R. and Marks, D. (2000) *Family Group Conference – Care and Protection. Ongoing Evaluations of Outcomes*. Chelmsford: Essex County Council.**

- **Keman, H. (1997) *The politics of problem-solving in postwar democracies.* St Martins Press: New York.**

- **Kraemer, S. (1999) *Promoting resilience: Changing concepts of parenting and child care*. International Journal of Child and Family Welfare 3: p.237-287.**

- **Kvale, S. (1995) *The social construction of validity. Qualitative inquiry*, 1 (1), p.19-40. Sage Publications.**

- **Lane, J. E. and Ersson, S.O. (1994) *Comparative politics: an introduction and new approach*. Cambridge: Polity Press.**

- **Lupton, C., Barnard, S., and Swall-Yarrington, M. (1995) *Family Planning? An evaluation of the Family Group Conference Model*. Portsmouth: University of Portsmouth.**

- **Lupton, C. and Stevens, M. (1997) *Family Outcomes: Following through on Family Group Conferences.* Portsmouth: University of Portsmouth.**

- **Macridis, R.C. and Burg, S.L. (1991) *Introduction to comparative politics.* Harper Collins.**

- **Mahoney, J. and Goertz, G. (2004) *The Possibility Principle: Choosing negative cases in comparative research*. American Political Science Review.**

- **Marsh, P., and Crow, G. (1998) *Family Group Conferences in Child Welfare*. Oxford: Blackwells.**

- **Mason, J. (2002) *Qualitative Researching*. London: Sage Publications (Second Edition). p.167 original emphasis**

- **Masson, J. and Lindley, B. (2006*) 'Recognising carers for what they do – legal problems and solutions for the kinship care of children'*, in Ebtehaj,**

F., Lindley, B. and Richards, M. (eds) *Kinship Matters*. Oxford: Hart Publishing.

- **Maxcy, S.J. (2003) *Pragmatic threads in mixed methods research in the social sciences: The search for multiple modes of inquiry and the end of the philosophy of formalism*. In Tashakkori, A. and Teddlie, C. (eds) *Handbook of mixed methods in social and behavioural research*. Sage Publication, London. p.51-89.**

- **Mercer, J. (2007) *The challenges of insider research in educational institutions: wielding a double-edged sward and resolving delicate dilemmas.* Oxford Review of Education, 33 (1), p.1-17.**

- **Merkel-Holguin, L., Nixon, P. and Burford, G. (2003) *Learning with Families: A synopsis of FGDM Research and Evaluation in Child Welfare. In Protecting Children*. vol. 11, pp. 2-11. Colorado, American Humane Association.**

- **Miles, M.B. and Huberman, A.M. (1994) *Qualitative data analysis: An expanded sourcebook.* Sage Publications.**

- **Millham, S., Bullock, R., Hoise, K. and Haak, M. (1986) *Lost in Care: The problems of maintaining links between children in their care and families.* Aldershot: Gower.**

- **Morgan, A. (2003) *Survey of Local Authorities in England, Policy and Practice in Family and Friends Care*. London Family Rights Group. p. 33-63.**

- **Morgan, D.L. (2007) Paradigms lost and paradigms regained. Journal of Mixed Methods Research 1 (1), p.48-76.**

- **O'Brien, V. (1999) *'Evolving networks of relative care: some findings from an Irish study'.* Fostering Kinship. p. 113-133.**

- **Patton, M.Q. (1990) *Qualitative Evaluation and Research Methods*. Second Edition. Newbury Park, CA: Sage Publications.**

- **Patton, M.Q. (2002) *Qualitative Research and Evaluation Methods*. Third Edition. Sage Publications: Thousand Oaks.**

- **Peters, J. (2005) *True ambivalence: Child welfare workers thoughts, feelings and beliefs about kinship foster care*. Children and Youth Services Review 27, p.595-614.**

- **Portengen, R. and van der Neut, B. (1999) *Assessing family strengths: a family system approach.* In Greeff, R. (ed) *Fostering Kinship. An international perspective on kinship foster care.* Aldershot: Ashgate.**

- **Priestly, N. (2007) Senior Partner, Ridley and Hall Solicitors. www.ridleyandhall.co.uk**

- **Prigmore, C.S. and Atherton, C.R. (1986) *Social Welfare Policy: Analysis and Formulation*. Second Edition. DC Health, Lexington.**

- **Reber, A.S. (1993) *Implicit Learning and Tacit Knowledge: An essay on the cognitive unconscious*. London: Oxford University Press**

- **Richards, A. and Tapsfield, R. (2003) *Funding Family and Friends Care: The Way Forward.* London: Family Rights Group.**

- **Ritchie, J. and Lewis, J (2003) *Qualitative Research Practice: A Guide for Social Science Students and Researchers*. Sage Publications Limited.**

- **Robson, C. (2000) *Real World Research: a resource for social scientists and practitioner-researchers*. Blackwell Publishing, Padstow.**

- **Rowe, J., Hundleby, M. and Garnett, L. (1989) *Child Care Now: A survey of placement patterns*. London: BAAF.**

- **Rowe, J., Caine, M., Hundlebury, M. and Keane, A. (1984) *Long Term Foster Care*. London: Batsford.**

- **Russell, C. (1995) *Parenting the Second Time Around: Grandparents as carers of young relatives in child protection cases* (unpublished dissertation). East Anglia: University of East Anglia.**

- **Sellick, C. and Thoburn, J. (1996*) What Works in Family Placement?- Summary*. Barnardos, London.**

- **Sheindlin, J. (1994) *Paying Grandparents to Keep Kids in Limbo* (op-ed). The New York Times, August 29, pp.415.**

- **Simmonds, J., Bull, H. and Martyn, H. (1998) *Family Group Conferences in Greenwich Social Services.* London, Goldsmiths College.**

- **Sinclair, I. (2005) *Fostering Now: Messages from research*. London: Jessica Kingsley Publishers.**

- **Sinclair, I., Raher, C., Lee, J. and Gibbs, I. (2007) *The Pursuit of Permanence: A Study of the English Care System*. London: Jessica Kingsley Publishers.**

- **Smith, A., Gollop, M.M., Taylor, N.J. and Atwool, N. (1999) *Children in kinship and foster care: Research report.* Dunedin, New Zealand: Children's Issues Centre, University of Otago.**

- **Smith, M.J, Richards, D., Geddes, A. and Mathers, H. (2011) *Analysing Policy Delivery in the United Kingdom: The case of Street Crime and Anti-Social Behaviour.* Public Administration, 89 (3), 975-1000.**

- **Soy, S.K. (1997) *The case study as a research method.* University of Texas.**

- **Stone, L. (2000) *Kinship and Gender: An introduction*. Oxford: Westview Press.**

- **Sykes, J., Sinclair, I.; and Wilson, K. (2002) *Kinship Care versus Stranger Foster Care: How do they compare?* Adoption & Fostering, 26(2) p. 38-48.**

- **Talbot, C. and Calder, M. (eds) (2006) *Assessment in Kinship Care*. Lyme Regis: Russell House Publishing.**

- **Tapsfield, R. (2001) *Kinship Care: A Family Rights Group Perspective*. Quoted from *Kinship care - The Placement Choice for Children and Young People*. Bob Broad.**

- **Tedlock, B. (2000) *Ethnography and Ethnographic Representation*. In Denzin, N.K. and Lincoln, Y.S. (eds) *Handbook of Qualitative Research*. Second Edition. Thousand Oaks, NJ: Sage.**

- **Testa, M., Shook, K., Cohen, L., and Woods, M. (1996). *Permanency Planning Options for Children in Formal Kinship Care.* Child Welfare, 75 (5) p. 451 - 470.**

- **Thapar-Bjorkert, S. and Henry, M. (2004) *Reassessing the research relationship: location, positions and power in fieldwork accounts*. International Journal of Social Research Methodology: Theory and Practice, Vol. 7, No. 4.**

- **Thoburn, J., Robinson, J. and Anderson, B. (2012) *Returning children home from public care.* SCIE.**

- **Thorndike, R. (1997) *Measurement and Evaluation in Psychology and Education.* Merrill.**

- **Thornton, J. (1991). *Permanency Planning for Children in Kinship Foster Homes.* Child Welfare, 70 (5) p. 593-601.**

- **Tierney, L. (1994) *Markov Chains for Exploring Posterior Distributions. Annals of Statistics*. Institute of Mathematical Statistics.**

- **Triseliotis, J., Sellick, C. and Short, R. (1995) *Foster Care: Theory and Practice*. Batsford.**

- **Waldman, J. and Wheal, A. (1999) *Training needs of friends and families who are foster carers.* In Greeff, R. (ed) *Fostering Kinship: An international perspective on kinship foster care*. London: Ashgate Publishing.**

- **Ward, H., Holmes, L., Moyers, S., Munro, E. and Poursanidou, D. (2004) *Safeguarding children: a scoping study of research in three areas.* Loughborough: Centre for Child and Family Research.**

- **Waterhouse, S. (2001) *Keeping Children within Court Proceedings*. In Broad, B. (ed) *Kinship Care: The Placement Choice for Children and Young People*. Lyme Regis: Russell House Publishing.**

- **White, R., Carr, P. and Lowe, N. (1990) *A Guide to the Children Act 1989*. Butterworths: London.**

- **Willow, C., Gledhill, K., Plowden, V. and Dalrymple, J. (2000) *Total Respect: A training pack to promote looked after children and young people's participation within local authorities.* CROA: Manchester.**

- **Wilson, L. and Conroy, J. (1999) *Satisfaction of children in and out of home care*. Child Welfare. 78 (1) p. 53-69.**

- **Winnicott, D. (1964) *The Child, the Family and the Outside World*. London: Penguin.**

- **Worrall, J. (1999) *Kinship Care in New Zealand - Cultural Sensitivity or Economic Expediency*. Kinship foster care: An international perspective. p.181-200.**

- **Yin, R.K. (1994) *Case Study Research – Design and Methods*. London: Sage.**

- **Ziminiski, J. (2004). *Negotiating Entitlements in Kinship care*. Unpublished professional doctorate thesis. London: Tavistock Institute, University of East London.**

- **Zuravin, S., Benedict, M., and Somerfield, M. (1997) *Child Maltreatment in Family Foster Care: Foster Home Correlates*. Child Welfare Research Review.2, 189-200. New York: Columbia University Press.**

Appendix 1 - Consent Form

Research into the development of Kinship care policies

Many thanks for your interest in this research project. I hope you will decide to help me in this work, but please read the attached Information Sheet and feel able to question me further on any more information you may need.

If you are willing to assist, please answer the following questions by ticking the boxes and adding any additional information in the space provided.

1. I have read and understood the Information Sheet (you can call me for further information first if you feel this would help).

YES [ ]

2. I understand that if I decide to help, I will have the opportunity to receive a synopsis of the findings and any conclusions drawn from the research undertaken.

YES [ ]

3. I am willing to help with the research and am happy for an interview to take place to consider how Kinship care is undertaken within the authority in which I work.

YES [ ]

4. I understand that any information shared will NOT include identifying information on any individual or local authority unless explicit consent has been given.

YES [ ]

5. I understand that any discussions undertaken will only be available to inform the evaluation and that any statements used in any report will be anonymised.

YES [ ]

6. I understand that even in giving my agreement to participate in this research, I can withdraw my consent at any time.

YES [ ]

If you are happy to be involved, please sign below

Appendix 2 – Information Sheet

Research into the development of kinship care policies

I am undertaking research into the kinship care policies within Children's Services Departments. This information sheet explains why I am undertaking this research, what I am looking to show and how I hope to do this. I trust it is clear and makes sense, and hope you may be willing to help me in my work.

The Research

Why Am I Undertaking This?

The main aim of my research is to consider the way kinship care is approached across different Children's Services authorities. I wish to consider how policies are formulated, to what extent they inform practice, how much they are informed by the Children Act 1989, and the Children & Young People's Bill and how other research in this field has influenced the process. I hope to be able to discover a commonality of approach in the way kinship care is defined but also how it influences managers and practitioners thinking.

What Am I Hoping To Show?

I would like to consider the kinship policies of 3 Authorities and understand any conceptual differences, but show the principles that lie beneath the formulation of such policies may reflect the spirit of 'family' considered within statutory guidance and other research.

How Will I Do This?

Once I have received agreement from each authority, I would like to compare policies and have the opportunity to interview managers and practitioners that have been involved in kinship work. I then hope to consider any commonalities and differences to draw some conclusions as to what a 'good' kinship policy and a 'good' practice in kinship care may look like.

How Can You Help?

A Consent Form is attached to ask if you are willing to assist in this research project and will allow me the opportunity to consider the approach made to kinship care within your area of work.

Many thanks in anticipation for your help in this research project and if you would like to discuss with me further, please do not hesitate to contact me.

Mac Heath

Appendix 3 – Synopsis of Research

Kinship – Care or Pseudo-Substitute

Over recent years 'kinship care' has gained a heightened profile in children's services. The concept is increasingly used to describe childcare arrangements put in place when children are cared for, over a significant period of time, by carers other than their parents. It can be used as an umbrella term to cover private fostering arrangements, placements within extended family or with friends or neighbours. These placements may be initiated and supported by the local authority or arranged privately without the involvement, or in some cases, knowledge of any statutory agency.

It is the overall purpose of my research to consider the policy and practice implications of current conceptions of kinship care. In particular, my aim is to consider how a 'kinship care' placement becomes termed as such and what levels of assessment and/or support should accompany that placement once its status is agreed and whether a universal professional definition of 'kinship' can be adopted to give a consistency to the term 'kinship care'. At the centre of this work is to consider which individuals in a child's life can appropriately be considered as 'kin' within an adopted definition of kinship care. I wish to seek out the current 'professional' definition of kinship by researching three local authority's policies by undertaking discussion with managers and practitioners to seek understanding of both policy and practice, and consider these approaches alongside current research into kinship approaches and outcomes. In this study I will also take into account the sociological and anthropological approaches to kinship and the concept of 'relatedness' which forms a basis of many theories in this area of study.

If, after assessment, a child is unable to be looked after by their birth parents, many social workers are expected to approach kinship options for that child by looking at immediate extended family, and if those limited blood-related extended family members are not considered as appropriate substitute carers, then stranger care can quickly be endorsed as the best available option. It is my hypothesis that this approach to kinship care is the dominant practice within local authority social work departments, whereas I would wish to consider whether alongside the child's eco-map, social workers also look at the families of school friends, neighbours and others that may inhabit that child's oichos and be able to offer good quality long term and stable care. There is research to show that this approach is likely to limit disruptions for a child, assist with their sense of belonging and identity and allow them the opportunity to build upon an existent relationship. In order to evidence this therefore, I wish to consider the work of Aldgate and McinTosh (2006), Farmer and Moyers (2004 and 2008), Broad *et al* (2001) in order to contextualise this research within theoretical texts and include the core messages that are evident when considering the concept of kinship, family and extended networks. I will plan to draw conclusions from both secondary sources and my own primary research as to why it is important to consider wider placement options within a child's existing

experience and not blinker our vision into what we consider as kinship. Perhaps, conversely, I wish to narrow the definition in types of arrangements currently considered as falling under the banner of kinship care, but widen the options within a child's pre-existent relationships and not allow the concept of 'blood-relation' be an overly determining factor.

To appropriately contextualise the concept of kinship and consider where its origins lay, and what has influenced the evaluation of social work practice and policy making in this area, it will be necessary to consider the policy steers, legal documents and theoretical influences that have shaped current thought in kinship care. Increasingly, local authorities are investing budgets into Family Group Conferencing, kinship support arrangements, Residence Order and Special Guardianship Order Allowances, but there is not always consistency in assessment arrangements, or in the process put in place to endorse or support such arrangements.

Therefore, the three key Research questions I wish to address are:

1) To what extent are local authority policies in regard to kinship care consistent with both the values underpinning the Children Act 1989 and the research evidence on outcomes?
2) To what extent do individual local authority policies diverge from national policies and from each other and how do they differ in policy and practice from one another?
3) To what extent do national and local policies reflect the findings from research on effective kinship care placements and their arrangement and support?

In this research, therefore, based on a localised understanding of three authorities policy and practice approach and on current research findings, I plan to propose a clear recommendation on how kinship should be defined in policy, exercised in practice and endorsed and supported in process, in order for children to be given the best available 'care' opportunity if they are unable to be cared for by their own parents.

Appendix 4 – Scoping Interviews

Scoping Interviews

The scoping interviews I have undertaken within this research are largely based on gaining a wider understanding from where local authorities have taken their influences when formulating their policies. I looked at ways practitioners interpreted the policy and ways in which they then transferred this knowledge and understanding into practice when considering the needs of the child at the stage of looking at placements outside of birth parents/family e.g. extended family, friends, neighbours etc. These scoping interviews were set to clearly outline the purpose of my research, and to get a general understanding of the participants:

- Awareness and understanding of the Kinship care policy
- How their local authority use their policy to inform practice
- How do they resource this area of work
- To prompt Practitioners on their understanding and thinking when considering placements for children who can't live with their birth parents
- The used definition of Kinship care
- Compare knowledge across neighbouring authorities
- Highlight possible benefits and outcomes for children in relation to Kinship care
- What challenges are faced in this area
- Consider changes required to improve current processes and practices

These scoping interviews allowed me to introduce my area of study and prepare the participants for my more formalised semi-structured interviews. I informed them, particularly in the interviews with practitioners, I would hope for us to consider their experience with examples and give all those contributing an opportunity to step away from participating in the research as I made clear I was intending to seek a depth and richness in the practice undertaken as opposed to a wide use of respondents. I was clear as to my aim and wanted participants to consider the challenges my work may bring within a local authority in relation to resources and a willingness to look at the necessary changes which may be needed in order to ensure better outcomes for children and better practice throughout.

The process I followed was to consider the areas and questions outlined in the attached Appendices to help formulate my work in preparation for the semi-structured interviews.

Appendix 5 – Semi-Structured Interview Questions

1) Are you aware of the Kinship care policy within your organisation?

2) What do you understand to be the definition used within this organisation as to what Kinship Care is?

3) Do you feel your understanding of the policy is quite good or do you feel it is adequate?

4) Do you feel your knowledge of Kinship care and the policy within this organisation is similar to that of other practitioners or greater?

5) How much does Kinship Care influence your thinking when working with children and families?

6) What do you feel are the main benefits of the Kinship Care policy?

7) Do you feel that the policy needs to be more robust or it is fit for purpose?

8) So what do you consider makes the difference between a Kinship placement and a voluntary arrangement with family and friends?

9) When considering Kinship Care for a child do you consider Residence Order or Special Guardianship Order options?

10) How consistent do you feel the approach this authority makes to Kinship Care arrangements compares to other local authorities/national requirements?

11) Do you know anything about the Research of Kinship Care?

12) In the formulation of this authority's policy on Kinship Care, what influences do you think there were e.g. do you think it was based around research, other local authority's policies or do you think it is on practitioners and managers views?

13) In the wider policy formulation, do you feel you as a practitioner would have a voice in the formulation of a policy?

14) Some authorities have designated Kinship Care or Family and Friends teams. Do you feel that this could be a viable option in this authority?

15) How good do you think this authority is when placing a child in Kinship Care at keeping an eye on the issue of stability and long term issues that could arise for the child?

16) If you were to give this current Kinship Care policy in this authority a score of 1 – 10, what would this be?

17) Is there anything else that you would like to suggest or discuss?

Appendix 6 – Authority A - Kinship Care Policy

Operational Instructions – Children's Services

Kinship care

- The welfare of the child is paramount. Their rights, wishes, needs and safety are central to decision making.
- Children and young people have the right to be cared for and brought up within their own family wherever possible.
- Every reasonable and practicable support will be given to enable the child to live within their birth family, unless and until it is clear that this is not safe to do so.
- Where it is not safe for a child to live within their birth family with parents or other adults with parental responsibility, even with support, every reasonable and practicable effort must be made to enable him/her to live within their wider network of family or friends.
- In the first instance, children and relatives should be asked to suggest people in the child's wider network who could care for him/her – perhaps supported financially under Section 17 of the Children Act 1989. If an arrangement with a non-relative extends beyond 28 days, it is deemed private fostering and must be assessed accordingly.
- In those cases where accommodation is deemed necessary, a child may be placed with family and friends under Regulation 38 of the Fostering Services Regulations 2002 (immediate or emergency placement with family or friends). In these circumstances, a child becomes looked after by the Local authority.
- It is the responsibility of the child's social worker to ensure that a Regulation 38 placement is safe by carrying out a Placement Assessment **within 6 weeks** of placing the child (see Appendix D).
- Once the placement assessment has been agreed by the Locality Operations Manager and interim approval is given by the Agency Decision Maker (Head of Looked After Children Services), it is the responsibility of the Fostering Service to carry out a Kinship carer assessment. Wherever practicable, this assessment will be completed within 12 weeks of interim approval and presented to Panel.
- Once approved by Panel, family or friends carers become Kinship foster carers and as such will be supported, supervised and reviewed as foster carers throughout the duration of the child's placement with them.

Law Influencing Policy

- Children Act 1989
- Fostering Services Regulations 2002

Definitions

Caseworker: the social worker responsible for the general conduct and overall co-ordination of the assessment, plan, implementation and review.

Kinship care: the full-time care and protection of a named child(ren), living apart from their birth families, provided by their relatives and friends. The Kinship bond is based on a pre-existing relationship, either familial or social, and includes any blood relative, neighbours, family friends or other significant adults in a child's life. Kinship arrangements may be made under:

- Section 17 Support and Advice
- Section 8 Residence Order where the child's carers are receiving a Residence Allowance
- Section 20 Accommodated Children
- Section 31 Looked After Child under a Court Order

Permanence: a framework of emotional, physical and legal conditions that gives a child a sense of security, commitment, identity, belonging and above all continuity.

Private Fostering: when a child under 16 or 18 if he/she is disabled is cared for by an adult who is not a relative for more than 28 days, but private arrangements between parent and carers. This arrangement may be supported by the local authority (Section 17).

Delegation for Kinship Agreement in Authority A

Section 17 Support (family & friends)	
Caseworker for a child supported to live with family or friends (S17).	**Locality social worker**
Agreement to Section 17 payments to support a child to live with family or friends.	**Locality Operations Manager**
Support to Residence Order application and Residence Order Allowances	**Head of Locality Services**
Reg. 38 Placement (accommodation)	**Locality social worker**
Caseworker for a child placed (accommodated) with family and friends (Reg 38) including Assessments, LAC documentation, Declaration (Declaration Proforma 38(a)) and **Placement Undertaking** (Placement Undertaking Proforma 38 (b)).	

Authority for an immediate or emergency placement with family or friends (Reg 38).	**Locality Operations Manager**
Agreement to Kinship allowance for placement with family or friends.	**Fostering Operations Manager**
Carrying out Placement Assessment (Placement Assessment Proforma 38 (c)) within 6 weeks of placement.	**Locality social worker**
Requests for CRB check for Kinship carers.	**Head of LAC Services**
Scrutiny of Placement Assessment and agreement for placement to continue.	**Locality Operations Manager**
Interim approval for placement subject to full carer assessment.	**Agency Decision Maker (Head of LAC Services)**
Kinship carer Assessment and Approval Carrying out a Kinship carer assessment (named child[ren]) within 12 weeks of interim approval.	**Qualified fostering social worker**
Consideration of prospective Kinship carers and matching named child[ren].	**Short-term: Fostering Panel** **Permanence: Adoption and Permanence Panel**
Approval of Kinship carer (named child[ren]).	**Agency Decision Maker (Head of LAC Services)**
Support, supervision and review of Kinship foster carers throughout the duration of the child's placement with them.	**Qualified fostering or adoption and permanence social worker**
Agreement to ongoing Kinship carer allowances.	**Fostering Operations Manager**

Authority to Vary These Instructions in Individual Cases Only

Head of Service (Looked After Children).

1. Supporting a family to care for a child within the child's network of family and friends

1.1 Give first consideration to supporting wider family and friends to care for any child who has to live apart from their birth parents (S17).

1.2 An Initial Assessment under the Framework for the Assessment of Children in Need and their Families, must be carried out prior to providing support.

1.3 The Initial Assessment must consider carefully whether the child's needs can be met by extended family or friends. If the child is in need and s/he can be cared for safely by a relative or friend, with support, the child will not become looked after and his/her relative/friend carers will not be assessed as foster carers.

1.4 If the extended family or friends can only provide care with financial help, consider Section 17 payments. Financial assistance will be provided according to the needs of the child and carers. Ongoing payments will be based on further assessment of need.

1.5 Complete the Financial Authorisation form CF6 (SS 589) to arrange ongoing Section 17 payments. Payments must be agreed by a Locality Operations Manger and reviewed quarterly.

1.6 Arrange for the Declaration Form 38(a) (SS 383, Appendix B) to be completed by the person with parental responsibility, **before** Section 17 payments are made to a relative/friend for providing care for the child.

1.7 Informal placements with a friend which last beyond 28 days come under The Children (Private Arrangements for Fostering) Regulations 1991. See OICS: Private Fostering.

1.8 If the Core Assessment concludes that the child cannot return home **and** the care of relatives or friends is satisfactory, explore the options of a Residence Order. Carers may be eligible for a Residence Order Allowance, when they have obtained an Interim or Full Residence Order and meet the criteria following a financial assessment. See OICS: Residence Orders and Allowances.

Accommodating a child with family or friends (Kinship care)

1.9 If the Initial/Core Assessment concludes that it is not safe for a child to remain within their birth family **and** Section 17 support to family or friends to care for them is not adequate, consider accommodating the child by placing them within their wider network of family and friends. In these circumstances the child becomes looked after by the Local authority and is

subject to full Looked After Children standards, policy and procedures for care planning and review.

1.10 Seek information about potential placements with relatives and friends from the child and their parents. Explain that the child will become looked after, the support that will be provided and the assessment process. Although the views of parents must be sought, their permission is not required before an approach is made to possible Kinship carers. There must be a prior relationship between the child and the relative or friend for a Kinship carer placement under Fostering Services Regulations to be made.

