

Relatives and friends taking on the care of a vulnerable child in an emergency

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Introduction

When parents have difficulties at home which affect their child, the child may need to be looked after by someone else, like a relative or friend. The arrangement may be short or long term and may be made directly between the parents and the relative/friend or Children's Services may be involved because they are worried that the child is being harmed and don't think it's safe for the child to stay at home.

This advice sheet is written for relatives, friends and others connected with a child, who are thinking about looking after a child in these circumstances. It explains the steps you can take, how Children's Services may be involved and the impact that their involvement can have on the support you can get later on.

There are different ways in which you can take on the immediate care of a child. We have divided the advice sheet into sections, according to these different routes:

- Part 1: Making arrangements directly with the parents (page 3)
- Part 2: Applying to Court for a Child Arrangements Order (page 5)
- Part 3: Involving Children's Services in making the placement (page 11)
- Part 4: Where can I get more help and advice? (page 21)

For more information about taking on the care of a child in a non-emergency situation see FRG advice sheet's: [DIY Child Arrangements Orders](#); [DIY Special Guardianship](#)

Orders; and Re-uniting children in the care system with families:

<http://www.frg.org.uk/need-help-or-advice/advice-sheets>

This advice sheet sometimes refers you to other advice sheets for more information. But if you want specific advice about what you should do in your case, contact the Family Rights Group advice service - contact details in part 4. Since things can seem quite complicated when your local council is involved with your family, you may want to ask a friend or an advocate, to go through this advice sheet with you and explain anything that you don't understand. The references mentioned in the text are set out in the endnotes and the references section at the end of the advice sheet.

Note: “Social services” are now known as “Children’s Services”. This is how they are referred to throughout this advice sheet.

Key terms used in this advice sheet include:

- **‘Looked after’** means that the child is “in care” or “accommodation” of Children’s Services;
- **‘In care’** means that a court has made an interim or full care order or an emergency protection order on the child which gives them the power to remove the child from the care of their parents;
- **‘Accommodation’** means that a child is being looked after by the local authority with the agreement of the parents/other with parental responsibility because they are unable to care for the child themselves
- **‘Parental responsibility means the legal** right to make decisions about how a child is raised. Those who have parental responsibility include: mothers; fathers who have been married to the mother at any time since the birth of the child or are jointly registered on the birth certificate as the father (after 1.12.03) or have acquired PR by formal agreement with the mother or by court order; anyone who has a residence, child arrangements order (saying who the child should live with), special guardianship or adoption order in their favour on the child; guardians; step-parents who have acquired PR by formal agreement or court order. For more information about parental responsibility, see FRG advice sheet Parental Responsibility: <http://www.frg.org.uk/need-help-or-advice/advice-sheets>

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PART 1: MAKING ARRANGEMENTS DIRECTLY WITH THE PARENTS (A PRIVATE ARRANGEMENT)

If you are aware of difficulties in the parents' home which are impacting on their child, you may want to offer your support to the family to see if you can help out. If you think the child is vulnerable or at risk, you may want to offer to care for them for a while until things get sorted out.

If the parents agree it would be a good idea for you to look after their child, and Children's Services are not involved, the parents can simply make this arrangement with you and you could start looking after the child straight away. This may be enough to help ease the situation and you may feel there is no need to take any more formal step. However:

- this would not give you parental responsibility for the child (see page 2 above) which means you would have to refer back to the parents to ask for their agreement to all major decisions about the child's care, for example medical or dental treatment, school trips, taking the child on holiday etc; and
- the parents would be able to remove the child from your care any time.

If the parents don't agree to your proposal to look after their child, or they change their minds, or you want to be able to make decisions without having to ask the parents, then you may want to take a more formal step to secure the arrangement legally and/or to get parental responsibility for the child. You can do this by applying to court for a child arrangements order (saying who the child should live with) or special guardianship order (see page 5 below) or by getting Children's Services involved (see page 9 below).

What support could I get for a private arrangement?

You could:

- ask the parents for financial support since they remain financially liable for the child whilst they are living with you;
- apply for benefits/tax credits although these will be means tested;

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- ask Children’s Services to assess whether or not the child is “in need”.¹ This means that they are considered vulnerable and in need of extra support to be able to