1.11 Obtain the agreement of a Locality Operations Manager to accommodate the child and place with a Kinship carer under Regulation 38. You must arrange for the Placement Undertaking Form 38(b) (SS 384, Appendix C) to be completed by the Kinship carer(s) and carry out basic checks to ensure the placement is safe.

Care Proceedings

1.12 When a child in care proceedings is well placed with a Kinship carer, request the Court to make an interim or full Residence Order.

1.13 Provide sufficient information to enable the Locality Operations Manager to decide whether:

a) the child will have sufficient protection if the Kinship carer shares responsibility with the child's parent. Consideration should be given to an application for an Interim Supervision Order; or

b) it is necessary for the Local authority to seek parental responsibility, shared with the child's parents. If so, an Interim Care Order should be applied for and the Kinship carer assessed as a foster carer.

1.14 These options in care proceedings must be discussed with Legal Services.

2. Assessment of extended family and friends as Kinship foster carers

2.1 Assessments of extended family and friends are carried out to ensure:

- decisions are fully informed by the child's needs;
- appropriate care plans are made;
- good outcomes are secured for the child.

2.2 The assessment of Kinship carers is carried out in two stages:

a) A Placement Assessment is completed by the child's social worker within 6 weeks of an immediate or emergency placement using the Placement Assessment Proforma 38(c) (SS 385, Appendix D)

b) A full Carer Assessment (named child) is completed by a fostering social worker within 12 weeks of interim approval by the Agency Decision Maker.

Immediate or emergency placements (under Regulation 38 of Fostering Services Regulations 2002)

2.3 An immediate or emergency placement can be made with a relative or friend providing an Initial Assessment and care plan has been completed by the locality social worker. The placement can be made for up to 6 weeks on the basis of the locality social worker obtaining a Placement Agreement Form 38(b) (SS 384, Appendix C) and completing a Placement Assessment 38(c) (SS 385, Appendix D).

2.4 The Initial Assessment must include:

- an interview wit the person who will be the main carer, about their willingness and ability to care for the child;
- inspection of the accommodation, to ensure it is suitable and that there is a separate bed for the child;
- a check of CareFirst to see if the carer is known to social services and other people living in the household;
- instigating Criminal Records Bureau checks on the carer and any other people living in the household.

2.5 Complete a Financial Authorisation Form CF6 (SS 589) for carers' allowances, and return to Financial Services Unit, County Hall, Lewes.

2.6 The Placement Assessment Form 38(c) (SS 385, Appendix D) must be completed by the locality social worker **within** 6 weeks of placing the child and submitted to the Locality Operations Manager for authority to continue the placement. Once authority is obtained, the Placement Assessment and Agreement must be sent to the Fostering Operations Manager immediately.

2.7 The Head of Looked After Children Services (Fostering Agency Decision Maker) considers interim approval of the family and friends as Kinship carers. If interim approval is given, the full assessment of the carers is carried out by a fostering social worker within 12 weeks.

Full fostering assessments of Kinship carers

2.8 The Fostering Practice Manager will arrange for the fostering assessment to be allocated and completed within the timescale using BAAF Form F, including references and all the other statutory Local authority and health

checks. The first meeting with the carers should be carried out jointly by both the locality and the fostering social workers.

2.9 The locality social worker must provide the fostering social worker with copies of the following documents:

- Initial and/or Core Assessments;
- Care Plan;
- Review minutes;
- Any relevant education/health reports;
- Any relevant Court reports.

2.10 The fostering social worker will carry out the assessment in the same way as for all foster carers. The full assessment will be submitted to the Panel, appropriate to the care plan for the child:

- Fostering Panel: task-centred, short and long term;
- Adoption and Permanence Panel: permanence.

3. Approval of Kinship foster carers

3.1 The supervising social worker fostering must submit the following documents to Panel for consideration of approval of the relatives or friends as Kinship foster carers:

- BAAF F2 Form (SS 725 a/b);
- Initial and/or Core Assessment of the child's needs;
- Care Plan;
- Matching report.

3.2 If the care plan is for the child to remain permanently with the Kinship carers, the case should be presented to the Adoption & Permanence Panel.

3.3 Kinship carers will be approved on their ability to provide care that is in the best interests of a particular child. Approval may be given for a placement with a family member or friend that is in the child's best interests, even though the Kinship carer might not fully meet the standards of the Local authority for 'stranger' carers in some ways.

3.4 A plan for addressing any areas of care requiring support should be identified and shared with the Kinship carer. This can include setting out any requirements that need to be met by the carers over an agreed period of time or might involve continuing work to ensure the overall package of care meets the agency's standards for all children.

3.5 The Panel recommendation is considered by the Agency Decision Maker who makes the final decision on approval.

4. Supervision and support of Kinship foster carers

4.1 A supervising social worker fostering will provide supervision and support to Kinship foster carers in the same way as for all foster carers. Contact will be at least monthly. Kinship foster carers will receive information about the training opportunities available to foster cares, including a copy of the Foster Carers' Handbook and Training Plan.

4.2 Kinship foster carers will be reviewed annually, using the Fostering Carer Review form. This will include reviewing the implementation or progress of any requirements placed on the Kinship foster carers at the time of their approval.

4.3 Arrangements for the support of Kinship foster carers who live a long distance from Authority A will be negotiated between Fostering and Locality Services.

4.4 Consideration should be given at each LAC Statutory Review to the Kinship foster carer applying for a Residence Order, with a possibility of a Residence Order allowance. If the Kinship foster carer does not wish to make an application, their reasons should be carefully noted.

Payments to Kinship foster carers

4.5 Kinship foster carers will receive payments based on the weekly cost of bringing up a child as drawn from Fostering Networks advice.

4.6 Payments may be up to the basic fostering rate (excluding reward payments for 'stranger' foster carers) depending on an assessment of the child's needs and the circumstances of the Kinship foster carers.

4.7 Extra support will be available to Kinship foster carers in exceptional circumstances (as with all foster carers), if it is assessed necessary to meet a child's special needs.

Routes into Kinship: Private Care & Public Care

Referral or request to provide care outside the birth family/home

Can the child be cared for safely within a network of family and friends?

Yes

PRIVATE CARE

The child remains with their parents, with the local authority providing 'family support' (Section 17 services).

The child goes to stay with family or friends

- Parents keep full Parental Responsibility
- No approval, assessment or supervision of carers is needed
- No fostering allowances are paid
- The arrangement is made primarily by parents and remains private between the parents and carers
- Arrangements come under Private Fostering regulations if the carers are **friends** not relatives and if it continues for more than 28 days
- The local authority has a duty to safeguard the child's welfare and visit the child and carer regularly in accordance with Private Fostering Regulations

Social Services may provide advice and support by:

- Helping to prevent later court or Social Services involvement, for example, by providing advice and assistance including, in some circumstances, money via Section 17 of the Children Act 1989
- Help with applying for relevant benefits, for example, income support or family credit
- Help with obtaining legally recognised status, for example, a Residence Order or Guardianship

No

PUBLIC CARE

In order to prevent significant harm, a child needs to be accommodated or looked after under a Court Order, by foster carers or by other services such as in residential care.

Is there an immediate or emergency need to provide care for the child?

Yes	Yes
The child can be looked after by approved foster carers or by other services	In an emergency, a child can be looked after by family or friends who are not already approved as foster carers (Reg 38) • The carer must agree to carry out certain responsibilities such as care for the child as if s/he were a member of the carer's family, and permit local authority staff to visit • If the child is to stay longer than six weeks, the carer must under go a full assessment and approval under the Children Act 1989 • Kinship allowance to be paid following the Initial Assessment visit from Social Worker All relevant Children

			Act 1989 Guidance and Fostering Services Regulations apply Option of applying for Residence Order should be raised with Kinship carer

Appendix 7 – Authority B - Kinship Care Policy

Family and Friends Policy

Introduction

1.1 This policy defines the different sort of arrangements that lead to children being cared for by people from within their wider family and friendship network and the role of the department within those arrangements. It highlights the key principles underpinning the policy, the assessment, planning and decision making process and support services that should be available to the children and carers.

Principles underpinning Family & Friends Policy

2.1 The child's welfare is paramount.

2.2 If a child cannot live with his/her birth parents, care by Family and Friends carers or Family & Friends Foster Carers for looked after children is the placement of first choice, provided this meets the needs of the child.

2.3 It is essential that a pro-active approach is taken to considering family and friends in the child's network that may be able to offer either short term or long term care.

2.4 The family need to be involved in the decision making about future planning for the child and a Family Group Conference needs to be actively considered in all circumstances where children may not be able to live with their birth parents or where the birth family may need additional support to enable them to continue to care safely for their children.

2.5 Every child has the right to have the opportunity to develop secure attachments to carers who are capable of providing safe and effective and loving care for the duration of his/her childhood, so that child can thrive and develop.

2.6 For most children, the best prospect for their emotional, physical, social, cultural, language and legal needs to be met will be to remain with, or return to live, with their birth parent/s.

2.7 If however, a child cannot return home within a timescale that meets his/her needs, then long term care by Family & Friends carers or Family & Friends Foster Carers is the placement of first choice to meet these needs, provided this is consistent with the child's welfare. Under these circumstances, the carers should be supported to obtain an appropriate legal order giving them

legal responsibility for the child through a Residence Order, Special Guardianship or Adoption Order.

2.8 This policy supports the 'No Order' principle of the Children Act 1989, 'the aim …of the Children Act 1989…is to ensure that an Order is granted only where it will positively improve the child's welfare', (Children Act 1989 Guidance and Regulations, Vol. 1).

2.9 The family and friends policy supports processes for children, who need to be cared for away from home, to be cared for by carers from within the family & friends network, and for the child not to become a Looked After Child unless legal proceedings are essential to safeguard the welfare of the child.

2.10 Families themselves are usually best placed to find their own solutions and to make safe plans for children within the family: intervention from the Local Authority should be at the minimum needed to safeguard the welfare of the child and support the family.

2.11 Family and Friends carers and the children they care for will be supported in the community by universal services as well as by appropriate services from Children & Young People's Trust.

2.12 The majority of Family & Friends carers will have had a previous, or ongoing significant relationship with a child for whom they are offering to care and whose needs they can meet, in circumstances where it has been assessed the child cannot live, either temporarily or permanently with his/her birth parent/s.

2.13 Family and Friends arrangements coming within the scope of this Policy and Procedures will have been initiated, facilitated, or supported by Local Authority B Children & Young People's Trust.

2.14 When a child is in Family & Friends care, his/her birth parent/s retain legal parental responsibility, as the child is not looked after or subject to any legal order investing parental responsibility in another party. It is therefore essential that clear agreements are made with the birth parents about the day to day care of their child by the Family & Friends carer.

3. Children cared for by Family & Friends carers

3.1 They are children who are referred to Children & Young People's Trust and who are assessed via an Initial assessment as being Children in Need. They may, for whatever circumstances, be children in need of protection from their parents.

3.2 The Initial Assessment and Core Assessment for the child and his/her family will have determined that the child cannot live either temporarily or permanently, with his/her birth parent/s, and so needs to be cared for away from home. A Family Group Conference should always be considered in such circumstances.

3.3 The child's circumstances will be such that, if Family & Friends had not come forward to be assessed to care for the child, then the child would be placed with stranger foster carers, or be in residential care, or be adopted.

3.4 The child cared for by Family and Friends Carers will not become a Looked After Child, unless he/she needs to do so in order to secure his or her well-being. Consideration will be given to securing the placement by private law orders if necessary.

3.5 If the child needs to become a Looked After Child, his or her carers will need to be assessed as Family and Friends Foster Carers.

3.6 In the majority of cases, the child will have had a previous, or on-going, significant relationship with the Family and Friends Carers.

4. Family and Friends Foster Carers and Looked After Children

4.1 Some children who are placed with Family and Friends carers will need to be Looked After Children and these Family or Friends carers will therefore need to be assessed to become approved as Family and Friends Foster Carers.

4.2 The Local Authority will always follow the 'No Order' principle in the Children Act 1989 and so reasons must be clearly demonstrated why the child needs an Order, or to be Accommodated, to secure his/her well-being.

4.3 The circumstances under which children in Family or Friends care may need to enter the Looked After system or an Order may be needed for the child, may be:-

- When birth parent/s may not agree, or may be inconsistent, as to their agreement to their child being cared for by the Kinship/Family & Friends Carers. Under these circumstances private law orders would not be appropriate.

- When there is concern that the child's placement with Family or Friends carers may be seriously disrupted by a birth parent, whose behaviour may have been assessed as being potentially dangerous, or as posing a significant risk.

- When a Family or Friends carer may feel threatened, or unsafe, in managing contact of the child with the birth parent/s.

- When a birth parent may be untraceable, or incapable of giving agreement to the child being cared for by the Family or Friends carer. Legal advice should be sought about the appropriateness of a private law order under these circumstances.

- In any of the above circumstances, it might be assessed that the Local Authority needs to share parental responsibility with the birth parent/s, in order to promote the child's welfare and to secure their placement with the Family and Friends Foster Carers.

A legal Planning Meeting will need to take place under all these circumstances. If the child needs to become a Looked After Child his/her Family or Friends carers will need to be assessed and approved to become Family and Friends Foster Carers.

5. Private Fostering

5.1 In some circumstances, a child's parents may make their own arrangements for care of their child and the Local Authority will not therefore be involved in the setting up of these arrangements.

5.2 Private Fostering is an arrangement made between the person with legal Parental responsibility for a child and the private foster carers: if the Local Authority is involved in making the placement, then the arrangement is not private fostering.

5.3 Relatives within the Children Act 1989 definition of relatives (grandparent, aunts, uncles, siblings, step-parents) cannot become private foster carers.

5.4 If the care arrangement for the child is to last for longer than 28 days, (in one continuous period, or accumulatively over a year) the private foster carer, or the person with legal parental responsibility for the child, has a duty to inform the Local Authority of the arrangements for the child.

5.5 Financial arrangements for the care of the child are made between the person with parental responsibility for the child and the carers. However, the child and his/her carers have the same right as any other family in the community to be assessed for help, including financial help, under Section 17 (Children Act 1989).

5.6 Once informed of the private fostering arrangements for the child, the Local Authority has a duty to satisfy itself that the welfare of the child is being

satisfactorily safeguarded and promoted. (Children Act '89 Part 1X Section 67 (1)).

5.7 There is a duty on the Local Authority to visit the private foster carers' home and assess the suitability of the placement: to ensure the home is safe: to obtain information on the private foster carers to ensure they are not disqualified from fostering and to visit a child in a private foster home regularly and to make a record of each visit. All statutory checks on the private foster carers and all adult members of their household need to be carried out. Regular reviews of the arrangements also need to be undertaken.

5.8 The Local Authority can prevent the placement if the person is disqualified under the terms of the Children Act 1989 or falls within the prohibitions of the Act (Part 1X, 'Private Fostering' Sections 68 & 69).

6. Residence Orders

6.1 A relative or friend who is considering offering to care for a child, or a Family and Friends Carer or Family and Friends Foster Carer already caring for a child, may want to apply to the Court to make an application for a Residence Order in respect of that child.

6.2 A Residence Order confers shared parental responsibility, with day-to-day responsibility for the child being held by the holder of the Residence Order. The Residence Order states the arrangements for where the child should live.

6.3 A Residence Order for a child replaces any Looked After Child legal arrangements or Family and Friends Care arrangements as it will automatically discharge any care order.

6.4 In exceptional circumstances, Local Authority B Children & Young People's Trust may assist a carer with the costs of applying for a Residence Order for a child.

6.5 In circumstances where a Family and Friends Carer is caring for a child on a long-term, or permanent basis, the optimum way of offering that child legal security would be for his/her carers to apply for a Residence or Special Guardianship Order [from 2005], so that the day-to-day parental responsibilities that the carers take on for the child would be legally protected and defined by the legal order.

6.6 In circumstances where a child is Looked After and is placed with Family and Friends Foster Carers the plan for the child to achieve permanence through his/her carers applying for a Residence Order or Special Guardianship will be considered via the Looked After Review system.

7. Family and Friends care outside of LAC procedures – Assessment and Agreement process

7.1 In situations where a child or children need to be cared for away from the birth parents because the parents are not able to safely or adequately care for a child for whatever reason a pro-active approach needs to be taken to consider the suitability and availability of a temporary or on-going placement within the extended family or friendship network.

7.2 It is not possible to prescribe for the many types of situations that a fieldwork team may be presented with but it is important to highlight the principles of the policy towards family and friends care and to ensure that the needs of the child are at the forefront of all decision making.

7.3 Example 1 – initial assessment, short term support to extended family member but no need for continued social work involvement.

The Area teams will be presented with some situations that do not meet the threshold for Section 47 investigations, however the parent may be temporarily unable to provide adequate care for their child for a variety of circumstances.

- An initial assessment will be undertaken and because of the particular circumstances, a parent may make arrangements or be supported to make arrangements for their child to be cared for by a relative. (If a child is cared for by a non-relative for more than 28 days and the placement has been made by the parent then private fostering regulations are applicable).

- The Area team may decide they need to offer some very short term financial support via Section 17.

- The Area team Service Managers have the discretion to decide that in view of the fact that the parent appears to be making adequate arrangements no further assessment of the proposed family carers needs to take place apart from the basic CareFirst check. They may also signpost the family to other support services.

7.4 Example 2 – Section 47 assessment or initial and core assessment in respect of a child that would meet the threshold to be accommodated or care proceedings to be initiated.

- In many situations the Area teams will be involved in a child protection matter or a case that would meet the threshold for accommodation. An initial and core assessment or assessment under Section 47 is undertaken.

- An agreement is reached with the birth parents that the child or children concerned need to live elsewhere due to certain risk factors.

- Active consideration must be given to making a referral to Daybreak for a Family Group Conference. Family Network meetings can be set up and chaired by the relevant fieldwork manager as appropriate and should involve all the key family and friends members and seek to involve the family in making agreements about the short term care of a child within the family. Family Network meetings should be meetings that are organised and set up speedily to help inform and involve the family and friends network following an emergency or crisis occurring within the family. They do not replace the need to plan for a Family Group Conference which is chaired by an independent person and empowers the family to consider the risks and solutions to providing safe and stable care for a child.

- Basic checks will be undertaken on the family or friends carer that is offering to care for the child, this will need to include appropriate checks on all the adults in the household. CareFirst checks or a check with the appropriate local authority social services database, Child Protection Register checks, Police [CRB] and Health checks will need to undertaken. [It may be necessary to gain a PNC check until a full CRB check is returned]. Where the family and friends carer is already known to Local Authority B CYPT or another Social Services Department all efforts must be made to gain key background information to inform the decision to support a child in such a placement.

- The accommodation will need to be seen and considered adequate to meet the child's needs and initial arrangements for contact with birth family and for education and health needs to be met agreed with the birth family and family and friends carer.

- A basic agreement will need to made between the parties involved which details the expectations of the carers and the parents and the support and supervision arrangements that will be provided by the social work team involved.

- The child will need to have been consulted as appropriate dependent on the child's age and his or her views recorded.

- The Service Manager will be for responsible for agreeing a placement on an emergency basis following the basic checks and the support plan for an arrangement for the child to be cared for by a family and friends carer outside of the LAC system. Financial assistance can be considered to support such placements up to the level of the family and Friends fostering allowance.

- It is intended that most of these situations will be short term arrangements for the care of the child. If the child cannot be cared for by their birth parent in the longer term then the family and friends carer should be supported to consider applying for a legal order which gives them parental responsibility and therefore affords the child greater protection and stability.

- Some family and friends carers will live at some distance from Local Authority B. Any plan for support needs to identify appropriate local resources that can be accessed.

- On some occasions a family and friends carer will be identified to care for a parent and their child offering a parent and baby placement. If the family and friends carer is to play a key role with responsibility for the baby and potentially the parent [if that parent is under 16 years] this arrangement needs to be considered in the same way as other family and friends care arrangements outside of the LAC process and appropriate checks made and agreements and support plans put in place.

8. Family & Friends Foster Carers

8.1 The key regulations that apply to these family and friends foster placements are the Fostering Services Regulations under Section 23 of Care Standards Act 2000. Emergency and immediate placements by local authorities are covered by Regulation 38. The regulations state that where a local authority is satisfied that the immediate placement of a child is necessary, they may place a child with a person that is not an existing approved foster carer after interviewing him/her, inspecting the household and obtaining information about other persons living in the household. This arrangement can continue for a period of not more than **6 weeks**. It is conditional on the following;

- The person is a relative or friend of the child

- The person has made a written agreement with the local authority to carry out the duties specified in the regulations namely:

  (a) to care for the child as if he/she were a member of that person's family
  (b) to permit any person authorised by the local authority to visit the child at any time
  (c) to allow the child to be removed at any time if appropriate by the local authority.
  (d) to ensure that information that the person may acquire relating to the child, or his or her family or any other person which has been given to him/her in confidence in connection with the placement is kept confidential and not disclosed except to, or with agreement of the local authority.
  (e) to allow contact with the child in accordance with the terms of any court order relating to contact or any arrangements made or agreed by the local authority.

- The local authority are satisfied that it is the most suitable way of performing its duty under the 1989 Children Act

- Where a local authority makes a placement under this regulation outside their area they shall notify the appropriate area authority.

8.2 When such a placement is made it becomes an emergency or immediate **foster** placement. The placement should be funded as a family and friends foster placement with appropriate foster care rate being paid. The social worker undertakes the basic checks in line with the regulations, plus CareFirst check or social services database check and commences CRB, child protection and health checks. Family and friends foster carers must have a full medical so the G.P. will complete the AH form which is sent to the medical advisor, for her views. Immediate or emergency foster placements are agreed by the relevant fieldwork Area Manager. The Area Manager will inform the Fostering Panel administrator and an interim report must be presented to Fostering Panel within 6 weeks. Once carers are approved as foster carers the full regulations and standards that govern 'stranger' foster carers also apply to family and friends foster carers.

8.3 Once an assessment is commenced a booking to Fostering Panel should be made straight away as Panel papers are required 2 weeks in advance of Panel. Bookings to Fostering Panel should be made with the Fostering Panel administrator and the Family and Friends team Practice Manager alerted. Once a carer has been approved by the Agency Decision Maker

following Panel that carer will be allocated a supervising social worker from the Family & Friends team.

8.4 It is recognised that in most situations a full BAAF F2 assessment will not have been completed in 6 weeks. An interim report must be presented to Panel within 6 weeks and Panel can make a recommendation for an interim approval of up to 3 months during which time a full BAAF F2 assessment should have been completed if family and friends fostering continues to be the care plan. Decisions will continue to be made by the Agency Decision Maker in line with other Fostering Panel recommendations and conveyed to the family and friends carers by the child's social worker immediately after Panel.

8.5 The interim report and the full F2 report have to be jointly owned reports by the child's social worker and the social worker assessing the carers. It is expected that both social workers will attend Panel with their Practice Managers if appropriate.

8.6 The interim report will comprise Part 1 of BAAF F2 which details the basic factual information about the applicants. They will need to understand the responsibilities the Department has, as the child is looked after, to ensure key checks are undertaken and information about the applicants, their family and their capacity to care for the child and work in partnership with the Department is fully considered as part of the assessment process. The carers will need to sign a written agreement in relation to their care of the child and once they are approved on an interim basis they will need to sign the foster care agreement form. Further reports should address any concerns or issues raised by panel at the interim stage.

8.7 It will be a requirement for the first interim assessment that three referees, including two non-family members are identified in relation to the application. They should be visited and separate reports on these visits appended to the assessment report. Any difficulties obtaining such references should be recorded within the report. It may be appropriate for further references to be obtained as part of the full assessment. It will also be a requirement that referees are checked against the child protection register as part of the full assessment.

8.8 The narrative section of the form F2 Part 2 for interim assessments should include the following:

- The reason for the placement, motivation of the carers and a brief outline of the care plan including any timescale for the placement, key court dates etc.
- The nature and quality of the relationship between the carer and the child/ren including how long and how well the carer has known the child/ren. This should include the applicants understanding of the concerns that led to

the child being looked after and capacity to work in partnership with the department to provide safe and caring environment for the child.

- Brief information on the child including whether the child is on the CPR and how the child is settling into the placement. The child's views on the placement and the capacity of the carers to meet the child's needs. This should include issues relating to the child's physical and emotional well being as well as any issues that arise for the child's ethnicity, culture, language, religion, sexuality or disability.
- Brief information on the child's health and education needs and capacity of the carer to meet those needs.
- The nature of the relationship between the carers and the birth family. The birth family's view on the placement and the arrangements for contact.
- Assessment to date of the carers' ability to meet the child's needs and work with the care plan, this is essentially a risk assessment focusing on the strengths of the placement, areas of potential difficulty and support needed for the placement. It would be helpful to include in this section a brief description of the assessment work that is still outstanding. As with any assessment report it is important to be clear what information is self reported and what information has been independently verified and for the social worker to provide **analysis** and **evidence** for that analysis throughout the report

8.9 There may be additional information on the child's file, which could be helpful to append to the report. This could include a geneogram and/or a chronology.

8.10 The Fostering Network Heath and Safety Checklist should be completed and the outcome of this recorded in the appropriate section of Part 1 of F2 form and information given on the sleeping arrangements for the child.

8.11 The report should be signed by the social worker undertaking the assessment and his/her manager. A copy of the report should be provided for the applicants and they should be allowed to submit any additional comments to Panel. The applicants will be supported to attend Fostering Panel when the full assessment is presented.

8.12 Once the family and friends foster carers have been given interim approval following the Decision of the Agency Decision Maker the department must ensure that the Fostering Regulations are complied with.

8.13 The Family and Friends Foster carer will be required to sign the relevant foster parent undertaking.

8.14 The social worker assessing the foster carer will proceed as appropriate to complete the full assessment and present the assessment report to the Fostering Panel. Referrals should be made to the Family & Friends team in

relation to the need for such assessments following the initial approval at panel.

8.15 The assessment of the carers as family and friends foster carers is undertaken in circumstances where the department has initiated care proceedings and has either placed the child on an emergency basis with a member of the child's family and friendship network or the child is cared for by 'stranger' foster carers and the department is assessing relatives or friends as potential interim or longer term carers for that child.

8.16 The assessment of the family and friends foster carer will therefore be undertaken alongside the other assessment work taking place within the care proceedings.

8.17 It is essential when an assessment of a family and friends foster carer is undertaken that there is close communication between the worker undertaking the assessment and the worker for the child and the birth family. The worker undertaking the assessment needs to have read the case files and have a full understanding of the background information and the events that led to the initiation of care proceedings. The worker undertaking the assessment from the Family and Friends team will not also fulfil the role of supervising social worker to ensure that the roles remain separate.

8.18 Assessments of family and friends foster carers have the added complexity of the family and friendship dynamics and the fact that the carers may have conflicting loyalties to the child and the birth parents. They may be placed in a very difficult situation e.g. grandparents wishing to care for their grandchildren but feeling they also need to provide support to their son or daughter that may be taking part in a rehabilitation assessment within the care proceedings.

8.19 These added complexities further underline the need for good and effective communication between the workers involved to support the carers and ensure the needs of the child are at the forefront of the decision making.

8.20 Assessments of family and friends within the child's network may take place within care proceedings whilst a child is placed with 'stranger' foster carers. This may be part of a twin or triple tracking approach to the care planning to ensure there is no delay in the permanency planning for a child. These assessments can be very complex because of the family dynamics. They may involve the assessment of for example a grandparent who perhaps struggled to care for their own children but may now be in a better position to offer safe care for a grandchild.

8.21 The assessments may involve considering relatives who perhaps have no current relationship with the child and therefore full information is needed in

relation to the current needs of the child to ensure the assessment can take full account of their ability to meet the child's needs.

8.22 It is essential that in these situations the social worker for the child is pro-active in seeking out potential carers within the wider friendship and family network and consideration is always given to holding a Family Group Conference. This is a question that has to be considered at legal planning meetings when the decision is made that there are grounds to initiate care proceedings. It will have to be addressed within any care plan presented to court within the proceedings and if the plan for the child becomes adoption the Permanence and Adoption Panel will need information on the work that has been undertaken with the wider family as well as the birth parents before being able to recommend adoption as being in the best interest of the child.

8.23 If a child is subject to an interim care order the social worker for the child must undertake a viability assessment of any relative or friend who is offering to be considered as a carer for the child. The Family & Friends team have produced guidance on viability assessments. These assessments involve undertaking basic social services checks and child protection register checks and CRB checks and will involve a full medical plus need to nominate 3 referees. It will involve discussion of their connection to the child and understanding of the needs of the child and reasons why the department intervened to initiate care proceedings. It is essential to look at issues relating to their accommodation and financial situation at this early stage of the assessment. A basic analysis of the risks and potential strengths of a possible placement needs to be considered. If it is felt that there are no reasons not to proceed with an in-depth assessment of the family or friends carer then this will be agreed within the court proceedings and decisions made about how this work will be undertaken and by whom and what the arrangements will be for this relative or friend to have contact with the child. The social worker undertaking the assessment from the Family and Friends team should be instructed within the court proceedings.

8.24 Any agreement to use an independent social worker to undertake this assessment should be made by the Area manager and there are guidelines for independent social workers in relation to such assessments.

8.25 If a family member is in a position to provide a safe and stable placement for a child and the outcome of assessment work with birth parents is that rehabilitation is not possible then discussion must be undertaken with that relative about legal routes to secure permanency for that child. The relative may care for that child on a short term basis as a family and friends foster carer if it is felt that further assessment is needed with the child in placement or that the family and friends foster carer is not yet in a position to commit to a permanent placement.

8.26 As with adoption plans, the carers for a looked after child that are offering a potential permanent placement should have access to support services irrespective of the legal status of the child. A support plan will need to be drawn up that considers the financial needs and the access the carer and child will need to other types of support services. See guidance on Residential Allowances and Special Guardianship allowances.

8.27 The department in some circumstances will assist with the legal fees occurred by a relative in making an application for a Residence Order and will make an assessment in respect of a Residence Order allowance. Decisions about the financial support plan will be made following a financial assessment of the carer.

8.28 If a child is to remain with a family and friends foster carer the plan for the child will be considered at every LAC review and the option of permanence via Residence Order or Special Guardianship will need to be actively re-evaluated.

9. Support Services to Family & Friends carers, Family & Friends Foster carers and carers that proceed to offer permanence through a Residence Order or Special Guardianship.

9.1 It is essential that family and friends carers are provided with access to support services as appropriate to enable them to continue to provide safe and stable care for a child.

9.2 Family and Friends foster carers will have a separate supervising social worker from the Family & Friends team and will have access to training and support services provided to other foster carers. They will be paid an appropriate foster care allowance.

9.3 Family and friends carers that are caring for a child outside of the LAC system will have a support plan as part of the original assessment which will need to be kept under regular review by the appropriate Area team.

9.4 Most family and friends placements that are either supported by the department for children outside of the LAC system by Section 17 or within the LAC system by the foster care allowance should be regularly reviewed with the presumption that if the child is to remain the placement should be secured by a legal order conferring parental responsibility on the carers.

9.5 Family and friends carers should not be discouraged from applying for a Residence Order or Special Guardianship Order because they do not have confidence in the support services that will then be provided for them and the child.

Appendix 8 – Authority C - Kinship Care Policy

Section 1: Definitions – Care and Planning Arrangements for children

1.1 Kinship carers

Kinship carers are relatives within the Children Act 1989, Section 105 definition, i.e. "someone who is a grandparent, brother or sister; aunt or uncle, whether of full blood or half blood or by affinity (by marriage) or a step-parent. A step-parent is someone who is, or who has been, party to a marriage in relation to whom the child is a child of the family".

A co-habitee of a birth parent is not defined as a relative within the Act.

When a child is in Kinship care, his/her birth parent/s retain legal parental responsibility.

This Policy assumes that the majority of Kinship carers have a previous, or on-going, significant relationship with a child for whom they are offering to care and whose needs they can meet, in circumstances where it has been assessed the child cannot live, either temporarily or permanently with his/her birth parent/s, or return to live with his/her birth parent/s, within appropriate timescales for the child.

Kinship care arrangements coming within the scope of this Policy and Procedures will have been initiated, facilitated, or supported by Local Authority C.

1.2 Children cared for by Kinship carers

They are children who are referred to Social Services and who are assessed in an Initial Assessment as being Children in Need.

The Initial Assessment and Core Assessment for the child and his/her family will have determined that the child cannot live either temporarily or permanently, with his/her birth parent/s, and so needs to be cared for away from home.

The child's circumstances will be such that, if Kinship carers had not come forward to be assessed to care for the child, then the child would be placed with stranger foster carers, or be in residential care, or be adopted.

The child cared for by Kinship carers will not become a Child Looked After, unless he/she needs to do so in order to secure his well being.

If the child needs to become a Child Looked After, his carers will be referred to be assessed to become approved as Family and Friends Foster Carers (see

Definitions 1.3 below, for circumstances in which a child, cared for by relatives, may need to become a Child Looked After).

In the majority of cases, the child will have had a previous, or on-going, significant relationship with the Kinship carers.

The procedure for planning and for placing the child with Kinship carers is set out in Section 3, 4, 5 and 6 of this document.

1.3 Family and Friends Foster Carers and Children Looked After

Some children who are placed with Family and Friends carers will need to be Children Looked After and these Family or Friends carers will therefore need to be referred to be assessed to become approved as Family and Friends Foster Carers.

The Local authority will always follow the 'No Order' principle in the Children Act 1989 and so reasons must be clearly demonstrated why the child needs an Order, or to be Accommodated, to secure his/her well being.

The circumstances under which children in Family or Friends care may need to enter the Looked After system or an Order may be needed for the child, may be:

- When birth parent/s may not agree, or may be inconsistent, as to their agreement to their child being cared for by the Kinship/Family and Friends Carers;
- When there is concern that the child's placement with Family or Friends carers may be seriously disrupted by a birth parent, whose behaviour may have been assessed as being potentially dangers, or as posing a risk;
- When a Family or Friends carer may feel threatened, or unsafe, in managing contact of the child with the birth parent/s;
- When a birth parent may be untraceable, or incapable of giving agreement to the child being cared for by the Family or Friends carer.

In any of the above circumstances, it might be assessed that the Local authority needs to share parental responsibility with the birth parent/s, in order to promote the child's welfare and to secure their placement with the Family or Friends carer.

The child will then need to become a Child Looked After and his/her Family or Friends carers be assessed and approved to become Family and Friends Foster Carers.

NB: This policy set out the support, including financial support, for Kinship carers: it is not necessarily for Kinship carers to become Family and Friends Foster Carers in order to receive financial assistance to care for a child.

Family and Friends Foster Carers, once approved, will receive a fostering allowance in respect of each child they care for, and will be supported, supervised and have an annual review from their Family Placement service.

A child who is a Child Looked After and is placed with Family and Friends Foster Carers, will receive all the services for a Child Looked After and will have all CLA assessments and reviews.

1.4 A Child living with, or placed with relatives more distant than those included in the Children Act 1989 (Section 105) definition, or with friends.

In these circumstances, the child will need to become a Child Looked After and the relative, or friend, will need to be referred to be assessed and approved as a Family and Friends Foster Carer.

The child's needs and those of his/her family will have been assessed and it will be established that the child needs a placement away from home. The child will receive all Children Looked After services and will have all Children Looked After assessments and reviews.

Once approved as a Family and Friends Foster Carer, the carer will receive a fostering allowance for each child placed and will be supported, supervised and will have an Annual Household review with the Family Placement Service.

1.5 Private Fostering

In some circumstances, a child's parents may make their own arrangements for care of their child and the Local authority will not therefore be involved in the setting up of these arrangements.

Private Fostering is an arrangement made between the person with legal parental responsibility for a child and the private foster carers: if the Local authority is involved in making the placement, then the arrangement is not private fostering.

Relatives within the Children Act 1989 definition of relatives (grandparents, aunts, uncles, siblings, step-parents) cannot become private foster carers.

If the care arrangement for the child is to last for longer than 28 days, (in one continuous period, or accumulatively over a year) the private foster carer, or the person with legal parental responsibility for the child, has a duty to inform the Local authority of the arrangements for the child.

Financial arrangements for the care of the child are made between the person with parental responsibility for the child and the carers. However, the child and his/her carers have the same right as any other family in the community to be assessed for help, including financial help, under Section 17 (Children Act 1989).

Once informed of the private fostering arrangements for the child, the Local authority has a duty to satisfy itself that the welfare of the child is being satisfactorily safeguarded and promoted. (Children Act 1989 Part 1X Section 67 (1)).

There is a duty on the Local authority to visit the private foster carers' home and assess the suitability of the placement: to ensure the home is safe: to obtain information on the private foster carers to ensure they are not disqualified from fostering and to visit a child in a private foster home regularly and to make a record of each visit.

All statutory checks on the private foster carers and all adult members of their household need to be carried out.

A report about the placement must be taken to Family Placement Panel. The Family Placement Panel needs to be satisfied that the arrangements are satisfactory for the welfare of the child and that the private foster parents, the plan for the child and the premises are suitable.

The Local authority can prevent the placement if the person is disqualified under the terms of the Children Act 1989 or falls within the prohibitions of the Act (Part 1X, 'Private Fostering' Sections 68 & 69).

Reference needs to be made to Local Authority C Policy & Procedures 19/95 'Private Fostering' for guidance and for procedures to be followed when a private fostering situation is reported to the Local authority.

For the legal framework for Private Fostering – see Section 2 of this document.

1.6 Residence Orders

A relative or friend who is considering offering to care for a child, or a Kinship carer or Family and Friends Foster Carer already caring for a child, may want to apply to the Court to make an application for a Residence Order in respect of that child.

A Residence Order confers shared parental responsibility, with day-to-day responsibility for the child being held by the holder of the Residence Order. The Residence Order states the arrangements for where the child should live.

A Residence Order for a child replaces any Child Looked After legal arrangements or Orders or Kinship care arrangements.

In exceptional circumstances, Local Authority C may assist a carer with the costs of applying for a Residence Order for a child.

In circumstances where a Kinship carer is caring for a child on a long-term, or permanent basis, the optimum way of offering that child legal security would be for his/her carers to apply for a Residence or Special Guardianship Order, so that the day-to-day parental responsibilities that the carers take on for the child would be legally protected and defined by the legal order. In Kinship care birth parent/s retain legal parental responsibility for their child.

In circumstances where a child is a Child Looked After and is place with Family and Friends Foster Carers and it is assessed that it is in the child's best interests for the child to come out of the Looked After system, Local Authority C will assist the carers in applying for a Residence Order where appropriate.

Policy and Procedures for eligibility and process for carers to make an application for a Residence Order Allowance can be found in Local Authority C's Procedures 'Finance Procedures for Adoption, Residence and Custodianship Allowances'. Residence Order Allowance is given by the Family Placement Panel.

Further information about Residence Orders may be found in 'The Children Act 1989 Guidance & Regulations' Volume 1, 'Court Orders' (HMSO 1991).

For legal framework, see Section 2 of this document.

1.7 Family Group Conferences and Family Network Meetings

Following referral by the child's social worker for a Family Group Conference, an independent Family Group Conference Co-ordinator will work to set up the Conference, in partnership with the child and the family, who will identify participants. When the Family Group Conference meets, it first hears from professionals about the needs of the child the professionals consider the Conference needs to address in order to make a safe and effective family plan for the child. The family then meet alone, to make the plan for the child and to make any arrangements for monitoring and reviewing the plan felt necessary (see Appendix 1 'Family Group Conference' for more information).

It may not always be possible, or appropriate to the needs of the child, to make a referral for a Family Group Conference (if, for example, it was considered that those in the family network posed a risk to the child). In these circumstances, or in circumstances where the child or family refused a referral for a Family Group Conference, it may be possible to hold a Family Network meeting. This is arranged, in consultation with the child and the family, by the child's social worker and would include as many people in the child's and family's relative and friend network as it is appropriate, and as the birth parent/s and the child wan, to attend. The Family Network meeting is chaired by the child's social worker's Team Manager and the objectives are to make a care plan for the child and identify what supports are needed for the child, carers and birth parent/s to carry out the plan.

1.8 Permanence for a child within Kinship and Family & Friends Care

Every child has a right to be able to develop secure attachments to carers who will meet his/her needs throughout childhood and who will care for him/her in such a way that he/she will achieve his/her full potential. The physical, emotional and legal framework of care in which a child can thrive, and which gives a child their sense of being loved and of identity, continuity and security, is generally provided by a child's birth parent/s. If a child is needing a placement away from home, the first objective for Social Services must be to assess and then provide support and services to birth parent/s to enable them to care for the child and for that child to return to their care.

If, however, birth parent/s are unable, following assessment and the provision of support and services, to care for the child and meet his/her needs, within timescales appropriate for the child, Social Services must plan with the birth parent/s for the long-term, permanent care of the child away from home. If the Child is, or needs to be, a Child Looked After, all Children Looked After permanence planning processes for the child, within all the timescales, must be followed.

The first consideration for the care of the child away from home, must be for care within the extended family network, provided, of course, that this meet the child's needs; the welfare of the child must never be compromised. The child's needs will be assessed within the Core Assessment.

Assessment of the carers need to achieve this, will be carried out. It is likely that relatives offering permanent Kinship care to a child who does need to be a Child Looked After, will consider making application for a Residence Order or Special Guardianship Order in respect of the child, so that the parenting arrangement for the child would be legally secured.

In the case of a Child Looked After, cared for by Family and Friends Foster Carers in a long-term or permanent arrangement, consideration needs to be given as to whether the child can be brought out of the Children Looked After system and their legal status secured by a Residence or Special Guardianship Order.

In some circumstances, relatives may want to consider adoption of the child.

Section 2: Legal and Regulatory Framework for Kinship care and Family & Friends Foster Care

2.1 Children Act 1989

The Children Act 1989 empowers local authorities to provide services to support parents in caring for their children so as to enable those parents to continue to

care, or resume care, of their children in all circumstances where that is in the best interests of the child (see below Section 17.1)

In circumstances where a child needs to be cared for away from home, the Children Act 1989 imposes a duty on local authorities to seek first to place a child with family or friends (see below Section 22 and 23 (2)).

2.2 Duties to Support Families and Placement of Children

Part I – sets out 'welfare check-list; for a child's needs, defines and provides for 'parental responsibility' and regulates the appointment of guardians.

Part II – sets out details of possible order in Family Proceedings.

Part III

Section 17 (1) - requires local authorities 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, by providing a range and level of services appropriate to those children's needs.
- The services provided by the local authority may include giving assistance - in exceptional circumstances, in cash.

Section 116 Adoption & Children Act 2002 amends Section 17(6) of the Children Act 1989

This amendment gives local authorities powers to provide assistance in kind, accommodation or, in exceptional circumstances, cash. The purpose should be to give Local authorities discretion in extreme cases to accommodate a child with his family, where they might otherwise have to separate.

Section 17(10) Definition of a Child in Need

1. He is unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development (means physical, intellectual, emotional, social or behavioural development) without the provision for him of services by the local authority.
2. His health (means physical or mental health) is likely to be significantly impaired, or further impaired, without the provision for him of such services.
3. He is disabled.

Section 20(1) Provision of Accommodation for a Child

Every local authority shall provide accommodation for any child in need within their area who appears to them to require accommodation as a result of: there being no person who has parental responsibility for them; they are lost or abandoned; the person who has been caring for them being prevented from providing suitable accommodation or care.

Section 20(8)

Any person who has parental responsibility for a child may at any time remove the child from accommodation, provided by, or on behalf of the local authority.

Section 22

Before making any decision with respect to a child whom they are looking after, or proposing to look after, a local authority shall give due consideration to the child's religious persuasion, racial origin and cultural, linguistic background.

Section 22(4)

Before making any decision with respect to a child whom they are looking after, or proposing to look after, a local authority shall, so fare as is reasonably practicable, ascertain the wishes of the child, his parents, any person who has parental responsibility for him, or any other person the local authority considers to be relevant.

Section 23(2)

Sets out the placement options to be considered when a child needs to be looked after away from home. A local authority shall provide accommodation and maintenance for any child whom they are looking after by placing him/her; with a family, a relative of his/her or any other such suitable person, on such terms as to payment by the Authority and otherwise as the Authority may determine.

Section 23(b)

Any local authority looking after a child shall make arrangements to enable him to live with; a relative, friend or other person connected to him/her unless that would not be reasonably practicable or consistent with his welfare.

2.3 Court Orders for Children

Sections 21, 31, 38 & 45

Covering children subject to Interim Care Orders, Care Orders, Emergency Protection Orders, Police Protection Orders or Secure Orders.

Section 8(1)

Covering Guardianship & Residence Orders
(see also the Children Act 1989 guidance & regulations Volume 1 ‘Court Orders’)

2.4 Definition of Relatives to whom Kinship care Policy Applies

Section 105

A relative is defined as: a grandparent, brother or sister, aunt or uncle, whether of the full blood or half blood or by affinity (by marriage) or a step-parent.

Section 105(a)

A step-parent or someone who is or who has been a party to a marriage in relation to whom the child is a child of the family.

2.5 Private Fostering

Section 1X Schedules 7&8

Private Fostering - paragraphs 67, 68 & 69

See also the Children Act (Private Arrangements for Fostering) Regulations 1991 and the DoH Guidance and Regulations Volume 8 ‘Private Fostering and Miscellaneous’.

2.6 Other Acts Relating to Children and Families which Apply to Kinship care/Family and Friends Foster Care

Carer (recognition & services) Act 1995 & the Carers & Disabled Children Act 1998:

Detail the specific entitlement of parent/s and care giver/s.

Human Rights Action 1989:

Article 8 respect for, and promotion of, individual family life by public authorities.

Adoption & Children Bill 2002:

Clause 112 Special Guardianship Orders under the Children Act 1989

Family and Friends Foster Carers or Kinship carers may want to consider making application to become a Special Guardianship for the child in their care once this provision comes in to force.

A Special Guardianship Order will give the Guardian a large degree of parental responsibility for the child.

Section 14F – there will be a duty of local authorities to make arrangements to provide support services for Special Guardians, which will include financial support. There will be a duty on local authorities to consider whether to provide advice and assistance to formerly Looked After Children aged 16-21, who are subject to Special Guardianship Orders.

The Fostering Service Standards:

Regulate the delivery of foster care and apply therefore to Family and Friends Foster Carers.

National Minimum Standards for Fostering Service 2002 – The Fostering Services Regulations 2002:

Standard 32 – Family and Friends as Foster Carers:

32.1 These standards (i.e. all national Minimum Standards) are all relevant to carers who are family and friends of the child, but there is recognition of the particular relationship and position of family and friends carers.

Regulation 38 – provides for immediate and emergency of placement of a child with a person who is not a foster carer, but who is a relative or a friend of the child.

Section 3: Assessment of the Child and Family Need

Assessment of the child's and his/her family's needs, leading to the decision that the child needs a placement away from home and identification of Kinship carers and placements of the child with Kinship carers.

3.1 The child is referred to the Social Services Department for a service and is assessed by the Department in the Initial Assessment as being a Child in Need.

3.2 The Initial Assessment will ascertain that the child needs a placement away from home, either in an emergency, or for respite, or for short-term care.

3.3 The Initial and Core Assessment of the child's needs will always assess, as the primary objective, whether a child can remain at home, or return home to live with his/her birth parent/s and what services are needed to enable this to happen.

3.4 It may be ascertained, via the Core Assessment, and other assessments, as appropriate, of the child's needs and his/her birth parent/s capacity to meet these needs, and after the provision of support and services to the child and his/her parent/s, that the child cannot live with his/her parents and is unlikely to be able to do so in future, or will not be able to return within timescales appropriate to his/her needs, and so he/she needs a placement away from home on a long-term, or permanent basis.

3.5 The child must be seen on his/her own by his/her social worker and his/her views, wishes and feelings much at all times and at all stages of the process be taken into account, appropriate to his/her age and understanding, and must be recorded.

3.6 The person/s with parental responsibility for the child must at all times and at all stages in the process be consulted and their views, wishes and feelings recorded and taken into account.

3.7 As soon as it is clarified, in assessment, that the child is a Child in Need and needs to be cared for away from home, for a period of respite, or in the short-term or on a longer-term basis, consideration will be given to a referral being made for a Family Group Conference to the Family Group Conference Link Co-ordinator. Co-ordinators are linked to every child care team in each area base. If it is not possible to make a referral for a Family Group Conference, a Family Network meeting will be held, to include as many people as possible in the child's and family's network who are significant to the child and who can assist in making a plan for the child. This meeting will be chaired by the child's Team Manager.

3.8 At the earliest stages in the Department's involvement with the child and his/her family, a genogram and Eco-mp for the child (see example Appendix 3) should be completed with the child and his/her family and placed on the child's file, to identify all significant persons in the child's life, whom the child and his/her parent/s might want to be involved in making plans for the child and to identify all persons who might form a care and support network for the child.

3.9 The child should NOT become a Child Looked After, unless his/her wellbeing demands it and the local authority will need to demonstrate reasons why Accommodation or an Order is being sought (see Section 1 'Definitions' 1.3 for guidance on why a child may need to become Looked After).

3.10 If a Family Group Conference is held, the Department will receive the plan for the child put forward by the conference and will ensure it meets the needs of the child for safety, protection and future wellbeing and development and that it contains arrangements for monitoring and reviewing the plan, if necessary.

3.11 The plan for the child and agreement or the child to be cared for by the prospective Kinship carers will be recorded in writing, either as an outcome of a Family Group Conference, or a Family Group Conference, or a Family Network meeting, and will be singed by the birth parent/s, the child (when appropriate) and the Kinship carer/s (when possible).

3.12 Prospective Kinship carers are identified, as part of the initial discussion and assessment with the child, birth parent/s, and family members.

3.13 The Family Group Conference, or Family Network meeting may assist with this, but it is important to note that the Family Group Conference should NOT be the mechanism for identifying Kinship carers for the child, as this could result on feelings or perceptions that pressure is being exerted on family members to make a commitment to care for the child which they could not ultimately carry through and which could therefore have potentially damaging effects for the child in the long-term.

3.14 In situations of immediate, or emergency, placement, or when the child is already living with the Kinship carers at the time of referral to the Department, a referral will be made to the Family Placement Team, to carry out the initial Kinship care Assessment, in partnership with the Kinship carers and the birth parent/s and the child (appropriate to age and understanding).

3.15 The Family Placement social worker will obtain the carer's permission for the Department to carry out all statutory checks for the carers and any other person 18+ living in the household.

3.16 When the Assessment, the statutory checks, the Agreement between carers, birth parent/s, child and the Department, the 'Delegation of Responsibilities' Form and the Initial Assessment of the child and his/her family's needs are satisfactorily completed, the care arrangements for the child will be ratified by the child's social worker and his/her Team Manager and the Family Placement Team Manager and the Service Manager for the child.

3.17 If it is ascertained, via assessments of the child and his/her parent/s that the child needs to be cared for away from home in the longer-term, or permanently, and the placement is going to continue for longer than 6 months, the Family Placement Team will carry out a more in-depth Kinship care Assessment for the carers (see Section below).

3.18 The Initial and/or Core Assessment of the child's needs, carried out by the child's social worker, will inform the Kinship care Assessments, in forming the basis of the discussion with the Kinship carers about how they are going to meet the child's assessed needs.

3.19 Once it has been ascertained that a Kinship care arrangement is going to be made for a child, notification of this must be sent to the Kinship care Project Manager.

3.20 If assessments conclude that the child will need long-term, or permanent care away from home, prospective Kinship carers might want at any stage to consider applying for a Residence Order or Special Guardianship Order in respect of that child (see Section 1 'Definitions – Residence Orders'). This will offer the child the security that the day-to-day parental responsibility undertaken by his/her carers will have the legal protection of the order. (Note: in Kinship care arrangements the child's birth parent/s retain legal parental responsibility). The Family Placement social worker therefore needs to inform carers about Residence and Special Guardianship Orders and the carers may want to take their own legal advice. It should be noted that the Kinship care Support workers can offer advice, information and support services to carers with a Residence or Special Guardianship Order for a child on the same basis as is offered to Kinship carers.

Section 4: Kinship carers – Assessment and Agreements for Placement of a Child

4.1 In situations where a child needs to be cared for away from home in an emergency, or as an immediate placement, or the child is already living with the prospective Kinship carers, the child's social worker will refer the carers to the Family Placement Team for them to be initially assessed, which covers the immediate meeting of the child's and the carer/s ' needs and covers the period where there may be on-going assessments with the child and his/her birth parent/s to ascertain whether and when the child can return home.

As soon as it appears that the child may need to be cared for away from home in the long-term, or permanently, or in the case of planned placement, where it is already known that the child will need to be cared for long-term, or permanently, the Family Placement Team will carry out a more in-depth assessment with the carers, using the Kinship care Assessment.

4.2 Kinship carers' permission will be obtained by the assessing social worker to carry out all statutory checks (CRB checks for all members of the carer's household aged 18+, Local authority Social Services Department, DoH Consultancy Index, Education, Probation) immediately the carers have come forward to care for the child.

4.3 The Assessment form establishes whether the care arrangements with the Kinship carers are safe and appropriate and meet the child's immediate needs and covers how these needs are going to be met e.g. sleeping

arrangements, routines, the maintenance of contact with friends and significant others, arrangements for attending school, health appointments etc, health & safety within the household; arrangements for contact and the views of all members of the carers' household about the care arrangements and particularly the family relationships and bonds with the child's birth parent/s. The assessment also cover the carers' understanding of the reasons for the child being unable to live with his/her birth parent/s at this moment in time and what support and services the Kinship carers might need in order to meet the child's needs, including whether they need to apply for a financial assessment, and/or for immediate help to purchase necessary equipment in order to care for the child (see Section 5 – Finance). The assessment will conclude with an analysis carried out by the assessing social worker, of the risks and benefits to the child of the proposed care arrangements, including what steps might need to be taken to remedy any risks.

Part of the Assessment records the views and wishes of the birth parent/s and of the child (appropriate to age and understanding) about the care arrangements for the child and needs to be completed in partnership with the child and birth parent/s by the child's social worker. In a Kinship care arrangement, the child's birth parent/s retain parental responsibility for the child and therefore the arrangement cannot be made without their agreement.

The Assessment form services as an Agreement between the Department, the child's birth parent/s and the Kinship carers as to the roles and responsibilities of all the immediate care arrangements for the child and is signed by all. It stands as the written agreement of the birth parent/s to the Kinship care arrangements for the child.

The child's social worker will ensure the birth parent/s sign a 'Delegation of Responsibilities' form which gives their permission to the Kinship carers for routine and emergency medical and dental appointments, school visits etc. for the child.

The assessment should be conducted in light of the fact that there is a legal presumption in favour of relatives caring for a child (Children Act 1989): the onus is therefore on the local authority to demonstrate, or show evidence of, prospective Kinship carers' unsuitability. It may be helpful for workers or their Team Managers to consult with the Kinship care Project Manager for guidance about the assessment.

When the assessment, the Agreement, the Initial Assessment and/or Core Assessment of the child's and his/her family's needs, the statutory checks and the Delegation of Responsibility Form are all satisfactorily completed, the social worker, Team Manager, Family Placement Team Manager and Service Manager for the child will ratify the care arrangements for the child.

4.4 It may be ascertained by the Department and agreed by the child's birth parent/s that, on completion of the Care Assessment of the child's and his/her family's needs, and on completed of any additional assessments required, of the child's parents' abilities to meet the needs, and following provision of support to the child and his/her parents to enable the child to remain at home, that the child cannot return home to live either permanently, or within timescales appropriate to the child, and so needs to remain with the Kinship carers on a long-term, or permanent basis.

The Family Placement Team will carry out a Kinship carers' Assessment for the Carers.

4.5 The Kinship carer's Assessment, carried out by the Family Placement Team, will assist workers and Kinship carers focus in greater depth on issues such as the skills and parenting capacities and life experience carers are bringing to the task of meeting the child's needs in the long-term. It will also focus on how caring for the child will impact on the carers' family relationships, especially the relationship with the birth parent/s and what help or services the Kinship carers may need, to assist them in managing these relationships and in maintaining contacts for the child.

4.6 The Kinship carers' permission will be obtained for the Department to write to their GP to ascertain there are no medical conditions that might indicate the carers are unable to care for the child.

4.7 In Kinship care arrangements, birth parent/s retain legal parental responsibility for the child. In situations, therefore, where a child needs a long-term, or permanent placement away from home, workers must discuss with the Kinship carers the benefits to the child of carers applying for a Residence or Special Guardianship Order, which gives the carers a degree of legal parental responsibility and which therefore gives the child a legally protected parental arrangement.

4.8 The Initial Assessment and/or Core Assessment of the child's needs, carried out by the child's social worker, is essential in informing discussions with the Kinship carers about how they are going to meet the child's needs and what additional supports and help they might need in order to do so.

4.9 The child's views, wishes and feelings about the proposed care arrangements must be sought and recorded by the child's social worker and the child must be seen on his/her own to do so.

4.10 Birth parent/s must be consulted by the child's social worker and their views, wishes and feelings taken in to account. In Kinship care arrangements, they will retain legal parental responsibility for the child and their agreement to

the Kinship care arrangement must be recorded and the Delegation of Responsibility form signed.

4.11 The Initial and/pr Core Assessment of the child's needs should identify what support and services the child will need from the Department; it should include a brief history of the child and record of significant events in the child's life; a health and education assessment for the child; the child's views of him/herself and his/her family and his/her understanding about his/her care plan; an assessment of the child's emotional, behavioural, cultural, social and development and needs, including, most importantly, relationship with, and contact arrangements with, the birth parent/s; and an indication of his/her future needs.

4.12 At the conclusion of all assessments, an Agreement will be drawn up between Kinship carers, the child where appropriate, the birth parent/s and the Department, which will describe the duties and responsibilities of all concerned with the care arrangements of the child; it will describe any services that will be set up for the child and carers (including financial support if needed) and it will include any arrangements that have been agreed are necessary for monitoring and review. This Agreement will record the birth parent/s written and signed agreement to the Kinship care arrangement. The birth parent/s will also be asked to sign a 'Delegation of Responsibilities' form, which allows the Kinship carers to discharge day-to-day responsibilities for the child e.g. to give permissions for school activities, or to carry out routine and emergency medical appointments for the child. A copy of this form can be given to the child's education, health and community service providers to clarify the delegation of parental consent.

4.13 As a conclusion of the assessment process, all assessments, the child's care plan (generally the Family Group Conference Plan or Family Network meeting plan), the health information from the Kinship carers GP, and the Agreement and the Delegation of Parental Responsibilities form, signed by all parties involved, will be ratified by the child's social worker's Team Manager and by the child's Service Manager and the Family Placement Team Manager.

4.14 The Kinship carers and the child will receive on-going services and support, based on their assessed needs, as set out in the Agreement.

4.15 The Agreement will be monitored and reviewed according to the arrangements set out within it. A copy of the Agreement will be sent to the Kinship care Project Manager.

4.16 It is likely that the Agreement will reflect the fact that many of the Kinship care arrangements for children and their carers will fall within the category of 'stable/low maintenance' cases.

Section 5: Kinship carers – Financial Assessment and Support

5.1 If Kinship carers need financial help in order to care for the child, they can apply for a financial assessment. The financial assessment uses the same forms and follows the same process as that for application for Residence Order, Adoption Order or Custodianship Allowances and the same formula for assessment is used.

5.2 Finance Assessment forms (for applications to complete a financial statement).

5.3 Kinship carers should be given assistance by the assessing social worker or the Kinship care support worker, when requested, to complete the forms and the forms should be returned to the Finance Office who will carry out the financial assessment.

5.4 The Kinship care Allowance will be paid directly to the Kinship carers via the Finance Office and will be reviewed annually by the Finance Department, who will inform carers of any changes.

5.5 If Kinship carers wish to apply for a Financial Assessment, with a view to receiving a Kinship care Allowance, the social worker who is carrying out the Kinship carer's Assessment will inform the local RAG Panel that an application for financial assistance is being made.

5.6 The Finance Office will inform the Kinship carers and the assessing social worker in writing the outcome of the financial assessment and the social worker will inform the RAG Panel.

5.7 The social worker carrying out the Kinship care Assessment will activate the start of payments to the carers by sending the Finance Office details of the allowance.

5.8 The child's social worker and the Family Placement social worker will ensure that details of the child and of the Kinship carers are entered on the SS, SAP and Swift systems to enable payments to be made.

5.9 It should be noted that birth parent/s retain parental responsibility for the child in Kinship care and they may be in a position to contribute financially to the child's care.

5.10 Kinship care Allowances will be paid under Section 17 (Children Act 1989) and are disregarded as income when assessments are made for payment of State Benefits. Kinship care Allowance is subject to tax.

Current rates for full Kinship care Allowance are:

Child 0-4 years	£55.44 per week
Child 5-10 years	£71.61 per week
Child 11 – 15 years	£91.84 per week
Child 16 – 18 years	£122.22 per week

NB: Rates are reviewed annually and reference should be made to this policy, which will be updated annually on 1st April, to obtain the information about the allowance rates for a new financial year.

5.11 It should be noted that the allowance is paid on a sliding scale and that the financial assessment will determine whether the carer is eligible for the whole, or a part of, the allowance.

5.12 Rates will be reviewed annually and Kinship carers will be directly informed by the Finance Department of any changes to their allowance.

5.13 Kinship carers should be given advice and information about claiming any of the state benefits, disability allowances, or tax credits they will be eligible to claim when caring for the child.

5.14 The birth parent/s are not able to claim child benefit for the child after the child has been living away from home for a period of 8 weeks or morel the Child Benefit should be transferred to the Kinship carers.

5.15 Finance for Kinship carers when a child is placed in an emergency – the Initial Assessment of the child's needs and situation (Initial Assessment and/or Core Assessment) will have been carried out and the Kinship carers will have received the assessment, as a result of which the need for financial support may have been identified, and without which they will be unable to continue to care for the child.

5.16 If emergency payments are needed, before financial assessment can be processed, to maintain the placement, application for financial help for the carers should be taken to the RAG Panel, but the child's social worker, or by the assessing social worker, to agree payments under Section 17.

5.17 Any such emergency payments can be made for an initial period of 6 weeks. Re-application will need to be made to RAG by the child's social worker, or by the assessing social worker, if the financial assessment has not been processed by the end of this period.

5.18 Payments will be processed by the Finance Office.

5.19 Kinship carers need to be informed that any such payments are an interim measure and any regular Allowance can only be made after financial assessment.

5.20 If there is a need for a 'setting-up' grant for a child placed with Kinship carers e.g. bedding, basic clothing, an application will need to be made to the RAG Panel by the child's social worker and any such costs agreed will be paid under Section 17 via the Finance Office.

5.21 All receipts for agreed expenditure need to be given to the child's social worker/assessment social worker and passed to the Finance Office with details for payment.

Kinship carers will need to be informed that the Department cannot replace items in the future because of normal wear and tear.

5.22 Basic equipment for a child should include a bed, storage space for clothing and personal items, 2 sets of bedding, pillows, mattress protector or cover. For younger children or babies, basic equipment might include a cot, buggy, car seat, high chair, changing equipment, sterilising/bottle equipment, 3 sets of cot bedding.

5.23 Most children will bring with them at the time of placement their clothing and personal belongings; as a guide, basic immediate clothing needs for a child might be; 5 sets of underwear, nightwear, 2 t-shirts or equivalent, 1 warm top, 1 coat or jacket (as required by the season), 1 pair of shoes or trainers, 1 pair of trousers/jeans/skirt, toothbrush, flannel and other toiletries as appropriate, plus appropriate school clothing.

Section 6: Kinship care – Support Services

6.1 It is know from research that caring for a relative's child can create some complexity within the network of family relationships and carers say they very much welcome support with negotiation and mediation within the family.

6.2 Kinship carers' support and development needs will be identified with them during the Kinship carers' assessment (see Section 4) and will be recorded, with the plan of how these needs are to be met, in the Agreement which will be drawn up between the carers, the child, the birth parent/s and the Department at the conclusion of the assessment. The child's needs for support and services will also be identified in the Initial and Core Assessment and the plan of how these needs are to be met will be set out in the Agreement.

6.3 It is likely that the plan produced by the first Family Group Conference or Family Network meeting for the child will be part of the basis for the subsequent Kinship care Assessment and the Agreement and that the Family Group Conference or Family Network meeting will have identified ways in which to support the Kinship carers, for example, by offering help with babysitting or respite within the family.

6.4 A Family Group Conference or Family Network meeting can be reconvened at any time, should new issues and needs arise.

6.5 The Kinship carers can access the services of the Kinship care support workers. A support worker is based in each of the 3 Districts. These workers offer individual support and information about Support Groups, Drop-Ins, Information and Training meetings and about support networks in the community. These services can also be accessed by carers with a Residence or Special Guardianship Order for a child.

6.6 Kinship carers can ask for a financial assessment if they need financial help in order to care for a child.

6.7 Kinship carers can access supports in the community such as Parentline and Sure Start and they can access Social Services Out of Hours service and the Carers Helpline.

6.8 Kinship carers and the children they care for will have the same priority of access for services in the community, delivered by partner agencies, such as CAMHS, Educational Psychology, Connexions, as do Children Looked After.

Kinship carer support workers can assist Kinship carers in accessing these services.

Section 7: Children Placed with Kinship carers Outside the Area

7.1 All assessments will be carried out and the assessments and Agreement will be ratified by the child's Team Manager and Service Manager.

7.2 The Agreement will detail the needs of the Kinship carer and the child for support and the plan to meet those needs and will include any monitoring and reviewing arrangements felt to be necessary (Note: Finance Agreements are reviewed annually by the Finance Department).

7.3 Local Authority C will contact the local authority area in which the Kinship carer and child are residing and it is hoped it will be possible to set up any necessary supports for the carers and the child within their own local authority, or in their local community

7.4 It should be noted that, because of geographical constraints, it may be impossible for Local Authority C to provide a support service, other than a telephone support service, to the Kinship carer.

7.5 Local Authority C will write to the Kinship carers' local authority when the child has moved to live with the carer, to state that Local Authority C will not be able to take responsibility for any alternative care arrangements that may need to be made for the child, should the care arrangement with the Kinship carer break down and the child needs to become a Child Looked After.

7.6 In situations where it is proposed a child is cared for by a relative who lives outside the UK, the child's social worker needs to consult with their Team Manager about the process to follow.

Section 8: Bringing Children, Placed with Family and Friends Foster Carers, Out of the Children Looked After System

8.1 Consideration is given, at every review, as to whether the child can return to live with his/her birth parents and what support and services would be needed to achieve this.

8.2 Consideration must also be given, during all assessments and at every CLA review, as to whether the child needs to continue to remain as a Child Looked After (in order to safeguard his/her welfare, or because the child is being cared for by a distant relative or friend).

8.3 If neither of these conditions in 8.2 still apply, discussion needs to take place as to whether the child can come out of the Looked After system and his/her Family and Friends Foster Carers become Kinship carers or seek a Residence or Special Guardianship Order.

8.4 Consideration should be given to a referral for a Family Group Conference, or to the holding of a Family Network meeting, chaired by the child's Team Manager, which will assist in identifying support networks for the child and for the carers, and will make a plan for the child to come out of the Looked After system and for the child's continuing long-term care.

8.5 In circumstances of the child coming out of the Looked After system and the Family and Friends Foster Carers considering making application to take out a Residence or Special Guardianship Order in respect of the child, the child's social worker needs to consult with legal services and the carers may want to seek their own legal advice.

8.6 In circumstances of consideration of a Care Order being discharged, the child's social worker and his/her Team Manager will consult with legal services.

8.7 For additional guidance on the making of a Residence Order to family or friends following the discharge of a Care Order, reference should be made to 'Residence Order Allowance Applications'.

8.8 For Guidance on the Discharge of a Care Order, reference can be made to the 'Children Act 1989 Guidance and Regulations, Volume 1 "Court Orders"'.

8.9 In exceptional circumstances the Department may assist with the fees incurred by the relative carers in applying for a Residence Order.

8.10 The decision as to whether the Department can assist with the costs of the application for a Residence or Special Guardianship Order in respect of the child will be made by the child's Team Manager and Service Manager, who will then make the request to the RAG Panel. The decision will be based on an assessment of the child's needs and the relative carers' circumstances and will follow on from the Agreements made at a planning meeting or a child's CLA review for the child to be brought out of the Looked After system.

8.11 In making a decision about whether a child should cease to be a Child Looked After, the child's, the relative carers' and the birth parent/s views, wishes and feelings much be ascertained and recorded.

8.12 The Core Assessment of the child's needs and family circumstances will be updated and the Family and Friends Fostering Assessment for the carers will be updated, so as to confirm that the child's needs are being met, and will continue to be met, in a placement with the relative carers.

8.13 The decision for the child to no longer be a Child Looked After will be ratified at a planning meeting or at the child's CLA review, the decision being based on the updated assessments, the views and feelings of the child, carers and birth parent/s as recorded and the Family Placement social worker and the child's social workers reports recommending the child be brought out of the Looked After system.

8.14 These meetings will also ratify the Agreement, drawn up between the carers, the birth parent/s, the child, where appropriate, and the Department, as to what services and support the child and the carers and the birth parent/s will receive once the placement becomes a Kinship care placement, or a Residence or Special Guardianship Order is made. This agreement needs to include any arrangements for monitoring and reviewing

deemed to be necessary and will also contain the financial agreement between the Department and the kinship carers.

Section 9: Finance for Kinship carers who have been Formerly Caring as Family and Friends Foster Carers

9.1 In circumstances where the child ceases to be a Child Looked After, and remains with his/her relative carers, the Department will transfer the fostering allowance previously paid to the carers when they were Family and Friends Foster Carers and they will receive an allowance at the same level, including Christmas, Birthday and holiday allowance, in the form of a Kinship carers Allowance.

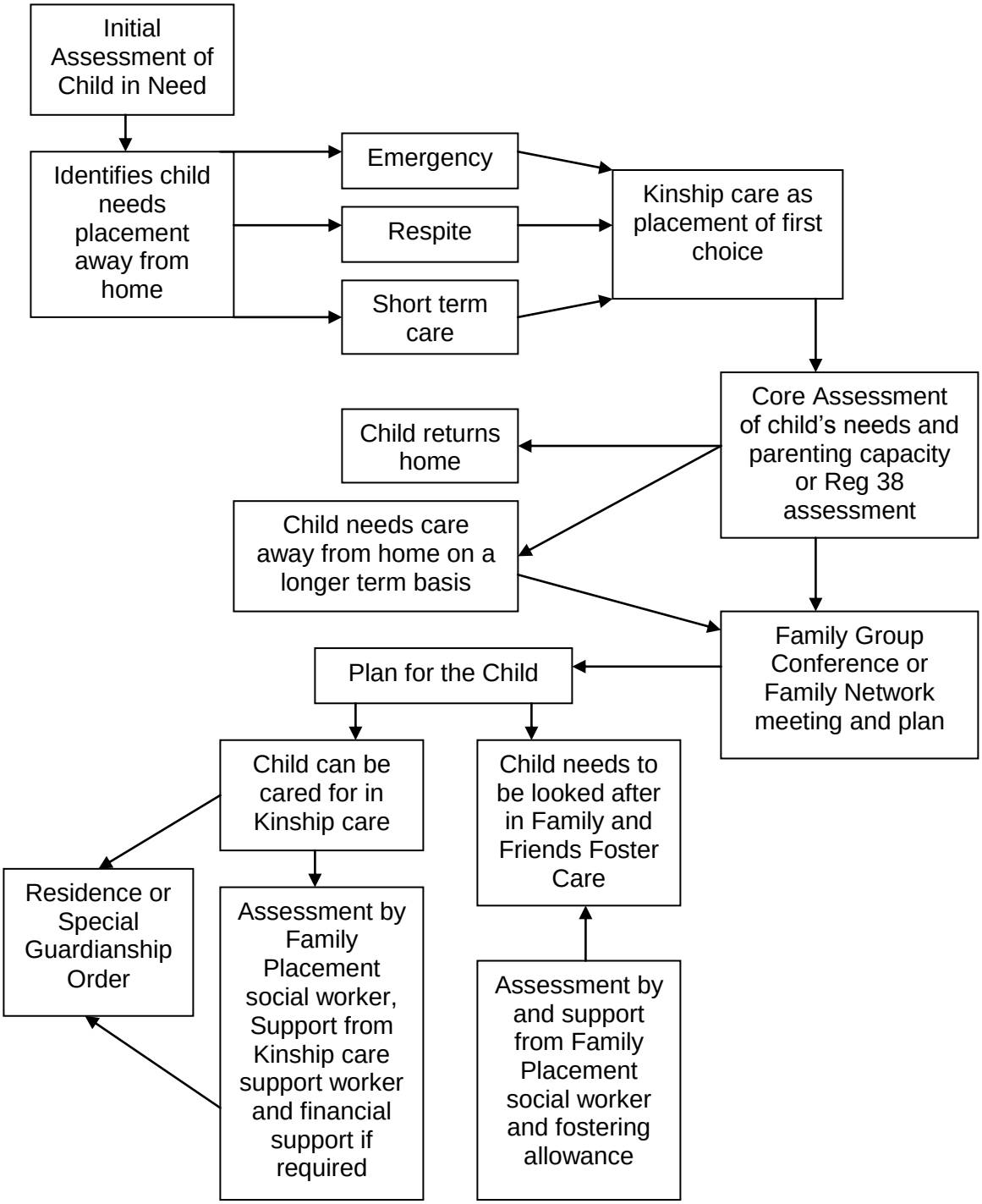
9.2 The Finance Office must be informed of the change from Fostering Allowance to Kinship care Allowance, to include details of the Kinship carers and the children in respect of whom the allowance will be paid.

9.3 The child's social worker will ensure the child and the carers are entered on the Swift and SAP recording systems as being in a Kinship care arrangement.

9.4 The local RAG Panel must be informed by the child's social worker that the Fostering Allowance previously received will now be paid to the Kinship carers as a Kinship carer's Allowance.

9.5 This Kinship carers' Allowance will be paid under Section 17 (Children Act 1989) and will be reviewed annually by the Finance Department and any appropriate cost of living rise will be awarded.

Kinship care Flowchart



Appendix 9 – Family Plus – Proposed Model Policy

OICS

Children's Services Department
Operational Instructions – Children's Services

Family and Friends Care of Children in Need and Kinship Foster Carers of Looked After Children (regulation and support)

Contents

a. Policy

- The welfare of the child is paramount. Their rights, wishes, needs and safety are central to decision making.
- Children need to have safe, secure and permanent care with primary carers and the opportunity to maintain meaningful links with their extended family and community; making sure of this should be central to the planning for all children.
- Children and young people have the right to have this care provided by their parents wherever possible.
- Every reasonable and practicable support will be given to enable a child assessed as being a child in need to live with their birth parents, as required under Section 17 of the Children Act 1989, unless and until it is clear that this is not safe to do so. The family network should be involved in planning with professionals the support to be offered to the parents to enable them to care safely and well for their children – this can be done through a Family Group Conference.
- Where it is not safe for a child in need to live with their birth parents or other adults with parental responsibility, even with support, every reasonable and practicable effort must be made to enable him or her to live within their wider network of family or friends. Research shows that outcomes for children cared for in this way are at least as good and often better than children brought up in non-related foster care and that to be cared for within their family is important to children. This is in line with the Public Law Outline – New Approach to Care Proceedings 2008 and the Children Act 1989 Guidance Volume 1 (revised 2008).
- This policy supports the ‘No Order’ principle of the Children Act 1989. The Local Authority will always follow the ‘No Order’ principle for the child not to become a Looked After Child. Reasons must be clearly demonstrated why the child needs an Order and why legal proceedings are essential to safeguard the welfare of the child.
- In the first instance parents, family members and close family friends should be asked to suggest people in the child’s wider network who could care for him or her. Ideally this should be done through the use of a Family Group Conference to enable the involvement of the widest possible network to share together in the decision making and planning about their child.
- Where the parents and family are able to agree their own arrangements to provide an alternative primary carer for a child in need, the carers can be supported to do so, as made possible under Section 17 of the Children Act 1989.
- Where a Local Authority facilitates a friend or family arrangement, the Local Authority must make it clear to the family and friend that this is an informal arrangement, not a placement of a child under Sections 20 and 23 of the Children Act 1989 and that any payments made to the family or friend are discretionary

Section 17 payments. The responsibility for the child rests with the carer and parents and the carers should give their fully informed consent to this arrangement. This family agreement needs to be a clear and agreed plan involving, at a minimum, the parent and the carers; for example through a Family Group Conference Family Plan or a Single Plan. The carer's ability to meet the needs of the child will be assessed and the support to enable them to care for the child can be provided through Social Work support, access to universal support services, specialist support services and financial assessment for a means tested allowance at the level of the fostering maintenance allowance.

- Such family or friends may then be supported in making their own application for a legal order to achieve permanence for the child. This would be a Residence Order or a Special Guardianship Order.
- Where arrangements of alternative care with friends or more distant relatives are made, Private Fostering Regulations will be applied.
- Ensure that allowances paid to family and friends who care for children under Section 17 Children Act 1989, or under a Special Guardianship or Residence Order, as an alternative to children being Looked After by the Local Authority, are brought in line with the fostering allowances paid to family and friends who are foster carers. This will be subject to a means test and to deductions equivalent to the value of state benefit entitlements which the carers are entitled to.
- Where the parent **will not** take part in planning for, or agree to, family arrangements and it is not safe for the child to live with their parents then Care Proceedings will be started.
- If the child becomes a Looked After Child as a result of initiating Care Proceedings, or as a result of being accommodated under Section 20 of the Children Act 1989, the child can be placed with family and friends as Kinship Foster Carers initially under Regulation 38 of the Fostering Service Regulations 2002 and subsequently as approved Local Authority Foster Carers for that particular child.
- Only where appropriate Family and Friends Care has been sought and is not available or safe, will non-related foster care be used for children. If non-related foster care is used then the possibility of a subsequent move to Family and Friends Care must be actively pursued before plans for a child to live permanently away from their family and friends network are confirmed. It is recognised that planning for both possibilities may need to take place in parallel to prevent delay in achieving permanent care for the child, however Family and Friends Care should be the preferred alternative where it is safe to do so.
- If a child can, at a later stage, return to parental care this will be supported. If return is not in the child's interests then permanent legal underpinning for family arrangements for Family and Friends Care will be encouraged and supported by the ongoing provision of support services, financial support for carers to gain

appropriate levels of parental responsibility and assessment for a continuing means tested allowance at fostering maintenance level.

- In order to be approved as Local Authority Foster Carers, Kinship Foster Carers need to meet all of the National Minimum Standards for foster carers as outlined in the Care Standards Act 2000. Where Family and Friends Carers have become approved Kinship Foster Carers to a Looked After Child, and the child's Care Plan is permanence for the child with his or her Kinship Foster Carers, the aim should always be to secure permanence through the seeking of a Special Guardianship Order or a Residence Order.
- If the child has to become looked after to safeguard his or her wellbeing under Regulation 38, it is the responsibility of the child's Social Worker to make sure that this Regulation 38 placement is safe by carrying out an Initial Viability Assessment of the carers and their ability to meet the needs of the child **before** the child is subject to Care Proceedings and becomes Looked After using form FF section 5. The Initial Viability Assessment must confirm that the person with whom the child is to be placed has been interviewed, the accommodation has been inspected and information has been obtained about other people living in the household.
- An Interim Assessment Report has to be completed and submitted to the Fostering Panel for a recommendation for interim approval or not. The Family Plus Team will take the lead in undertaking the Interim Assessment Report with input from the child's Social Worker.
- If the child's Care Plan is to seek permanence through a Special Guardianship Order or a Residence Order with the Kinship Foster Carer, the child's Social Worker and Family Plus Team will need to complete the appropriate assessments and reports to court.
- Only if Kinship Foster Care continues to be the Care Plan after proceedings, with the child remaining a Looked After Child in the medium or long term, does a full BAAF 2 Assessment need to be completed by the Fostering Service and presented with a recommendation to the Adoption and Permanence Panel (if the child is to remain permanently placed with the Kinship Foster Carers until 18).
- Once the Kinship Foster Carers have been approved by the Agency Decision Maker as Local Authority Foster Carers, the Kinship Foster Carers will be supported, supervised and reviewed as Foster Carers under the Fostering Regulations 2002. Permanence through Special Guardianship Order or Residence Order should always be discussed with Kinship Foster Carers as part of reviewing the child's Care Plan.
- Assessments of the suitability of Family and Friends Carers, whether within family arrangements or as Foster Carers, will take fully into account the strengths of such care as identified in research. The support offered will be informed by what research has told us about the particular stresses on and needs of Family and Friends Carers.

b. Exclusions

None.

c. Law

- Children Act 1989.
- Placement of Children with Parents Regulations 1991.
- Family Proceedings Rules 1991.
- Fostering Services Regulations 2002.
- Adoption and Children Act 2002.
- Children Act 2004 .
- Special Guardianship Regulations 2005.
- The Children (Private Arrangements for Fostering) Regulations 2005 and Fostering Regulations 2009.
- Public Law Outline - New Guidance Care Proceedings 2008.
- Children Act 1989 - Guidance Volume 1, Revised 2008.
- Children and Young Persons Act 2008 (to come into force on a date to be appointed).

d. Definitions

Permanence: a framework of emotional, physical and legal conditions that gives a child a sense of security, commitment, identity, belonging and above all continuity throughout their childhood.

Family and Friends Care: the full-time care and protection of a named child or children, living apart from their birth parents, provided by a family member or family friend. Family and Friends arrangements may be made within various legal frameworks.

The child can be cared for by family and friends where they are **not** a Looked After Child.

- **Family arrangements with relatives** which can be supported under Sec 17 of the Children Act 1989. All parties need to be clear of the basis in which the Local Authority is proceeding in that it is an informal private family arrangement (not a placement under Section 20 of the Children Act 1989).

Family arrangements where the carer is not a parent, a person with parental responsibility or a relative (as defined in the 1989

Act). This arrangement is regulated as a **Private Fostering**

- arrangement (see below). Such arrangements can be supported under Sec 17 of the Children Act 1989.
- A **Special Guardianship Order** under Section 14A Children Act 1989 (revised) where the child's carers can receive a Special Guardianship Allowance and support services can be offered.
- A **Residence Order** under Section 8 Children Act 1989 where the child's carers can receive a Residence Allowance on a discretionary basis. This and other support services can be offered under Sec 17 of the Children Act 1989.

Family and Friends Care can also be provided to a **Looked After Child**.

- **A Looked After Child** is a child who is in the care of a Local Authority either subject of a Care Order (S.31) or Interim Care Order (S.38), or a child who is provided with accommodation under Section 20 of the Children Act 1989.
- Where the child is **accommodated** under Section 20 Children Act 1989, the Family and Friends Carers are assessed, approved and paid as **Kinship Foster Carers** for that child.
- Where the child is **subject to a Care Order** under Section 31 Children Act 1989 **or Interim Care Order** under Section 38 Children Act 1989, the Family and Friends Carers are assessed, approved and paid as **Kinship Foster Carers** for that child.

Where the child is a Looked After Child the assessment and support of the Family and Friends placement of that child is covered in Section B of the Operational Instructions – Kinship Foster Care.

- **Kinship Foster Care:** where a Looked After Child is placed with a relative, then this relative can be assessed and supported as a foster carer for that child under the Fostering Services Regulations 2002.
- **Non Related Foster Care:** where a Looked After Child is placed with a Local Authority Foster Carer who has been recruited, trained, assessed and supported as a foster parent under the Fostering Services Regulations 2002.
- **Relative:** a relative is defined in the Children Act 1989 (S. 105) as a "grandparent, brother, sister, uncle or aunt (whether of the full blood or by affinity) or a step parent".

Private Fostering: when a child under 16 (or 18 if he or she is disabled) is cared for or is planned to be cared for by an adult who is not a parent nor a person with parental responsibility or a relative (see definition of relative above), for more than

28 days by private arrangement between parents and carers, then this is a Private Fostering Arrangement. Such Private Fostering

- Arrangements must be regulated according to The Children (Private Arrangements for Fostering) Regulations 2005 and can be supported by the Local Authority under Section 17 of the Children Act 1989.
- **Family Group Conference:** a meeting of the extended family and friend's network with key professionals to plan for the care of a child. The meeting is convened by a Family Group Conference (FGC) Coordinator who is independent of the casework planning and decision making processes and the meeting involves private family time where the family makes their plan for care of the child.
- **Residence Order:** A Residence Order can be granted by the Family Court under Section 8 of the Children Act 1989. The holder of a Residence Order exercises parental responsibility (PR) for the child jointly with other people who have PR (for example the birth parents). A Residence Order implies that the children are living with the person holding the Order. With a Residence Order, the child's parents retain parental responsibility. A Residence Order lasts until the child is 16 unless it is revoked by a court; the court has the power to make a Residence Order until the child is 18. The parent(s) can apply for contact with the child through the courts or a variation of the Residence Order. It is possible for someone holding a Residence Order to receive support services through the general framework of support for children in need under Section 17 of the Children Act 1989, or through a Residence Order Allowance - which can be made at the discretion of the Local Authority.
- **Special Guardianship Order:** Special Guardianship Orders offer more than a Residence Order in terms of greater legal security and the entitlement to ongoing support services to the child and to Special Guardians. Special Guardianship provides an alternative for achieving permanence in families where adoption is not appropriate. The Special Guardian will have parental responsibility for the child and will have clear responsibility for the day-to-day decisions about caring for the child to the exclusion of others with parental responsibility. A Special Guardian can appoint a Guardian in the event of death. The child's parents will also continue to hold Parental Responsibility but their exercise of it will be limited. The parents will, however, retain the right to consent or not to the child's adoption or placement for adoption. In addition there are steps in a child's life which require the consent of everyone with Parental Responsibility; the change of name of the child, the removal of the child from the United Kingdom for longer than three months, the sterilisation of a child or other major medical operations. Special Guardianship lasts until the child is 18. Local Authorities are required to make arrangements for the provision of Special Guardianship Support Services which are similar to

Adoption Support Services. The purpose of Special Guardianship Support Services is to make sure the continuance of the relationship between the child and his or her Special Guardian.

- **Social Worker for the Child:** the Social Worker responsible for the general conduct and overall co-ordination of the assessment, planning, implementation and review for the child.
- **Family Plus Social Worker:** the Social Worker responsible for the assessment and ongoing support of Family and Friends Carers of children in need.

Section A – Operational Instructions for Supporting and Regulating the care of Children in Need by Family and Friends Carers

1. Delegation

Plan for Local Authority support of family arrangement and discretionary financial support	**Practice Manager for Children's Team or Children with Disabilities team**
Approval of assessment of the Carers as being suitable to meet the needs of the child and of the support to be offered	**Operations Manager – Specialist Family Support in conjunction with Operations Manager Children's Services or Children with Disabilities Services or Looked After Children Services**
Support for continuing care of child by identified Family and Friends carer and agreement to Section 17 payment at fostering maintenance allowance level to support child to live with extended family and friend network	**Operations Manager - Children's Services or Children with Disabilities Services or Looked After Children Services**
Support for Special Guardianship or Residence Order application by Family and Friends Carer and for Special Guardianship or Residence Order Allowance once Order is granted	**Operations Manager – Specialist Family Support**
Agreement to the initiation of Care Proceedings to support or allow Family and Friends Care	**Operations Manager - Children's Services or Children with Disabilities Services**
Agreement of plan to place a Looked After Child with Family and Friends Carers as emergency foster carers under Regulation 38 of the Fostering Regulations 2002	**Operations Manager**
Agreement to recommendation of Special Guardianship or Residence Order and allowance	**Operations Manager – Family Plus in conjunction with Operations Manager**

2. Authority to Vary These Instructions in Individual Cases Only

Heads of Children Services.
Heads of Looked After Children Services.

3. Supporting a Family to Care for a Child within the Child's Network of Family and Friends

When there is concern a child may not be able to safely remain with their parents or carers, either in the short-term or the long-term, the family and friend's network should be included in the planning for the child.

3.1 All children referred to the Department should receive an Initial Assessment of Need. If this reveals further concern about the child, a Core Assessment of Need should be completed. If there is concern about risk to the child, Safeguarding Procedures should be followed.

3.2 If assessment reveals the need to support the parent(s), or possibly replace care of the child by the parent, support for parenting by family members and possibilities for alternative family care should be discussed with the parents and the family and friends.

3.3 **A referral to the Family Group Conference Service should be made, by the Social Worker for the child, to support this exploration**. The family can be asked at the Family Group Conference both to join in plans for support of the parents care of the child and, if the level of concern warrants this, to make an alternative plan for Family and Friends Care should support plans be unsuccessful in protecting the child or making sure the care is adequate.

3.4 **Where there seems to be a likelihood that care by people other than the parents will be needed, the situation should be presented by the Social Worker for the child to the Area Care Planning Forum**. At this meeting consideration will be given to the need for further assessment of the children and parents through an updated Core Assessment or additional specialist assessments. This planning will be made in the light of the need to explore all

possible options to avoid the need for Care Proceedings, including the provision of care by family and friends, as required by the Public Law Outline and Volume 1 of Children Act Guidance.

4. When a decision is made that a child cannot safely remain with their parents or carers, alternative Family and Friends Carers will be sought.

4.1 When assessments reveal that a child cannot safely remain in the care of their parent(s) the Social Worker for the child should discuss with the parents(s) and Family and Friends which arrangement would be the most suitable to meet the child's immediate needs for safe care.

4.2 Children can be cared for by family members or friends with the agreement of a parent or person with Parental Responsibility whilst:

- a Core Assessment is completed, and
- a Family Group Conference is organised to explore available and appropriate future wider family and friends support or care.

4.3 **Where the carer is a relative (see definition above), the Social Worker for the child should complete an Initial Viability Assessment of the carers** which will be recorded in Form FF - Section 1. In practice the child may have started living with the carers before the assessment is completed in which case this form should be completed within 24 hours of the child going to live with the carers. **If the carer is a friend or a more distant relative (see definition section) then the carer is a Private Foster Carer (see 2.7 below).**

4.4 This Viability Assessment must consider whether the child's needs can be met by extended family or friends. This should include the strengths of any family placements as well as potential difficulties.

4.5 The Social Worker for the child should make sure that the Form FF - Section 2 (b) *Delegation of Responsibilities* form is completed by the person or people with parental responsibility. This form will formally record all party's understanding of the legal standing of the arrangement as a family arrangement made between the parents and the carers supported by Children's Services, it will enable the carer to enact day-to-day parental responsibility for the child with the parent's agreement. An Initial Agreement between the carers and the parents should be recorded on Form FF –

Section 4 by the Social Worker for the child.

4.6 The Social Worker for the child should undertake basic checks on members of the household over the age of 16. These will include checks on Care First, checks with the Safeguarding Unit in relation to any links with a child subject to a Safeguarding Plan and the completion of a CRB form for an enhanced Police Check.

4.7 If the carer is legally a Private Foster Carer i.e. a family friend or a more distant relative (see definition section) then the child and carer should be immediately referred to the Family Plus Team for Private Fostering Assessment and Regulation. The Family Plus Team will perform the required statutory assessments and checks required under The Children (Private Arrangements for Fostering) Regulations 2005 in parallel with assessments of the ability of the carers as outlined below.

4.8 If the family or friends carers need financial help to care for the child, Section 17 payments should be considered. Financial assistance will be provided according to the needs of the child and carers and may either be one-off start up payments or a regular allowance. Any monies will be paid on a discretionary basis until it is agreed as part of the Assessment or Child in Need Review process that the Family and Friends Carer is to be the primary carer. During this period, Section 17 financial payments can be made to the family or friend for up to 35 working days (s*ee accompanying Financial Guidance).*

4.9 **If a Family Group Conference has not as yet been held, the Social Worker for the child should make a referral to the Family Group Conference Service.** This is to make sure of the widest possible inclusion of family members in the decision-making about the child's future. This meeting will ask the family to plan with professionals both for the option of supporting the return of the child to their parent(s) and the possibility of the child remaining in the care of a family member or friend permanently.

4.10 **Once the Initial Viability Assessment of the Family and Friends Carers has been completed the carers should immediately be referred by the child's Social Worker to the Family Plus Team for assessment of their needs as carers and ongoing support**. This referral requires the sending of the completed Form FF Section 1, Section 2 and Section 4.

4.11 The Family Plus Practice Manager will meet with the referring Social Worker and their Practice Manager to review the Initial Assessment of the Carers. The purpose of this review will be to evaluate whether, at this stage of the assessment, indications are that the carers appear likely to be able to, with support, meet the long-term needs of the child, or whether an alternative care arrangement needs to be sought. If it is agreed that the care seems viable then the referral will be accepted by the Family Plus Team and a Family Plus Social Worker will be allocated.

4.12 The Family Plus Social Worker and the Social Worker for the child will organise a joint visit to the carers to complete the first part of the assessment and support process.

4.13 The Family Plus Worker will then complete a full assessment of the ability of the carers to meet the child's needs and of their support needs, completing Form FF Section 5 as a summary of that assessment.

5. If a child is placed with family or friends in an emergency under an Emergency Protection Order (EPO) or Police Protection (PP), a decision will need to be made about whether it is safe to return the child to their parents care once the emergency legal status lapses.

5.1 If it is decided that returning the child to the parents care is not safe or desirable in the best interests of the child, consideration should be given to the need to issue Care Proceedings and apply for an Interim Care Order. Discussion should take place with parents and family and friends about the child continuing with the current Family and Friend's Carer or going to another Family and Friend Carer. Care by Family and Friends within Care Proceedings or under Section 20 of the Children Act 1989 will be under the Fostering Regulations 2002 and is covered in this document under Section B – Kinship Foster Carers and Looked After Children.

5.2 If the care for the child with the current carers is to continue without issuing Care Proceedings, it must be explained clearly by the Social Worker for the child, that the basis of the care would be that of a family arrangement, rather than a continuation of the 'Looked After' placement under the Emergency Protection Order or Police Protection. This discussion and the agreement of the parent to the new family arrangement will be recorded by completion of

the FF Section 2(b).

5.3 Arrangements for support and assessment of this family arrangement and the planning for the future care of the child will then continue as from 2.4 above.

6. If at the end of the Core Assessment a decision is made that the child cannot safely be cared for at that time by the birth parent, a family member can be identified as the primary carer with the agreement of the parent.

6.1 If the Core Assessment concludes that the child cannot return home and the assessment of the Family and Friends Carers is satisfactory to meet the needs of the child, the Child in Need Review and assessment process will confirm the carers as the child's intended future primary carers. If a parent or person with parental responsibility will not give permission for the child to be cared for by Family and Friend Carers **or** if it is felt that there would be insufficient protection or planning for the child in a family placement without a legal framework, then guidance in Section 6 below should be followed.

6.2 The Social Worker for the child will discuss with the parent and family the potential plan to secure legal permanence for the child by the carer acquiring Parental Responsibility for the child through a Special Guardianship Order or Residence Order.

6.3 The carer can from that point be supported by a means tested payment at fostering maintenance allowance level from the Team's Section 17 budget. **See accompanying Financial Guidance** for details of the assessment, authorisation and payment of this allowance.

6.4 Progress of the child in the Family and Friends arrangement should be regularly reviewed by the child's Social Worker in Child in Need Review meetings. These should (at a minimum) be held in line with timescales for Looked After Children i.e. after 28 days, twelve weeks then six monthly after the child goes to live with the carers. These meetings should be chaired by the Supervisor or Manager of the Social Worker for the child.

6.5 The Family Plus Social Worker will organise a Family and Friends Agreement meeting between the parents, the Family and Friends Carer(s), the child if appropriate, the Social Worker for the child and the Family Plus Social Worker to reach a detailed agreement about how the care arrangement will be supported and how contact between the child and their parent will be managed. This will be recorded and agreed on Form FF Section 6.

6.6 The Family Plus Team will continue to provide support for the carers and will contribute to the Child in Need Review meetings for the child. The agreement will be reviewed after six months.

6.7 The Social Worker for the child will continue to have responsibility for the planning for the child.

7. Once the Assessment and Child in Need Review Process confirms that the Permanence Plan for the child is Special Guardianship Order or Residence Order with family or friends carer.

7.1 The aim of the Child in Need Review process should be the achievement of permanence for the child and the carers. This can be with the aim of achieving permanence through the eventual seeking of a Special Guardianship Order or a Residence Order if the child cannot be permanently cared for by the birth parent.

7.2 At the six month Child in Need Review meeting, the possibility of the carers acquiring parental responsibility for the child should be discussed with them. The focus of these discussions should be to make sure the carers are adequately able to exercise their parental responsibility for the child, to make sure the child is safe, and to enable short and long term planning for the child.

7.3 Prior to the Child in Need Review meeting, the parents and the carers will need to have had the opportunity to understand the differing powers offered by each Order and to access legal advice on the issue if they want it. The child's Social Worker will have these discussions with the parents, and the Family Plus Social Worker will do this with the carers. They should also be encouraged to get independent advice about the options from a Solicitor or from other independent groups e.g. Family Rights Group, Grandparents Federation and Grandparents Plus.

7.4 The following information will then be submitted to the Head of Children's Services:

- The full assessments of the Carer completed by the child's Social Worker and the Family Plus Social Worker.
- A summary of the discussions about which Order should be sought, the Order that the family wish to seek and the Child's Social Worker's opinion as to whether this will enable the carers to make sure of the child's safety and future planning in the particular circumstances.

7.5 If the Head of Service has concerns about the suitability of the Order to be sought then a further Child in Need Review meeting should be held.

7.6 **Once a decision is confirmed about the Departments support for the Order that the carers will seek, the carers will be supported to make an application to the local Family Courts for that Order.**

7.7 Carers will be assessed for financial support to make an application to the Family Court for the most appropriate Order and can be financially assessed for a continuing Special Guardianship Order or Residence Order allowance, also at the fostering maintenance allowance level **(see accompanying Financial Guidance)**.

7.8 **The carer(s) will be the applicant(s) for the Special Guardianship Order or Residence Order**. The Family Plus Social Worker will support the carers with their application and work with the child's Social Worker to complete reports required by the court.

7.9 **Where the application is for a Residence Order,** the court may request a Section 7 report from the Local Authority. This report will need to cover the areas requested by the Court. The Family Plus Social Worker and the child's Social Worker will need to work together to prepare this report with the Family Plus Social Worker commenting on any aspects of the carers abilities and the child's Social Worker commenting on the ability of the carers to meet the child's needs. The process of application for a Residence Order is covered in Section 12.

7.10 If the carers are to make an application for a **Special Guardianship Order the regulations specify the areas to be covered in the report to the court from the Local Authority and also assessment for a Special Guardianship Support Plan.** The process of application for a Special Guardianship Order is covered in section 13.

7.11 Once the final Order has been made, there should be a Child in Need Review to consider the ongoing support needs of the child and new family unit. This may result in the case being closed to the Social Worker for the child. The Family Plus Social Worker will continue to support the carers as required. At minimum this will involve an annual financial review and a six monthly review of support needs.

8. If a parent or person with parental responsibility will not give permission for the child to be cared for by identified Family and Friend Carers, or if it is felt that there would be insufficient protection or planning for the child in a family arrangement without a legal framework, then Care Proceedings will be issued to support the placement with Family and Friends

Carers.

8.1 **When a child subject to Care Proceedings is well placed with a Family and Friends Carer the 'No Order Principle' should be applied.** A recommendation can be made to the court to consider making no Order, a Residence Order to the carer in the interim or an Interim Supervision Order for the child until final decisions are made in the proceedings.

8.2 **The options in Care Proceedings must be discussed with Legal Services.**

8.3 If no Order is made then the Local Authority will need to decide on which legal basis the care by family and friends is being given.

- If it is under Section 20, the child will be "Looked After" and providing they are not placed with a person with parental responsibility, a parent or a person who had a Residence Order prior to the Care Order, then the placement will be a Local Authority Foster Placement under Regulation 38 (see Section B – Kinship Foster Carers and Looked After Children). If placed with a person with parental responsibility or who had a Residence Order prior to the Care Order then the placement comes under the Placement of Children with Parents regulations 1991.
- If the child is to be cared for by a relative (see definitions section) then it is an arrangement made with the agreement of all parties and sanctioned by the court.
- If the child is to be cared for by a more distant relative or friend then this is a Private Fostering arrangement and will need to be regulated accordingly (see Private Fostering Operational Instructions).

8.4 Initial Viability Assessments of the Family and Friends Carers, if not already undertaken in accordance with 2.4 above, will be undertaken by the Social Worker for the child. The carers should then be referred to the Family Plus Team who will provide ongoing support to the carers, complete an assessment of the carer's ability to satisfactorily meet the needs of the child and will report on this to the Court.

8.5 Financial support of such an arrangement is covered in the Operational Instructions Family and Friends Care of Children in Need - Financial Guidance.

8.6 **Only if it is felt to be necessary for the Local Authority to seek parental responsibility shared with the child's parents should an Interim Care Order be sought**. If an Interim Care Order is granted, the child becomes a

Looked After Child and the Family and Friends Carers will need to be assessed, approved and supported as foster carers for that particular child. Arrangements for the assessment and support of such placements are covered in **Section B – Kinship Foster Carers and Looked After Children**.

8.7 A referral should be made for a Family Group Conference at the earliest possible stage in the Care Proceedings if one has not been previously held. This Family Group Conference will look with the family at the possibility of family support for a return to the parents care, identify additional or possible permanent Family and Friends Carers and plan for support for the Family and Friends Carers.

8.8 If additional Family and Friends Carers are identified at such a Family Group Conference during the Care Proceedings, the Social Worker for the child will complete an Initial Viability Assessment using form FF Section 1. A full assessment of these potential carers will then be completed by the Family Plus Social Worker. It may be felt necessary to assess more than one set of possible future carers in parallel to make sure identification of viable permanent carers happens as soon as possible.

8.9 If at the end of the Care Proceedings the decision is made by the Court that the child cannot safely be returned to the care of the parent(s) and the child continues to be well placed with a Family and Friends Carer, or an alternative permanent Family and Friends Carer has been identified, a recommendation can be made to the Court for the granting of a Special Guardianship Order or Residence Order to those carers to make sure there is permanent care for the child within the family and friend network. Consideration should be given to the benefits to the child of making either of the two Orders - see Definitions section for details of the differences between the two orders.

8.10 If at the end of the Care Proceedings the court decides to grant a Care Order with the child remaining with the Family and Friends Foster Carers, the child continues to be a Looked After Child and the carers will continue to be supported as foster carers for that child under the Fostering Regulations 2002. These Kinship Foster Carers can at a later date apply for a Special Guardianship Order or Residence Order (see Section 5 above) this can be kept under review in the Looked after Child Review meetings.

9. Some children will need to be placed in non-related foster care:

9.1 If a Family and Friends Arrangement, as agreed with the parent, is explored but is not available, and the parent consents to their child being accommodated then the child can be placed as a Looked After Child in non-related foster care under Section 20 of the 1989 Children Act.

9.2 If it is decided that the only safe placement at that stage is in non-related foster care whilst further plans are made, but the carer does not consent to accommodation and it is felt that the Local Authority needs shared parental responsibility to make sure of the safety or planning for the child, then Care Proceedings will be sought. As in section 6 above.

9.3 **In both these situations the child then becomes a Looked After Child.**

9.4 Where children are removed from the family network and placed in non-related foster care, consideration should always be given in Looked After Children Review meetings to the possibility that they can be returned to the care of a family member as required by Sec 23(6) of the Children Act 1989.

9.5 Immediately the child is placed with a non–related foster carer, consideration must be given to the holding of a Family Group Conference to explore the possibility of a family arrangement for care within the extended family network. This should particularly be the case if the decision to accommodate the child had to be made in an emergency, with little opportunity to explore extended family options, or where for any reason it has not been possible to hold a Family Group Conference previously.

9.6 **Where a child is accommodated under Section 20** then parental consent to the Family Group Conference meeting will be needed. If the parents and family are able to agree a family care arrangement then the child can be discharged from Care into the care of the Family and Friends Carer at the request of the parent. It may be agreed with the family as part of the plans for the child that assessment of the support needs and planning for the support of the proposed carer be completed before discharge of the child from Care. Assessment and support of the identified carer by the Family Plus Team will be as from 2.4 above. Financial Support is outlined in the Financial Guidelines.

9.7 **Where the child is a Looked After Child and is subject to an Interim Care Order.** Once the Local Authority has parental responsibility for the child within Care Proceedings, it would be possible to hold a Family Group Conference without the consent of the parents if it is felt to be in the interests of the child to do so, to explore the possibility of Family and Friends Care.

10. Investigation of allegations of abuse against Family and Friends Carers.

10.1 Research shows that allegations of abuse of children are highly likely from the parents or other relatives.

10.2 Any allegations of abuse of a child by Family and Friends Carers will need investigation as per the foster parents section of the Safeguarding Children Procedures.

11. Review of support for an existing Family and Friends Carer

11.1 It is recognised that some existing Family and Friends Care arrangements that are not currently financially supported by the Local Authority may require a review of whether a Residence Order Allowance should be paid in future as further needs of the child or carers arise.

11.2 All children are entitled to assessment of need; if short term financial support for a Family and Friends Care arrangement is needed then the Practice Manager should consider either discretionary payment of Section 17 monies or payment at the means tested level whilst that assessment and subsequent decisions are made (see accompanying Financial Guidelines).

11.3 Where the case is not currently open to a Social Worker for the child, then the Duty Social Worker should complete an Initial Assessment. A Core Assessment should then be completed if the Initial Assessment identifies the child as a Child In Need.

11.4 Where the case is already allocated to a Social Worker for the child, then that worker should do an updated Core Assessment of the needs of the child and of the carer's ability to meet that need.

11.5 The child's Social Worker should send the Initial Assessment, Core Assessment and a report covering the following areas to their Operations Manager:

11.6 The child's Social Worker should send the Initial Assessment, Core Assessment and a report covering the following areas to their Operations Manager:

- The history of how the child came to be with the carers and whether at that time the arrangement avoided the need for the child to come into the care of the Local Authority. Provision of care by relatives that pre-empted the need for the Local Authority to intervene in a situation where the child would otherwise have been at risk of coming into care, should not act as a detriment to them obtaining financial support subsequently.
- An overview of whether the current care arrangements meet the current needs of the child.
- The carers support needs in order to care for the child, including whether in the Social Workers opinion there is a need for ongoing financial support to maintain the care arrangement into the future.
- The consequences for the child if such financial support were not available.

12. Cross boundary working – where a child from the Local Authority goes to live with Family and Friends Carers in another area.

12.1 Where a child from the local authority goes to live with a Family and Friends Carer in the area of another Local Authority, Children's Services will continue to provide support to that arrangement but will also need to look to the Authority where this child lives to provide support for the child as a Child in Need.

12.2 For children with a Residence Order Allowance or Special Guardianship Order allowance this will continue to be paid by the authority for the duration of the Order or, in the case of a Residence Order lasting only until the child reaches 16, until the child leaves education.

12.3 The carers will be allocated to the Family Plus Team for support who will visit, at the least every 6 months to review the support needs of the carers and the needs of the child for the duration of the Order or while the allowance is being paid if this is for a longer period. However the ability of the Family Plus Team to provide support services will be limited by geographical distance. The child's Social Worker should continue to make sure they support the child until the arrangement with the carers is stable**.**

12.4 When writing, assessing and deciding on the support for a child who will live with Family and Friends Carers with a **Special Guardianship Orde**r outside

of the area it is the responsibility of the Local Authority **where the carers who make the application live** to assess and provide support services.

12.5 Where a carer has a Special Guardianship Order and **the child was a Looked After Child prior to the granting of the Special Guardianship Order, it is the responsibility of the Local Authority Children's Services to provide the assessment and support services**, as agreed in the Support Plan made at the time of the Order, for three years after the granting of the Order. If the necessary support cannot be provided by the local services then it may be necessary for the local authority to provide additional payment to make sure those services continue for the period of the three years. The support may be not only for the child but also for the carers and parents, where for example is it is felt that maintaining contact is important.

12.6 Once the three years from the making of the Special Guardianship Order has ended the child should be provided with local support services by the Local Authority in the area he or she lives, as a Child in Need.

12.7 If the support needs of the child arise subsequently then the Social Worker for the child (or if there is no Social Worker for the child, the Family Plus Social Worker) should ask for an assessment of the needs of the child in the area in which the child is living.

12.8 Where a carer has, or is planned to have, **a Residence Order** for a child and lives outside of the area, the Social Worker should liaise with the services in the area in which the child will be living before the child moves to that area to ask that their needs for support services are assessed.

13. Cross boundary working - where a child from another Local Authority moves to live with Family and Friends Carers living in the area.

13.1 Where a child from another Local Authority area now living in this area **was a Looked After Child prior to the Special Guardianship Order**, then for the three years after the granting of the order it is the responsibility of the originating Local Authority to provide support. This authority will offer basic Tier 2 support services for Children in Need. However the originating Local Authority will need to pay for any additional services needed for the child or their carers. After three years from the granting of the Order the child will be

entitled to an assessment as a Child in Need within the area if their need continues or further needs arise.

13.2 When a child from another area is subject to a Special Guardianship Order the originating Local Authority has to provide ongoing financial support if this was agreed at the time of making the order. It is at the discretion of the originating authority whether they pay a Residence Order Allowance to the carers.

13.3 If the carers for a non-looked after child originating from another Local Authority apply for a Special Guardianship Order they must issue this authority with three months written notice of their intention to apply for the order. It will then be the decision of Children's Services whether to assess the needs of the child and then whether to provide support services.

14. Applications for Residence Orders by Family and Friends Carers

14.1 This section covers applications by Family and Friends carers outside of existing Care Proceedings. Applications by Kinship Foster Carers are covered in the Operational Instructions for Kinship Foster Care.

14.2 Family and Friends Carers will be the applicants for a Special Residence Order. They will be supported in making the steps necessary for this application by the Family Plus Social Worker.

14.3 A person is entitled to apply for a Residence Order if they are a parent or guardian of the child. If they are not a parent or guardian of the child they need to apply to the court for leave to make an application.

14.4 A person is entitled to apply for a Residence Order if they are a parent or guardian of the child. If they are not a parent or guardian of the child they need to apply to the court for leave to make an application.

14.5 Once that application has been made, the court may request a report from the Local Authority under Section 7 of the Children Act. This request will specify the areas to be covered in the report. Any report will be prepared jointly by the Social Worker for the child and the Family Plus Social Worker.

15. Applications for Special Guardianship Orders by Family and Friends Carers

15.1 This section covers only applications by Family and Friends Carers outside of existing Care Proceedings. Applications by Kinship Foster Carers are covered in the Operational Instructions for Kinship Foster Care.

15.2 There are various conditions which must be fulfilled in order for a Family and Friends Carer to make an application for a Special Guardianship Order. The family and friends carer can apply for a Special Guardianship Order if:

- they are over 18, and
- they are not a parent of the child.

They can apply on their own or jointly with another person.

15.3 The Family and Friends Carer has the right to apply for a Special Guardianship Order if they fall into a particular category of person described below. The steps the Family and Friends Carer needs to take to apply for a Special Guardianship Order will depend on whether they fall into a category of a person who has a **right to apply** for an order or whether they need **the leave of the court.**

15.4 The family and friends carer has a ***right*** to apply for a Special Guardianship Order if:

- they already have a Residence Order on the child; or
- they are an approved Local Authority foster family and friends carer and they have had the child living with them for at least one year before the application is made; or they are not an approved Local Authority foster family and friends carer but they have had the child living with them for at least 3 out of the last 5 years preceding the 3 month notice period, or
- they have the consent of:
    - any person holding a Residence Order on the child; or
    - if more than one person holds the Residence Order, the consent of each person, or
    - the Local Authority if the child is already in Care under a Care Order, or
    - in any other case the consent of each of those with parental responsibility (usually the parents, but it may also include step-parents, guardians etc.), or
- they are a Guardian of the child.

15.5 If the Family and Friends Carer does not fall into any of the above categories, they will need to **ask the court for leave** (permission) to be able to make an application for a Special Guardianship Order.

15.6 A Family and Friend Carer cannot make an application for a Special Guardianship Order unless they have given **notice to the Local Authority** of their intention to apply for the Order at least three months before the application is made. If they need the court's leave to apply they must get this **before** giving this notice to the Local Authority. When the child is Looked After, the notice must be given to the responsible Local Authority. In all other cases, it will be to the Local Authority in which they live.

15.7 If the Family and Friend Carer falls into any of the categories in 13.3 above, **or** the court has granted the Family and Friends Carers leave to apply, **and** three months has elapsed since they gave notice of their intention to apply for a Special Guardianship Order, they can go ahead and make their application for the Order.

15.8 Once the Local Authority receives this notice, it must investigate the case and then file a report with the Court on their suitability to be a Special Guardian and any other matter which the Local Authority considers relevant. The Regulations say that the Local Authority report should include certain key information; this information is covered in the headings of the "Special Guardianship – Report to Court" structure – available on the Intranet. This report will be completed jointly by the Social Worker for the child and the Family Plus Social Worker.

15.9 The Local Authority also needs to decide whether to assess for the support needs of the carers. Family and Friends Carers of Children in Need (as identified by the processes outlined in this document) will, in this Authority, be assessed for support services. The assessment of need will be done as required through the Common Assessment Framework using a Core Assessment. Support services may include:

- Financial support for the Special Guardian who is looking after the child – this will be means tested at basic fostering rates (see accompanying Financial Guidance).
- Services to enable children, parents and Special Guardians to discuss matters relating to Special Guardianship.
- Assistance with the arrangements for contact between the child, his or her parents and any relatives or any other person with whom the child has a relationship that the Local Authority considers to be beneficial. This assistance can include:
    - cash to help with the costs of contact (travel, entertainment) – it is not means tested
    - mediation to help resolve difficulties which may arise on contact
    - therapeutic services for the child.

15.10 At the end of the assessment, the assessing Social Workers must draw up a draft Support Plan. This draft Support Plan will then be sent to the Family and Friends Carer and they must be given an opportunity (normally 28 days) to comment on the proposal before it is finalised. The Carer should

also be referred to independent sources of advice and advocacy at this stage.

15.11 Once the Social Worker hears back from the Family and Friends Carer to whom they intend to provide services, they must finalise their decision and inform the Carer of the decision with reasons. They must tell them of the plan for services and the name of the person in the Local Authority who will monitor the implementation of the plan. This can either be the Social Worker for the child or the Family Plus Social Worker.

Section B – Kinship Foster Carers and Looked After Children

16. Delegation

Authority to place a Looked After Child with Kinship Carers as emergency foster carers under Regulation 38 of the Fostering Regulations 2002	**Area Operations Manager**
Completion of the Initial Viability Assessment of the carers	**Social Worker for the child**
Completion of the Placement Agreement, Interim Assessment Report of the Kinship Foster Carers within 6 weeks of the child becoming looked after, attendance at Fostering Panel with clear recommendation for interim approval as Kinship Foster Carers	**Social worker for the child and Family Plus Team**
Interim approval as Kinship Foster Carers	**Agency Decision Maker (Head of Service for Looked After Children), taking into account the recommendations of the Fostering Panel**
Agreement to pay fostering allowance to Kinship Foster Carers	**Operations Manager Fostering**
Undertaking the BAAF Form 2 assessment when the care plan is for the child to remain Looked After in Kinship Foster Care after the Final Hearing	**Adoption and Permanence Service**
Full approval of Kinship Foster Carer	**Agency Decision Maker for the Adoption and Permanence Panel.**

Support, supervision and review of Kinship Foster Carers	**Supervising Social Worker (Family Plus SW for Interim approved carers, Fostering Link worker for carers undergoing full fostering assessments or fully approved)**

17. Authority to Vary These Instructions in Individual Cases Only

Heads of Service for Looked After Children.

18. Kinship Foster Carers and Looked After Children

18.1 Some children who are placed with Family and Friends carers in order to be safeguarded may need to become subject to Legal Proceedings and become Looked After. The child's Care Plan will need to be presented to the Care Planning Forum and the decision to proceed with legal proceeding is confirmed by an Integrated Area Operations Manager. The Family and Friends Carers will need to be assessed to become approved as Kinship Foster Carers under Regulation 38 of the Fostering Regulations 2002. In such circumstances the Kinship Foster Carers will need to meet the national minimum standards as outlined in the Care Standards Act 2000.

18.2 The Local Authority will always follow the 'No Order' principle in the Children Act 1989 and so reasons must be clearly demonstrated why the child needs an Order, or to become accommodated under Section 20, to secure his or her well-being.

18.3 The circumstances under which children in Family or Friends Care may need to enter the looked after system to safeguard the child are:

- When birth parent(s) may not agree, or may be inconsistent, as to their agreement to their child being cared for by the Family and Friends Carers. Under these circumstances, Private Law Orders would not be appropriate.

- When there is concern that the child's placement with Family or Friends Carers may be seriously disrupted by a birth parent whose behaviour may have been assessed as being potentially dangerous, or as posing a significant risk.

- When a Family or Friends Carer may feel threatened, or unsafe, in managing contact of the child with the birth parent(s).

- When a birth parent may be untraceable or incapable of giving agreement to the child being cared for by the Family or Friends Carer, legal advice should be sought about the appropriateness of a Private Law Order under these circumstances.

18.4 If the child needs to become a Looked After Child his or her Family or Friends Carers will need to be assessed and approved to become Kinship Foster Carers.

19. Kinship Foster Carers

Assessment and approval of Kinship Foster Carers

19.1 The key regulations that apply to Kinship Foster Carers are the Fostering Regulations 2002 under Section 23 of Care Standards Act 2000. Emergency and immediate placements by Local Authorities are covered by Regulation 38. The regulations state that where a Local Authority is satisfied that the immediate placement of a child is necessary, they may place a child with a person that is not an existing approved foster carer after interviewing him or her, inspecting the household and obtaining information about other persons living in the household. This arrangement can continue for a period of not more than **six weeks**. It is conditional on the following:

- The person is a relative or friend of the child.

- The person has made a **written agreement** (**see form FF Section 2a)** with the Local Authority to carry out the duties specified in the regulations namely:

  (f) to care for the child as if he or she were a member of that person's family
  (g) to permit any person authorised by the Local Authority to visit the child at any time
  (h) to allow the child to be removed at any time if appropriate by the local authority
  (i) to make sure that information that the person may acquire relating to the child, or his or her family or any other person who has been given to him or her in confidence in connection with the placement is kept confidential and not disclosed except to, or with agreement of the Local Authority
  (j) to allow contact with the child in accordance with the terms of any Court Order relating to contact or any arrangements made or agreed by the Local Authority.

- The Local Authority are satisfied that it is the most suitable way of performing its duty under the 1989 Children Act and a placement with the particular foster carer is the most suitable placement having regard to all the circumstances.

- Where a Local Authority makes a placement under this regulation outside their area they shall notify the appropriate area Authority.

19.2 When such a placement is made, it becomes an emergency or immediate **foster** placement. The Social Worker for the child completes the Initial Viability Assessment using **Form FF Section 1** and undertakes the basic checks in line with the regulations. This includes:

- Carefirst checks on all family members over 16 living at home.
- CRB's on all family members over 16 living at home.
- Check that any children cared for by the Kinship Foster Carers have not been subject to a Child Protection Plan.

- Health checks. The child's Social Worker must send off to the Kinship Foster Carers GP Appendix 1 Health Questionnaire together with the Regulation 38 Kinship Foster Care Permission Form. This form should be returned to the child's Social Worker.

Immediate or emergency foster placements have to be agreed by the relevant Head of Service or Looked After Children Operations Manager.

- An Interim Assessment Report must be completed by the Family Plus Team in conjunction with the child's Social Worker. The first visit must be a joint visit by the child's Social Worker and Family Plus Team Social Worker in order that the child and family's history and child Care Planning aspect is fully integrated into the Interim Assessment Report. This Interim Assessment Report must be presented to the Fostering Panel within six weeks of the child being placed using the **Form FF Section 5**. Once the Kinship Foster Carers are interim approved, the full regulations and fostering standards that govern all Local Authority Foster Carers also apply to Family and Friends Foster Carers.

19.3 Forms FF Section 1, 2a, 3, 4 and 5 must be presented to the Fostering Panel together with the Health and Safety checklist plus three written references. These three referees should include two non-family members who are identified in relation to the application. They should be visited and separate reports on these visits appended to the Assessment Report. Any difficulties obtaining such references should be recorded within the report. It may be appropriate for further references to be obtained as part of the full assessment. It will also be a requirement that any children cared for by the referees have not been subject to a Child Protection Plan.

The **Interim Assessment Report** has to be jointly owned by the child's Social Worker and the Family Plus Social Worker assessing the carers. It is expected that both Social Workers will attend Panel with their Practice Managers if appropriate.

19.4 Once the Kinship Foster Carers are approved on an interim basis, they will need to sign the Foster Care Agreement Form. Further reports should address any concerns or issues raised by panel at the interim stage.

19.5 The narrative section of the Interim Assessment Report Form **FF Section 5** should include the following:

- Sleeping arrangements for the child.
- The reason for the placement, motivation of the carers and a brief outline of the Care Plan including any timescale for the placement, key court dates etc.
- The nature and quality of the relationship between the carer and the child or children including how long and how well the carer has known the child or children. This should include the applicants understanding of the concerns that led to the child being Looked After and capacity to work in partnership with the Department to provide safe and caring environment for the child.
- Brief information on the child including whether the child is subject to a Child Protection Plan, how the child is settling into the placement, the child's views on the placement and the capacity of the carers to meet the child's needs. This should include issues relating to the child's physical and emotional well being as well as any issues that arise for the child's ethnicity, culture, language, religion, sexuality or disability.
- Brief information on the child's health and education needs and capacity of the carer to meet those needs.
- The nature of the relationship between the carers and the birth family. The birth family's view on the placement and the arrangements for contact.
- Assessment to date of the carers' ability to meet the child's needs and work with the Care Plan; this is essentially a Risk Assessment focusing on the strengths of the placement, areas of potential difficulty and support needed for the placement. It would be helpful to include in this section a brief description of the assessment work that is still outstanding. As with any Assessment Report it is important to be clear what information is self reported and what information has been independently verified and for the Social Worker to provide **analysis** and **evidence** for that analysis throughout the report.

19.6 There may be additional information on the child's file, which could be helpful to append to the report. This could include a genogram, a chronology, the Care Plans and Court Reports.

19.7 The report should be signed by the Social Worker for the child, the Family Plus Social Worker undertaking the assessment and his or her manager. A copy of the report should be provided for the applicants and they should be allowed to submit any additional comments to Panel.

19.8 Once the Kinship Foster Carers have been given interim approval following the decision of the Agency Decision Maker, the Department must make sure that the Fostering Regulations are complied with in terms of supervision, support and reviews of foster carers.

19.9 Where ever possible if the Care Plan is for the child to remain permanently with the Kinship Foster Carers, this should be achieved through a Special Guardianship Order or Residence Order. These assessments will be undertaken by the Family Plus Team. If the case is in Court Proceedings and the court are requesting that a Viability Assessment or a Parenting Assessment be undertaken on other family and friends as part of twin or triple tracking approach to Care Planning, then this needs to be undertaken or commissioned through the Family Plus Service. If the Care Plan after the Final Hearing is for the child to remain a Looked After Child permanently with the Kinship Foster Carers, then a full BAAF F2 Assessment needs to be undertaken by the Adoption and Permanence Service.

19.10 If a child is to remain permanently with his or her Kinship Foster Carer(s), the plan for the child will be considered at every Looked After Child Review with the presumption that if the child is to remain in the placement, this should be secured by a Legal Order conferring parental responsibility onto the carers. The option of permanence via Residence Order or Special Guardianship will need to be actively re-evaluated.

20. Supervision and Support of Kinship Foster Carers

20.1 Kinship Foster Carers will be supported and supervised by the Family Plus Social Worker and will have access to training and support services provided to all other Foster Carers. They will be paid an appropriate foster care allowance. Kinship Foster Carers will receive information about the training opportunities available to all foster carers including a copy of the Foster Carer's Handbook and Training plan.

20.2 Kinship Foster Carers will be reviewed annually. This will include reviewing the implementation of any requirements placed on the Kinship Foster Carers at the time of their approval.

20.3 Arrangements for the support of Kinship Foster Carers who live long distance from this authority may be negotiated and shared between the Family Plus Team and Area Children's Services.

20.4 Kinship Foster Carers will receive the fostering maintenance allowance based on the weekly cost of bringing up a child as recommended by the Fostering Network.

20.5 Additional financial support will be available to Kinship Foster Carers in exceptional circumstances, if it is assessed necessary to meets a child's particular needs.

OPERATIONAL INSTRUCTIONS - FAMILY & FRIENDS CARE OF CHILDREN IN NEED (REGULATION & SUPPORT) - FINANCIAL GUIDANCE (full practice guidance is in accompanying OIC)

PROTECTION & CARE OF THE CHILD	LEGAL STATUS	FINANCIAL SUPPORT	BUDGET/ AUTHORISATION
1. When a decision is made that a child cannot safely remain with their parents/carers alternative family /friends carers will be sought.			
1.1 Children can be cared for by family members or friends with the agreement of a parent or person with PR • Whilst a core assessment is completed, and • While an FGC is held to explore available & appropriate future wider family & friends support or care	Informal arrangement with relatives* supported by LA under Sec 17 CA 1989 Or Private fostering arrangements with family friends *regulated* by LA after 28 days of placement "relative" is defined in the CA 1989 (sec 105) as a "grandparent, brother, sister, uncle or aunt (whether of the full blood or by affinity) or a step parent"	During this period Section 17 financial payment can be made to the family/friend for up to 35 working days Level of payment to be at the discretion of the Practice Manager as required in order to sustain the arrangement See Appendix A Sec 1 for administrative process re arrangement of this payment	Team Section 17 budget. Practice Manager - Area Children's Services or Children with Disabilities team or Looked After Children Services
1.2 If at the end of the Core Assessment a decision is made that the child cannot safely be cared for, at that time, by the birth parent, a family member can be identified as the primary carer. This will be with the aim of achieving permanence through the eventual seeking of a Residence Order or a Special Guardianship Order if the child cannot be permanently cared for by the birth parent.	Informal arrangement with family members *supported* by LA via sec 17 in accordance with CA 1989 revised Vol. 1 Guidance	The Family & Friend Carer will be required to be financially assessed for an ongoing payment. This payment will be at the same level as a Residence Order Allowance and is at fostering maintenance allowance level. This allowance is means tested. See Appendix A for administrative process re calculation of and arrangement of this payment.	Team Section 17 budget. Area Operations Manager or Children with Disabilities Services or Looked After Children Services

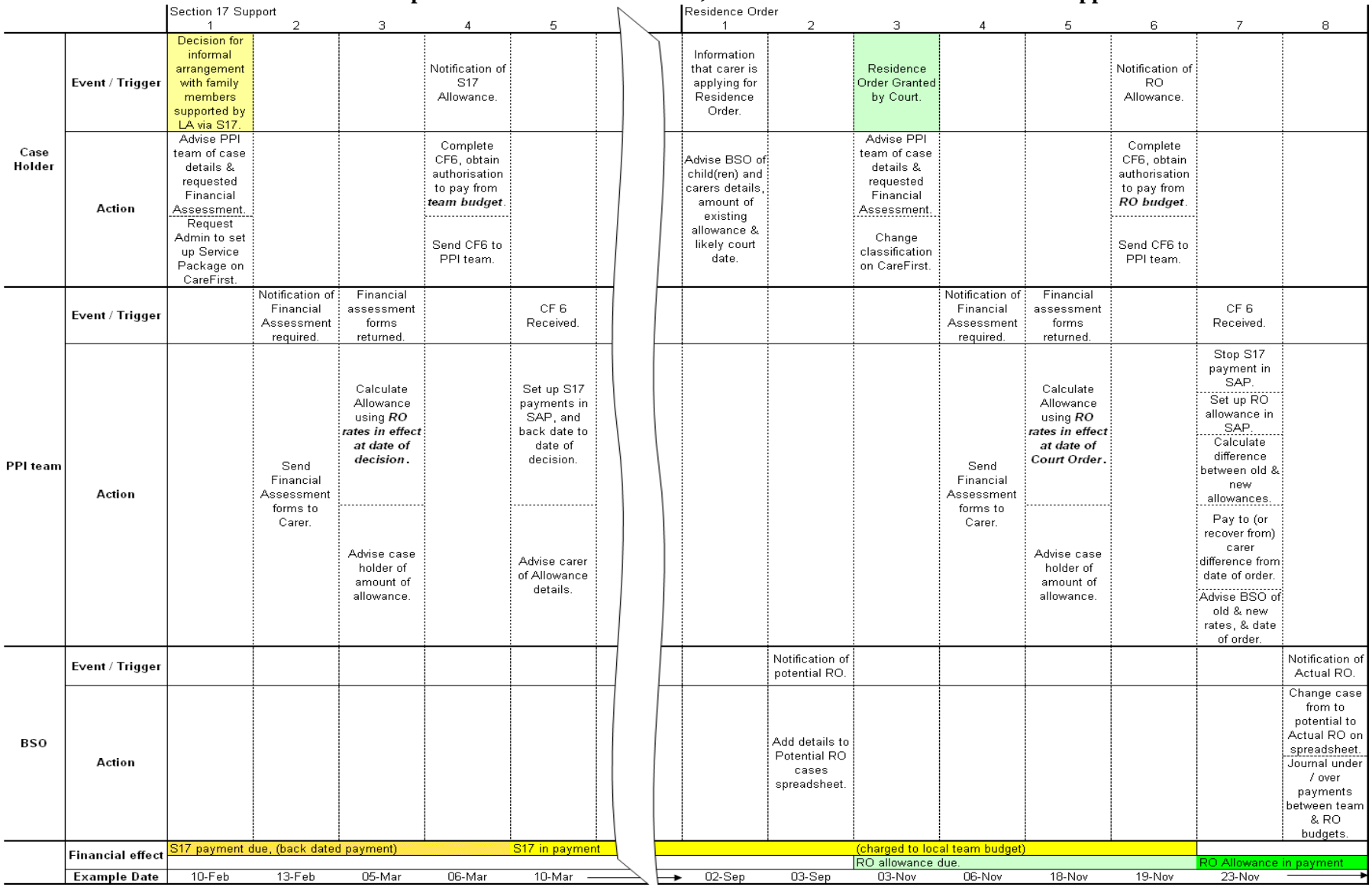
PROTECTION & CARE OF THE CHILD	LEGAL STATUS	FINANCIAL SUPPORT	BUDGET/ AUTHORISATION
1.3 Assessment & Care Planning Process confirms that the permanence plan for the child is Residence Order/Special Guardianship Order with family or friends carer	Residence Order – Sec 8 CA 1989 or Special Guardianship Order Application Sec 14A CA 1989 (revised)	Payment towards legal fees Once the order is granted the family & friend's carer will be required to be financially assessed for a Residence Order allowance or Special Guardianship Order allowance at fostering maintenance allowance level. This allowance is means tested and subject to annual review. Carers can receive child benefit and tax credits if eligible. See Appendix A for administrative process re calculation of and arrangement of this payment	Legal Court Fees Budget Operations Manager Care Planning Forum Residence Orders Allowance Budget/ Special Guardianship Orders Support Budget Operations Manager Specialist Family Support

PROTECTION & CARE OF THE CHILD	LEGAL STATUS	FINANCIAL SUPPORT	BUDGET/ AUTHORISATION
2. If a parent or person with parental responsibility will not give permission for the child to be cared for by family members/friend OR if it is felt that there would be insufficient protection or planning for the child in a family placement without a legal framework - care proceedings will be issued .			
2.1 The child can be placed with family or friends within Care Proceedings whilst subject to an Interim Care Order	Child is placed subject to Interim Care Order or Care Order – Sec 31 CA 1989 Immediate placements can be made with family & friends subject to basic checks under Reg 38 FSR 2002 Up to six weeks this is a LAC placement with family or friends approved by LA under Regulation 38 (Subject to initial assessments) After six weeks this is a LAC placement with approved Family & Friends Foster Carers full approval as Family & Friends Foster Carers under Regulation 3	Paid at fostering maintenance allowance level (this payment is <u>not</u> means tested, carers cannot receive child benefit or child tax credit) Paid as approved foster carers at fostering maintenance allowance level (this payment is not means tested) This payment will be arranged by the Fostering Service	Section 17 budget Operations Manager – Area Children's Services or Children with Disabilities team or Looked After Children Services Fostering Maintenance budget Head of Service - Looked After Children Services

PROTECTION & CARE OF THE CHILD	LEGAL STATUS	FINANCIAL SUPPORT	BUDGET/ AUTHORISATION
2.2 Although subject to proceedings, the child may not need to be within the LAC framework – e.g. the court could grant a Residence Order in the interim	Child with Family & Friends Carer subject to a Residence Order Sec 8 Children Act 1989	See Appendix A for administrative process re calculation of and arrangement of this payment. Financial support as in 1.3	Residence Orders Allowance Budget Head of Service
2.3 The Family & Friends Foster Carer can subsequently apply for a Residence Order or a Special Guardianship Order OR may be granted either order as the final finding in Care Proceedings	Residence order Sec 8 Children Act Special Guardianship Order Sec 14A CA 1989	Once the order is granted the Family & Friend's Carer will be receive a Residence Order allowance or Special Guardianship Order allowance at fostering maintenance allowance level**.** Financial support as in 1.3 This allowance is means tested and subject to annual review In some circumstances it may be agreed that the Special Guardianship Order allowance continues at the non means tested rate for a period after the granting of the order See Appendix A for administrative process re calculation of and arrangement of this payment.	Residence Orders /Special Guardianship Orders Allowance Budget Head of Service

PROTECTION & CARE OF THE CHILD	LEGAL STATUS	FINANCIAL SUPPORT	BUDGET/ AUTHORISATION
3. If family and friends arrangement is explored but is not available, then the child can be placed in stranger foster care. Financial arrangements for such placements are covered in the Operational Instructions - Foster Care			
4. A child may, subsequent to the arrangements or placements outlined above, be returned to the primary care of a parent			
The parent may need continued practical support from family & friends in order to meet the child's needs – for example regular respite care. Financial support for family or friend's provision of this input to the child's care should be given consideration.	Sec 17 support of a child in need	Level of payment to be at discretion of Practice Manager as required in order to sustain the arrangement See Appendix A for administrative process re calculation of and arrangement of this payment	Area Section 17 budget. Practice Manager

APPENDIX A – Guide to administrative processes - for Social Workers, Team Administrators and Business Support



Children's Services Department
Financial Assessment Form

For Family & Friends Carers (Section 17 Support)/
Residence Orders / Special Guardianship / Adoption Allowances

(Delete as appropriate)

Name of Child(ren):		Date(s) of Birth	
Name of Carer:			
Address:			
	Post Code:		
Telephone No:	Mobile No:		
E-Mail Address:			

Household composition	**Relationship to subject(s) of allowance**	**Age**
ADULTS (Designated Carer)		
Other Adults		
DEPENDENT CHILDREN (Excluding subject(s) of allowance)		

FAMILY INCOME		If None State None	
Please provide supporting documentation (See guidance notes)		**Weekly** amount	
1 (i)	**Wage/Salary** – Average **weekly** earnings including regular overtime, commissions, etc. after deductions of National Insurance, Income Tax and pension or superannuation contributions (state name and address of employer) ……..	£	P
	Drawings – If self-employed		
1 (ii)	**Employer's sick pay** (after compulsory deductions)		
	Incapacity benefit		
	Statutory maternity, paternity and/or adoption pay and/or maternity allowance		
	Bereavement benefit		
	Working Tax Credit (if paid directly and not as part of pay and excluding any childcare element paid)		
	All pension payments		
	Other benefits		
1 (iii)	**Income Support/Jobseeker's Allowance** per household		
	Child Tax Credit per household		
	Child Benefit for each child, excluding child/children who are the subject of this assessment. Name(s) of Child(ren)		
1 (iv)	**Income from capital, savings & investments** – net monthly interest		
	Income from boarders/lodgers (see guidance calculation details)		
	Income from Furnished/Unfurnished Properties (Please state property address and number of tenants) ……		
	Maintenance Payments received for any child in the house		
	Existing allowances from other Local Authorities (including any enhancements or specific payments for special needs) paid for any child		

1 (v)	**Income relating to the child(ren) subject to this application –** Any regular interest on capital and/or income in which the child(ren) has a legal interest and entitlement e.g. trust fund, property or other type of legacy. Do not include payments from Criminal Injuries Compensation Awards		
	Any Other Income		
PROJECTED FAMILY EXPENDITURE		If None State None	
Home		**Weekly** amount	
2 (i)	**Mortgage** (Capital and interest) including any endowment payments linked to mortgage (state name of mortgage lender)	£	P
	Rent (after any housing benefit payable)		
	Council Tax (after any council tax benefit payable) (Year = £)		
Other Outgoings			
2 (ii)	**Loan Repayments** for essential purposes (see guidance notes)		
	Maintenance Payments		
	Court Orders		
	Private Pension Contributions		
	National Insurance (if Self Employed)		
	Reasonable child care costs including nursery fees (after any childcare element paid as part of the working tax credit)		

Please complete declaration overleaf.

DECLARATION

I DECLARE that the above details are a true and complete statement of any income and housing expenditure AND I HEREBY UNDERTAKE to notify the Local Authority of any subsequent changes IMMEDIATELY they occur AND I further certify that _____ (for whom I am applying for or receiving allowances from the Local Authority) is:-

*** (a) residing at _____

*** (b) attending full time education _____

*and/or

*** (c) has left full time education and is/*not in employment/* in receipt of DSS e.g. (Income Support, Sickness Benefit, Severe Disablement Allowance, DLA 1 Living Allowance])

Please specify Benefit and state weekly amounts received

_____ £ _____

Signed: _____ Date: _____

Address: _____

_____

***) Please delete as applicable
*)

NON-RETURN OF THIS CERTIFIED STATEMENT COULD RESULT IN DISCONTINUATION OF ALLOWANCE PAYMENTS.

Appendix B

Children's Services Department

Guidance Notes for the completion of the Financial Assessment Form

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Supporting Documentation

All figures entered on this form must be supported by *photocopies* of the relevant documentation. Please do not send your originals as they could be lost in transit.

- For the Wages/Salary entries, please supply the latest three months
- All other figures should be supported by the latest information wherever possible

Calculations

The Local Authority pays allowances on a weekly basis, therefore, please ensure that you enter weekly amounts for all appropriate categories.

- For wages and salaries, please add your three months together then divide by three to give an average month then multiply by 12 and divide by 52 e.g.

  100+150+200 = 450 divided by 3 = 150
  150 x 12 = 1800 divided by 52 = 34.62 per week

- For other monthly figures just multiply them by 12 and divide by 52 to give a weekly amount.
- For Yearly figures such as Council Tax, please divide by 52 to give the weekly amount

Family Income

Section 1 (i) - Pay

This section should include basic net weekly pay, before any deductions for savings schemes, social clubs, accommodation/food and loans. However, the income figure used should exclude any payments into pension funds.

Where one (or both) of the parents, carers or special guardian is self-employed, the only income which should be considered is 'drawings' as this is the equivalent of pay from an employer. Any profit from the business sitting in a bank account (and thereby not being reinvested) should be taken into account as capital under section 1iv: other sources of income.

If one (or both) of the parents, carers or special guardian receives overtime, fees, bonus/commission and/or gratuities on a regular basis (for example annual bonuses) should be included as part of the monthly payment (i.e. if the payments are annual, these should be divided by 52 to give a weekly amount.

Section 1 (ii) – Benefits and Pensions (Parents)

Where the parents, carers or special guardian receive individual benefits (i.e. those that are not calculated on a household basis) these should be included in this section. Benefits to be entered in this section are:

- Employer's sick pay (after compulsory deductions)
- Incapacity benefit
- Statutory maternity, paternity and/or adoption pay and/or maternity allowance
- Bereavement benefit
- Working tax credit (if paid directly and not as part of pay and excluding any childcare element received)
- All pension payments received
- Other benefits

In relation to working tax credit, our understanding is that an employed person currently receives working tax credit within pay from his employer. If this is the case, the amount will be included in the basic net monthly pay section. All those who receive working tax credit will receive an award notice which sets out how much they will receive. This award notice will provide the information needed for this section of the test.

Where a childcare element is paid as part of the working tax credit, this should be disregarded for the income section of the test. The existence of this type of credit needs to be considered when completing the expenditure section on childcare (see below).

Any other benefits received by the parents, for example help with costs associated with disability or mobility, should be recorded in the 'other benefits' section.

Section 1iii – Benefits (family/children)

Where benefits are received by the family or household, as opposed to being paid directly to the parents, they should be recorded in this section. This is primarily for benefits which are calculated on the basis of household composition. Benefits to be included in this section are:

- Income Support
- Jobseeker's Allowance
- Child tax credit per household
- Child benefit for each child, excluding the child/children who are the subject of this assessment application

If a member of the household receives Income Support or Jobseeker's Allowance, the amount per household should be recorded here.

Benefits which should be included in this section are child tax credit received for each child, at the time that the test is applied. All those who received child tax credit should receive an award notice setting out how much they will receive.

Child benefit should be included for each child living in the household, excluding the child/children who are the subject of this assessment application.

Housing benefit should also be excluded from this section, as it is disregarded for the purposes of the expenditure section below.

Section 1iv – Other sources of income

Where the family receive income from capital, savings and/or investments, this should be assessed in terms of net monthly interest only, as paid. This is the income that is routinely available to the family, and should be clearly shown on statements/similar. Any interest received from Government Child Trust Funds should not be included in this section.

If the family receive income from boarders/lodgers, this should be calculated on a weekly basis. To calculate the weekly income, all weekly payments for board and lodging must be added together, a £20 disregard applied and then 50% of any excess over £20 for each person deducted. This is how income from boarders/lodgers is calculated for income support purposes.

Examples of the approach for income from boarders/lodgers are as follows:

Boarder/lodger 1		
Weekly payment	£55	
Deduct £20 (disregard)	-£20	
	£35	
Deduct 50% of remainder		-£17.50
Income from boarder/lodger 1		**£17.50**

Boarder/lodger 2		
Weekly payment	£60	
Deduct £20 (disregard)	-£20	
	£40	
Deduct 50%		-£20
Income from boarder/lodger 2		**£20**

Where the family receive income from rent on an unfurnished property, this should be calculated on the following basis: monthly income received in rent after the deduction of any costs (see note on weekly calculations above). Deductions can be made for:

- Interest payments on the mortgage (but not mortgage capital payments);
- Repairs;
- Council tax (if paid by the family being assessed)
- Agents' fees; and
- Insurance (buildings)

If income is received from furnished properties, the same calculation applies as above for unfurnished property, but an extra 10% deduction from the monthly rent received can be made as a 'wear and tear allowance'.

The approach used in paragraphs 25 and 26 above is consistent with that used for calculating income from property for the purposes of income tax. If the person who is the subject of the assessment has completed a recent tax return, the local authority may ask to see a copy of this. The tax return should have the information needed for this section of the assessment.

Other income to take into consideration includes maintenance payments received for any child in the household and existing adoption or special guardian allowances (including enhancements for special needs) paid for any child. This latter may be paid where, for example, the family have adopted or become a special guardian for a child with a different local authority and therefore receive a separate allowance.

Section 1v – Income relating to the child(ren) subject to this application

This section relates to the child or children who are the subject of the application for allowance only. Any regular interest on capital and/or income in which the child or children has a legal interest and entitlement should be included here. This could be, for example, a savings account, trust fund, property or other legacy.

Payments from Criminal Injuries Compensation Awards should not be included. Any interest received from Government Child Trust Funds should not be included in this section.

Please also consider any other income to which the child/children might be entitled. This section does not record child benefit for the adopted or special guardian child, which will be deducted from the final payment resulting from this assessment.

Family Expenditure

Section 2i – Home expenditure

This section should include mortgage payments, made up of capital and interest, and also including any endowment payments linked to the mortgage. If the family pays rent, the weekly amount actually paid should be recorded here, after any deductions made for housing benefit. The only other outgoing which should be included in this section is council tax paid; this should be the amount paid after the deduction of any council tax benefit received by the household or discount for single adult households or second homes.

Section 2ii – Other outgoings

Where the family pay regular monthly repayments on loans for housing improvement (e.g. extensions/new kitchens) or transport costs (e.g. new car), should be included in this section. The authority will decide based on individual circumstances whether a loan repayment should be included in the assessment. Some loans may have been taken out by the adoptive or special guardian family to meet a new need incurred as a result of the adoption or special guardianship order (e.g. buying a larger car).

Other payments which can be included in this section include maintenance payments, payments relating to court orders, private pension contributions and national insurance if self-employed or not working.

Costs recorded in this section should be those paid after any childcare element paid as part of the parents' working tax credit. All those who receive working tax credit will receive an award notice which sets out how much they will receive.

Private Fostering

- To accept that responsibility for children privately fostered rests with their parents.
- To safeguard and promote the welfare of privately fostered children.
- To ensure the appropriate advice is given to those caring for private foster children.
- To visit every child who is privately fostered in the area to check the arrangements are satisfactory and the foster parents are suitable.
- To inspect the premises or proposed premises where privately fostered children are or are about to be accommodated.
- To return a child to the care and accommodation of a parent, personal who has parental responsibility or relative, if the welfare of a child is not being satisfactorily safeguarded or promoted in the private foster placement.
- No private foster home shall exceed the upper fostering limit.
- No corporal punishment including smacking is allowed.

- To consider the extent to which (if at all) the Department's functions under the Children Act Privately Fostered Children are Children in Need.

Exclusions

1. A child is not a privately fostered child if the person caring for and accommodating him/her:
   a) has done so for less than 28 days
   b) does not intend to do so for any longer period.

2. A child is not a privately fostered child while he/she is being looked after by a Local authority.

3. A child is not a privately fostered child while he/she is in the care of any person
   a) in premises in which any
      i) parent
      ii) person who has parental responsibility
      iii) relative who has assumed responsibility for care is living
   b) in any children's home;
   c) in accommodation provided by or on behalf of any voluntary organisation;
   d) in any school where they receive full time education;
   e) in any health service hospital;
   f) in any residential care, nursing or mental home;
   g) in any home run by the Secretary of State.

NB. b) – g) above does not apply when the person caring for the child is doing so in a personal capacity and not as a part of duties in relation to any above establishments.

4. A child is not a privately fostered child while in the care of any person in compliance with an order under Section 7 (7b) of the CYPA 1969.

5. A child is not privately fostered while liable for detention or guardianship under the Mental Health Act 1983.

6. A child is not privately fostered while:
   a) placed in the care of a person proposing to adopt him/her (Section 1 Adoption Act 1976) or,
   b) he/she is a protected child.

   A child is not privately fostered whilst in the care of a person who proposes to be treated as a parent of that child by a Parental Order under the Human Fertilisation and Embryology Act 1990,

Law

- Children Act 1989
- The Children (Private Arrangements for Fostering) Regulations 1991

Definitions

Privately Fostered Child – a child who is under 16 (18 if he/she is disabled) and who is cared for, and provided with accommodation by, someone other than:

i) A parent
ii) A person who has parental responsibility
iii) A relative
for more than 28 days (see also the above exclusions as relevant).

NB. It is irrelevant whether payment is received.

Delegation

Decision on visiting pattern (subject to regulations)	**Qualified Social Worker**
Dealing with information received on private foster parents not known to the Department	**Practice Manager**
Authority to obtain warrant to search premises	**Practice Manager**
Initiating proceedings against unsuitable foster parents	**Operations Manager (who must seek legal advice from Legal and Community Services)**
Application to Family Proceedings Court for authority to remove a child from unsuitable surroundings	**Operations Manager (who must seek legal advice from Legal and Community Services)**
Decision to impose prohibitions or requirements	**Operations Manager**
Decision to cancel prohibitions	**Operations Manager**
Dealing with appeals from disqualified foster parents	**Family Proceedings Court**
Decision in individual cases to give responsibility for visiting to another agency or voluntary organisation	**Operations Manager**
Requests to Sussex Police for a police check	**Head of Service**
Responsibility for ensuring that returns from police are kept securely	**Head of Service**

Authority to Vary These Instructions in Individual Cases Only

None.

1. Notifications Required

1.1 Notifications are required from prospective foster parents, anyone with parental responsibility for the child and anyone involved in arranging for the child to be fostered. The Department has produced **information Leaflet – Fostering** which explains the duties of all parties.

1.2 The foster parent should notify the Department of:

i) the name, sex, date and place of birth, religious persuasion, racial origin and cultural and linguistic background of the child;

ii) their name and address and any previous address within the last five years;

iii) the purpose and intended duration of the fostering arrangements;

iv) the name and address of any parent of the child and of any other person who has parental responsibility for the child and (if different) of any person from whom the child was, or is to be, received;

v) the name and address of any person, other than a person specified in sub-paragraph (iv) above, who is involved directly or indirectly in making the fostering arrangement; and

vi) the intended date of the beginning of the fostering arrangement or the date on which the arrangement actually began.

The applicant should further give particulars of:

i) any offence of which he/she has been convicted;

ii) any disqualification or prohibition imposed on him/her under Section 68 or 69 of the Act or under any previous enactment of either of those sections; and

iii) any such conviction, disqualification or prohibition imposed on any other person living in, or employed at, the same household.

Any person who is fostering a child privately must notify the Department of:

i) any change in his/her address;

ii) any person who begins, or ceases, to be part of the household; and

iii) any further conviction (disqualification or prohibition) as mentioned in sub-paragraphs a) to c) above.

1.3 the parent of a child, any other person with parental responsibility for the child, or anyone else involved in arranging for a child to be fostered should notify the Local authority of:

i) the name, sex, date and place of birth, religious persuasion, racial origin and culture and linguistic background of the child;

ii) their names and address and any previous address within the last five years;

iii) the purpose and intended duration of the fostering arrangement;

iv) the arrangements for the care of any brother or sister of the child who is not included in the fostering arrangement;

v) their relationship to the child and the names and addresses of anyone else involved in the fostering arrangement.

Any subsequent change of address should be notified.

1.4 These notifications should be given not less than six weeks and not more than thirteen weeks before placement; in an emergency within 48 hours.

1.5 When the fostering arrangement ceases notifications should be given within 48 hours by the same people mentioned in 1.1 above.

2. On Receipt of a Notification of Private Fostering

2.1 Carry out procedures for referrals. Complete form Referral and Initial Information Record. A file should be opened for the foster parents, and a separate file for each child in placement.

2.2 Immediately upon allocation the social worker must arrange to visit the foster parents.

2.3 Assess whether or not the child is a foster child, referring to the **Exclusions** and **Definitions** section of these instructions. The Department considers privately fostered children to be child in need so assess if any services are required.

2.4 Inspect the premises and any children there; assessing what the standard of accommodation is and the equipment that is to be provided. The proposed or actual foster parents should be accompanied on a tour of the accommodation noting number of rooms, sleeping arrangements and assessing standards of comfort and hygiene. Applicants exceeding the usual fostering limit should be advised to register as a children's home. In these cases, contact the Registration and Inspection Unit.

2.5 Assess whether or not any prohibition or requirement will be imposed – see section 4.

2.6 If no prohibition or requirement is to be imposed ensure that forms are completed as follows – the foster parents must be asked to complete:

i) Police Enquiry

ii) Child Protection Register Enquiry

iv) Medical Consent A

These forms must be completed by everyone else in the household aged 16 or over. The foster parents should be asked for the names and addresses of two personal referees (not close relatives).

2.7 Take copies of each of these forms and place them on the foster parent's file.

2.8 Send the **Medical Consent Form** with a covering letter to the appropriate address.

Police References

2.9 Each applicant and every adult member of the household should complete the Police Enquire Form.

Personal References

2.10 Two personal references must be taken up and both referees interviewed.

Child Protection Register Check

2.11 Send the Child Protection Register Enquire for all adult members of the household to the Custodian of the Child Protection Register.

2.12 Ensure that foster parents understand that they will be visited by a member of the Department's staff as often as is necessary to check on the welfare of any children placed with them.

2.13 Ensure that foster parents understand that they are **prohibited from insuring the life** of a foster child if that child is maintained for reward. This does not prevent foster parents from insuring themselves against public liability, accidents etc. in the same way as childminders and playgroups.

2.14 Ensure that foster parents understand the ban on corporal punishment and the upper fostering limit.

2.15 Ensure that the outcome and salient points of all discussions are recorded on the foster parent's file.

2.16 When, after full investigation, the social worker is satisfied that the applicants are suitable for private fostering, arrange to present the application to the Practice Manager. Consideration should be given to whether any conditions or restrictions should be imposed. If the application is found to be suitable the Practice Manager should write to the applicants detailing any requirements (see 4.4 below) or prohibitions (see 4.5 below) within 5 working days.

2.17 If the private foster parent has also been approved for fostering by East Sussex, notify the foster parents' supervising worker of any private placements made with the foster parents.

3. Placement of a Child with Private Foster Parents and Recording

3.1 Complete form RIIR Initial Referral Form in respect of the child. The address must be the child's domicile i.e. parent/guardian's address.

3.2 Complete form CF7 Placement/Legal Status Record. Notify the Local authority in whose area the parents reside that the child is being privately fostered in East Sussex. Write to the parents explaining your duties under Private Fostering

Regulations to see to the welfare of their child making it clear that it is the parents who retain responsibility for the placement and parental responsibility for their child.

3.3 A child placed with private foster parents must be visited by a social worker as indicated in the **Policy** section of these instructions.

3.4 The child is to be seen on each visit.

3.5 A written report must be made after each visit.

3.6 Visit the child within one week and then at intervals of not more than six weeks in the first year; in the second or subsequent year, at intervals of not more than three months.

3.7 In order to promote and safeguard the welfare of the child, the social worker must be satisfied about the following (as are relevant in the particular circumstances):

a) the purpose and intended duration of the fostering arrangement;

b) the child's physical, intellectual, emotional, social and behavioural development;

c) whether the child's needs arising from religious persuasion, racial origin and cultural and linguistic background are being met;

d) the financial arrangements for the care and maintenance of the child;

e) the suitability of the accommodation;

f) the arrangements for the child's medical and dental care and treatment and, in particular, that the child is included on the list of a general medical practitioner;

g) the arrangements for the child's education and, in particular, that the local education authority have been informed of the foster arrangement;

h) the standard of care which the child is being given;

i) the suitability of the foster parent to look after the child and the suitability of the foster parent's household;

j) whether the foster parent is being given any necessary advice;

k) whether the contact between the child and his/her parents, or any other person with whom contact has been arranged is satisfactory;

l) whether the child's parents, or any other person, are exercising parental responsibility for the child; and

m) the ascertainable wishes and feelings of the child regarding the fostering arrangements.

3.8 Complete form IAR Initial Assessment Record

3.9 A review of a private foster parent should take place within 6 months of approval and then no less often than once a year.

3.10 A review of the child should first take place within 3 months and then no less often than every 6 months.

4. Prohibitions or Requirements to be Imposed

4.1 Requirements can be imposed where a person is fostering any child privately or proposes to foster any child privately, covering the following:

a) the number, age and sec of children who may be privately fostered;

b) the standard of the accommodation and equipment to be provided for the children;

c) the arrangements to be made for the health and safety of the children;

d) the giving of particulars of the person in charge of the children;

e) the number, qualifications or experience of persons employed in looking after the children;

f) the keeping of records;

g) fire precautions;

h) the giving of particulars of any foster child and of any changes in the number or identity of foster children kept.

4.2 Such requirements must be complied with within 14 days. They do not have effect while an appeal is pending.

4.3 If foster parents refuse to comply with any requirements, seek legal advice from the Legal and Community Services Department, and see Section 6 of these instructions.

4.4 A requirement shall be imposed by notice in writing addressed to the person on whom it is imposed and informing him/her of:

a) the reason for imposing the requirements;

b) rights of appeal (to the Court) under paragraph 8 of Schedule 8 Children Act 1989;

c) the time within which he/she may do so.

4.5 Prohibitions can be imposed if the Local authority are of the opinion that:

a) the proposed or actual foster parents are unsuitable to foster children; or

b) the premises are or will be unsuitable for foster children; or

c) it would be prejudicial to the welfare of the child to be accommodated by that person in those premises.

4.6 A prohibition imposed may prohibit a person from fostering privately:

a) any child in any premises within the area of the Local authority;

b) any child in any premises specified in the prohibition;

c) a child identified in the prohibition, in premises specified in the prohibition.

The Local authority may cancel the prohibition on any person

a) at their own instigation; or

b) an application made by that person if the authority are satisfied that the prohibition is no longer justified.

4.7 Prohibitions may be imposed in addition to requirements but it can only have effect if:

a) the time specified for compliance with the requirement has expired; and

b) the requirement has not been complied with.

4.8 A prohibition must be imposed by notice in writing addressed to the person on whom it is imposed and informing him/her of:

a) the reason for imposing the prohibition;

b) rights of appeal (to the Court) under paragraph 8 of Schedule 8 Children Act 1989;

c) the time within which he/she may do so.

5. Failure to Give Required Notifications

5.1 Proceedings against a foster parent who has failed to give a required notification must be brought within 6 months of the date when the Local authority became aware of the offence.

5.2 The Practice Manager must be notified as soon as it is known that the notification requirements have not been complied with.

5.3 A letter must be sent to the foster parent outlining their legal obligations.

5.4 When proceedings appear necessary, a report and recommendation must be submitted to the Operations Manager who must seek legal advice from the Legal and Community Services Department as to whether to recommend prosecution.

6. Appeals

6.1 The foster parent must be notified in writing of any requirement, refusal, prohibition, condition, variation, or cancellation which is imposed and informed of his/her right to appear to the Court within 14 days from the date on which he/she is notified of the requirement, refusal, prohibition, condition, variation or cancellation.

6.2 The requirement, condition, variation, or cancellation shall not have effect while the appeal is pending.

6.3 If the Court allows an appeal, it can:

i) vary the requirement, or allow more time for compliance with it; or

ii) if an absolute prohibition has been imposed, may substitute a prohibition on using the premises after a time which the Court will specify unless any requirements imposed by the Local authority have been complied with.

6.4 Any requirement or prohibition specified or substituted by the Court shall be deemed to have been imposed by the Local authority.

6.5 Where the Court allows an appeal against a refusal to make an exemption, a condition imposed in such an exemption or a variation or a cancellation of such an exemption, the Court may:

a) make an exemption;

b) impose a condition; or

c) vary the exemption.

7. Removal of a Foster Child from Unsuitable Surroundings

7.1 See Policy statement at the start of these instructions.

7.2 See Emergency Protection Order in OICS : Protection of Children.

8. Termination of Placements

8.1 The Local authority should be notified of a child moving within 48 hours – see Section 1.1 above for notifications.

8.2 The foster parent should notify the local office when any child leaves their home to live elsewhere. This should be recorded on the file.

8.3 When the child leaves the foster parent. Also notify the Local authority in whose area the child's parent resides that the child has returned to it parents or moved elsewhere, and the Local authority to which the child has moved if different from where the parent resides.

8.4 If it is not intended that the child will return to the foster parent, to close the child's record.

8.5 If the foster parent indicates that they do not intend to foster privately again, and there is no other reason for continuing to visit, to close the foster parent's record.

9. Children Spending Holiday Periods in Schools

9.1 Children under 16 who spend more than 2 weeks in residence during holiday time, in a school not run by a Local authority, become foster children for the purposes of the legislation during that holiday period.

9.2 The person undertaking the care and maintenance of the children must give written notice to the Local authority two weeks before the start of the holidays of the estimated number of children staying at the school for the holiday period.

9.3 Complete forms as for other privately fostered children. See sections 2 and 3 of these instructions.

9.4 The Local authority may exempt any person from giving written notice either for a specified period or indefinitely. This exemption may be revoked in writing at any time.

9.5 Where a child in these circumstances dies, the person caring for him/her at the school shall, not later than 48 hours after the death, give written notice of it:

i) to the Local authority; and

ii) where reasonably practicable, to each parent of the child and to every person who has parental responsibility.

9.6 Where a child ceases to be privately fostered at the school, the person caring for him/her must give written notice to the Local authority.

10. Children Privately Fostered by Foreign Language Schools

10.1 In 1997 the Social Services Committee decided not to apply to any foreign students and visitors sponsored by foreign language schools those procedures relating to private fostering that derive from the Child Protection legislation.

11. Residence Orders

11.1 Private foster parents, if eligible, can apply for a residence order in respect of the child – see OICS: Residence Orders and Allowances, but will not be eligible for a Residence Order allowance.

12. Aftercare

12.1 A young person under 21 who was privately fostered at any time after reaching 16 qualifies for advice and assistance under the provisions of the Leaving Care Act 2001.

Appendix A

Practice Standards for Private Fostering

General

- A child's welfare is the paramount consideration in all aspects of private foster care.
- If a child has to live away from home and its parents, and placement with relatives is not possible, the following issues will need to be taken into account:
  - being near to the child's home and promoting regular contact with the parents
  - religious, racial, cultural and linguistic needs
  - keeping siblings together
  - any special and specific needs
  - the accommodation should be suitable to the child's needs, especially if the child is disabled.
- Social workers and private foster parents will work with natural parents and other relatives to ensure that the best interests of a child are met.
- All children placed with private foster parents can expect to be treated with understanding, courtesy, consideration and respect for their rights. Care will be carried out in a way which does not discriminate against the specific needs of the child as described.
- Private foster parents will be informed and involved in any review, assessment or plans initiated by the Department concerning the child they care for.
- Social workers should ensure that current details of the parents are known, and the details of the agreement between private foster carers and the parents.
- Parents should be contacted by the social worker who should send the appropriate leaflet and their office address.
- Social workers should inform the parents' SSD that their child is placed in our area, and when the placement ceases; social workers should inform the local GP, HV and Education Department on commencement and cessation of the placement.
- Information in an accessible form will be provided to private foster parents about the role of Social Services and the support that can be offered.
- In response to enquiries or notifications, prospective private foster parents will be sent information within 3 working days by first class post.
- Managers of staff involved in assessing potential private foster parents will ensure that they have the necessary information and materials to carry out the task.

Assessment

- Assessments will be carried out by properly supervised workers in an open, honest and confidential manner.
- Applicants to be private foster parents whom the Department consider unsuitable for the task will be informed as soon as possible and given reasons. This will be confirmed by letter.
- All members of the applicants household will be interviewed, separately and together: those over 16 will have relevant checks.
- Of the two personal referees (non-relatives) nominated by the applicants, both will be interviewed before completion of the assessment in order to ensure that the applicants are suitable. This is required as well as the Police, Health and Child Protection Register checks.
- Assessments will normally be completed within 3 months and the Practice Manager will write to the applicant within five working days giving the decision and specifying requirements, or reasons for not deeming them to be suitable.

The Child in Placement

- Private foster placements will be properly supervised and reviewed with social workers adhering to the relevant regulations.
- Private foster parents will be informed about disciplinary measures that can be used, and those which cannot be used, with children in their care. No corporal punishment, including smacking, will be allowed.
- Social workers will promote the welfare of a child by encouraging private foster carers to ensure that a child has regular medical and dental assessments, and is registered with a local GP. Carers or parents not wishing to comply with this should be advised of the benefits to the welfare of their child.
- Social workers will encourage private foster parents to meet the expectation that children in their care attend school regularly, or make alternative educational provision with the written agreement of the parent.
- Private foster parents should actively promote contact between the child they are caring for and the parents or relatives.
- Social workers should advise the private foster parents about appropriate financial arrangements.

Support

- The social worker will visit (and see the child at each visit) within one week of placement or notification, and then at intervals of not more than six weeks in the first year; in the second and subsequent year, at intervals of not more than three months. These visits should be recorded.

- Managers should encourage the development of local information and support groups for private foster parents.
- The needs and views of all children in the household should be taken fully into account and receive close attention during all placements.

Reviews

- The suitability of private foster parents will be reviewed within six months of initial approval and annually thereafter.
- Reviews of the children will take place within three months of placement or notification, then no more than six monthly thereafter.
- Relevant people will be invited to contribute to the review of a child in a private foster placement.
- Any prohibitions or requirements should be addressed at each review.

Training

- Managers will be expected to ensure that their staff are provide with training to maintain their expertise.
- Where possible relevant information and training support groups should be offered to private foster carers.

Prohibitions and Requirements

- Social workers planning any prohibitions or requirements should first consult with the Legal and Community Services Department.
- Any prohibition or requirement should be discussed with the private foster parent, then confirmed in writing giving the reasons and their right of appeal.
- No private fostering placements should exceed the upper fostering limit of 3 children in accordance with the regulations.

FORM 38 (a)

DECLARATION FORM

I agree for my child _____ *to live with my friend/relative at* _____ *as I am not able to care for him/her at this present time.*

As far as I am aware, I have no reason to believe that _____ would not be able to care for and keep my child safe.

Signature:_____ Date: ____/____/____/

(To be used in association with S.17 financial assistance to a relative or friend providing care of a child/young person.)

FORM 38 (b)

Children's Services – SOCIAL SERVICES DEPARTMENT

IMMEDIATE PLACEMENT ASSESSMENT FORM

Regulation 38 (2) Foster Placement Regulations 2002

Child's name: _____

Carer(s) name(s): _____

Address: _____

_____

_____

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1. Interview with carer(s). Comments made:

2. Inspection of accommodation, especially of child's bedroom.
   Comments:

3. Details of other occupants of the household (e.g. Name, age, relationship to householder(s), etc.)

4. Statutory checks of all adults (over 16) living in the household

NAME	CRB/DATE SENT	CRB/DATE RETURNED	CAREFIRST DATE CHECKED

N.B. This form must be completed by the Area Social Worker and signed by the Practice Manager before an immediate placement can proceed.

Area Social Worker: …….. Date: ……

Locality Area: …….

Practice Manager: …….. Date: ……..

FORM 38 (c)

Children's Services – SOCIAL SERVICES DEPARTMENT

IMMEDIATE PLACEMENT UNDERTAKING

(To be used for placements under Regulation 38 (3) of the FOSTER PLACEMENT REGULATIONS 2002.)

When placing a "looked after" child/young person with relatives or friends under the above regulations, we are required to seek your agreement in writing to carry out certain duties.

By signing this LAC Placement Agreement, you are agreeing to:

1. Care for the child/young person as if he/she were a member of your family and to promote his/her welfare, having regard to any particular arrangements agreed with them by Local Authority Social Services.

2. Permit any person authorized by Local Authority Social Services (or, where appropriate, the area authority) to visit the child/young person placed with you in your home.

3. Permit Local Authority Social Services (or, where appropriate, the area authority) to remove the child/young person from your home.

4. Ensure that any information which is, in confidence, acquired, relating to the child/young person or to his/her family in connection with the placement, will be kept confidential and not disclosed to anyone other than Local Authority Social Services.

5. Allow contact with the child/young person in accordance with the arrangements made by Local Authority Social Services.

Name of carer(s):	*Signature:*	*Date:*
……	……	……..
……	……	……..

FORM 38 (d)

FOSTERING SERVICES REGULATIONS 2002

REGULATION 27 – SCHEDULE 3

INTERIM ASSESSMENT REPORT FOR RELATIVES/FRIENDS WISHING TO CARE FOR CHILD/REN

To be completed by Supervising Social Worker Fostering if immediate placement continues beyond 6 weeks (by 12 weeks from when the child was initially accommodated).

NAME:	**APPLICANT 1:**	**APPLICANT 2:**
Address: Tel.No.		
Relationship to child/ren		
Date of Birth		
MARITAL STATUS (including previous marriages)		
Health		
Criminal Records Bureau Checks		
Local authority Checks		
Religion (please state if practising)		
Racial Origin, Cultural & Linguistic Background		
Details of any previous application to Foster or Adopt. Approval or refusal or termination of approval by any member of the household		

1st Applicant **2nd Applicant**

If there are 2 applicants – what Is their current relationship?

Particulars of Employment
(both applicants – past and present)

Description of personality
(both applicants)

Particulars of accommodation *(Comment on where child/ren is/are to sleep)*

Particulars of other adult members of the household
Name:
Date of Birth
Relationship *(if any)*

Employment
Criminal Records Bureau
Health
L.A. Checks

Particulars of children in family *(whether or not living in the family)*
Names:
Dates of birth/s
School
(Comment on progress at school)

Comment on any particular difficulties

Description of lifestyle – including leisure etc. activities & interests. How do they envisage this changing when child/ren are placed?

Experience of caring for children *(comment on ability in this respect)*

SOCIAL WORKER ASSESSMENT

Comment on:

* Quality of relationship within the family
* Any issues in their relationship with the child/ren's parents and how they will deal with difficulties
* Their attitude to contact and how will they deal with difficulties
* Their attitude to the Social Services Department and other professions and how they will work with social workers etc.
* How they will meet the children's identified needs (as identified in child's assessment)

Signed:		**Dated:**
Family:	……	……
	……	……
Social Worker	……	……
Practice Manager	……	……
Fostering	……	……

Interim Approval given by Foster Care Panel:

…… ……

Chair of Foster Care Panel

(Pending full assessment and Approval by Panel)

Appendix 10 - Descriptors of Authorities

Authority A

Local Authority A is rated as three star in regard to its Children' Services and considered to be a well performing authority with clear strategic vision. It is a large authority with a population of 508,274.

The county has a mix of rural, town and urban environment and is a popular retirement destination. The economy is mainly service based consisting of public service, education, financial services and tourism. It has a wide range of areas that are affluent to pockets of rural deprivation with one town within the authorities boundaries which has significant challenges in regard to social concerns, economic prosperity and educational and employment opportunity, however, regeneration is taking place.

Authority A does not have a specialist team in place to deal with the issue of Kinship care at present, and largely Kinship cases are dealt with across area social work teams. It is clear the understanding as to the importance of Kinship care is understood and valued by senior managers and support through resources and Operational Instructions show a commitment to the agenda. However, over the last year the increase in Residence Orders and therefore Residence Order Allowances as well as the introduction of the Public Law Outline and the expectation of the Court that all assessments on family should be explored prior to submitting proceedings has heightened arrangements as there is a view that approaches are neither consistent enough or robust enough to ensure all avenues are appropriately explored, then assessed and if appropriate supported.

There is a overt admission of the Kinship care policy being in place to avoid/reduce children becoming subject to Looked After procedures and outlines two entrances into Kinship care arrangements which it defines as Routes into Kinship: Private Care and Routes into Kinship: Public Care.

These are defined as:

Routes into Kinship: Private Care: The child remains with their parents, with the local authority providing 'family support' (Section 17 services).

The child goes to stay with family and friends

- Parents keep full Parental Responsibility
- No approval, assessment or supervision of carers is needed
- No fostering allowances are paid
- The arrangement is made primarily by parents and remains private between the parents and carers
- Arrangements come under Private Fostering regulations if the carers are friends not relatives and if it continues for more than 28 days
- The local authority has a duty to safeguard the child's welfare and visit the child and carer regularly in accordance with Private Fostering Regulations

Social Services may provide advice and support by:

- Helping to prevent later court or Social Services involvement, for example, by providing advice and assistance including in some circumstances money via Section 17 of the Children Act 1989
- Help with applying for relevant benefits, for example, income support or family credit
- Help with obtaining legally recognised status, for example, a Residence Order or Guardianship

Routes into Kinship: Public Care: In order to prevent significant harm, a child needs to be accommodated or looked after under a Court Order, by foster carers or by other services such as in residential care.

This is only undertaken when there is an immediate or emergency need to provide care for the child and in these circumstances the child can be looked after by approved foster carers or by other services.

In an emergency, a child can be looked after by family or friends who are not already approved as foster carers (Regulation 38):

- The carer must agree to carry out certain responsibilities such as care for the child as if s/he were a member of the carers family, and permit local authority staff to visit
- If the child is to stay longer than six weeks, the carer must undergo a full assessment and approval under the Children Act 1989
- Kinship allowance to be paid following the Initial Assessment visit from Social Worker
- All relevant Children Act 1989 Guidance and Fostering Services Regulations apply

However, in discussion with the managers and staff within the County, there is a sense of inconsistency of support and understanding, the level of knowledge in regard to process and assessment as well as the legal mandate under which Kinship care arrangements operate.

Authority B

Authority B is assessed as being a three star authority in relation to its Children's Services and is a unitary authority serving a population of 247,817. It has good transport links and has an urban mix within its boundaries with pockets of deprivation.

The authority was an early responder to the growth taking place in Kinship care and started a separate family and friends team in 2003. This initially started very small but has developed and is well established as to its role and purpose. It's ethos is that when a child or young person is not able to live at home with their parents it is often other family members or close family friends who provide the day to day care. The Family and Friends Team recognise the importance of family, friendship and community networks for children who cannot live at home with their birth parents. Children maintain their sense of identity, self-esteem and knowledge about their families when they live with them.

Children placed in the care of their families and friends continue to feel a sense of belonging, worth, history and value to others.

The Team is aware of the family tensions and difficulties that can arise from caring for a member of your family, especially around family loyalties and contact with birth parents and aim to support families in dealing with these difficulties.

The Team undertakes assessments of family members and close friends who wish to be considered as carers for a child who cannot live with his/her parents which would normally involve preparing a report for Fostering Panel, and also for Court.

The report gives information about the child, carers and family background and ability to care for the child on a permanent basis. This may include an assessment as the child's foster care whilst the Court decides on the long term plan for the child. The Team focus is to move towards carers becoming either a permanent Family and Friends foster carer or as a carer with a Residence or Special Guardianship Order.

The range of support services offered by the Team include:

- Regular visits by a supervising social worker if approved as a Family and Friends foster carer;
- Advise and guidance about contact issues
- Access to training
- Access to specialist therapeutic advice
- Monthly support group for Family and Friends carers
- Monthly advice morning
- Quarterly newsletter
- Financial support
- Information about local family support services

The Team also convene a support group which has shown growth and provides a relaxed and supportive space for Family and Friends carers, whilst also providing opportunities for them to link with other Local authority foster carers.

Advice mornings are scheduled for Family and Friends foster cares and the Team provide a range of training/workshops to attend.

Authority C

Local Authority C is a 4 star rated authority in regard to its Children's Services and is found to be serving its children and young people well in many areas. It is a large and mostly rural authority with on 15% of the County classed as urban and 85% rural with 77% of the population residing in the urban areas. It has a population estimated at 1,276,800.

C's approach to Kinship care has seen it being a trailblazer in the way it approached this area of work. It does start with the premise that Kinship carers are often the best people to look after vulnerable children as the children know the Kinship carers and can trust them. It has a separate family and friends team and has a project that is clear with whom it works. It's considers its tenet as working with:

- a child who needs to live away from home and who has been assessed as being a Child in Need (Children Act 1989, Section 17)
- family make plans for the child and close relatives (grandparents, aunts, uncles, siblings, step-parents – Children Act 1989, Section 105) take on care of the child
- parents plan with their relatives for care of the child and parents retain PR for the child
- a child does not need to come into the care system in order to safeguard his/her welfare
- if not cared for by relative the child would need to come into the care system and be in mainstream foster care, or residential care, or be adopted

The Kinship care project in C is outside of the care system, and allows relatives or friends to offer care to children in need. Carers are assessed and approved to become family and friends foster carers and must me*et al.*l the National Minimum Standards for Fostering Services 2002. The team also believes that family and friends foster carers should receive the fostering allowances, including holiday, festival and birthday allowances, and the same services from their Family Placement Team as mainstream foster carers. Kinship carers can apply for more money if they complete extra training, but few do.

C has also been working with Kinship carers themselves to build the policy. As a result, they have developed a Kinship care Policy and procedures to ensure equality of provision and consistency of service, which has helped to bring Kinship care into the mainstream of care options. Kinship care is now valued as an integral element in a range of options for children who need to be looked after. There is a commitment to allocation of resources for services to Kinship carers with Kinship care and family & friends foster care valued as integral elements in a range of options for children who need to live away from home. In C, between 22% and 30% of looked after children are with Kinship carers.

The main challenges presented to the team, however, were felt to be around devising an assessment tool and process which maintains the balance between the least possible intrusion into family life, whilst ensuring the welfare of the child is safeguarded,

ensuring staff are informed and trained and understand the unique nature of Kinship care and around creating a culture that holds the belief that the majority of families are in the best position to plan for their children. Other challenges stated were around working in partnership with families to ensure that assessment is a collaborative process and enlisting input from the whole family to set up a support package around the child, including as part of the assessment, an assessment of carers' needs and providing resources to meet those needs and continuing to work with birth parent/s, as well as with the child and carers, in order to assist in maintaining attachments for the child.

GLOSSARY

In the case of supporting and regulating family and friends care of Children in Need as opposed to those who need to be Looked After Children due to court proceedings it is important again to revisit the matter of definitions. Therefore, in the Family Plus policy the following definitions have been enshrined:

Definitions of Terms within the Family Plus Kinship care Model

- **Permanence** – a framework of emotional, physical and legal conditions that gives a child a sense of security, commitment, identity, belonging and above all continuity throughout their childhood.
- **Family and Friends Care** – the full-time care and protection of a named child/ren, living apart from their birth parents, provided by a family member or family friend. Family and friends arrangements may be made within various legal frameworks. The child can be cared for by family and friends where they are not a Looked After Child:
    - **Family arrangements with relatives** which can be supported under section 17 of the Children Act 1989.
    - **Family arrangements where the carer is not a parent, a person with Parental Responsibility or a relative** as defined in the Children Act 1989 and the arrangement is regulated as a **Private Fostering** arrangement, such arrangements can be supported under Section 17 of the Children Act 1989.
    - **Special Guardianship Order** under Section 14A of the Children Act 1989 (revised) where the child's carers can receive a Special Guardianship Allowance and support services can be offered.
    - **Residence Order** under Section 8 of the Children Act 1989 where the child's carers can receive a Residence Allowance on a discretionary basis. This and other support services can be offered under Section 17 of the Children Act 1989.

  Family and friends care can also be provided to a Looked After Child:
    - To a child **Accommodated** under Section 20 of the Children Act 1989 where the family/friends carers are assessed, approved and paid as a Kinship foster carer for that child.
    - To a child **subject to a Care Order** under Section 31 of the Children Act 1989 or **interim Care Order** under Section 38 of the Children Act 1989, where the family/friends carers are assessed, approved and paid as Kinship foster carers for that child.
- **Kinship Foster Care** – where a Looked After Child is placed with a relative, then this relative can be assessed and supported as a foster carer for that child under the Fostering Services Regulations 2002.
- **Non related Foster Care** – where a looked after child is placed with a foster carer who has been recruited, trained, assessed and supported as a foster parent under the Fostering Services Regulations 2002.
- **Relative** – a relative is defined in the Children Act 1989 (Section 105) as a "grandparent, brother, sister, uncle or aunt (whether of the full blood or by affinity) or a step parent".

- **Private Fostering** – when a child under 16 (or 18 if they are disabled) is cared or is planned to be cared for, by family arrangements between parent and carers, by an adult who is not a parent or a person with parental responsibility or a relative (see definition of Relative above), for more than 28 days, then this is a private fostering arrangement. Such private fostering arrangements must be regulated according to The Children (Private Arrangements for Fostering) Regulations 2005 and can be supported by the local authority under Section 17 of the Children Act 1989.
- **Family Group Conference (FGC)** – a meeting of the extended family and friends network with key professionals to plan for the care of a child. The meeting is convened by a Family Group Conference Co-ordinator who is independent of the casework planning and decision making processes and the meeting involves private family time where the family makes their plan for care of the child.
- **Residence Order** – can be granted by the Family Court under Section 8 of the Children Act 1989. The holder of a Residence Order exercises parental responsibility (PR) for the child jointly with other people who have PR, e.g. birth parents. A Residence Order implies that the children are living with the person holding the Order. With a Residence Order the child's parents retain parental responsibility. A Residence Order lasts until the child is 16 unless it is revoked by Court; the Court has the power to make a Residence Order until the child is 18. The parent(s) can apply for contact with the child through the courts or a variation of the Residence Order. It is possible for someone holding a Residence Order to receive support services, through the general framework of support for Children in Need under Section 17 of the Children Act 1989, or through a Residence Order Allowance which can be made at the discretion of the local authority.
- **Special Guardianship Order** – offer more than a Residence Order in terms of greater legal security and the entitlement to ongoing support services to the child and to Special Guardians. Special Guardianship provides an alternative for achieving permanence in families where adoption is not appropriate. The Special Guardian will have decisions about caring for the child and will have clear responsibility for the day-to-day decisions about caring for the child to the exclusion of others with PR. A special guardian can appoint a guardian in the event of death. The child's parents will also continue to hold PR but their exercise of it will be limited. The parents will, however, retain the right to consent or not to the child's adoption or placement for adoption. In addition there are steps in a child's life which require the consent of everyone with PR; the change of name of the child, the removal of the child from the United Kingdom for longer than three months or the sterilisation of a child. Special Guardianship lasts until the child is 18. Local authorities are required to make arrangements for the provision of special guardianship support services which are similar to adoption support services. The purpose of special guardianship support services is to ensure the continuance of the relationship between the child and their special guardian.
- **Social Worker for the Child** – the social worker responsible for the general conduct and overall co-ordination of the assessment, planning, implementation and review for the child.

- **Family Plus Social Worker** – the worker responsible for the assessment and ongoing support of family and friends carers of Children in Need.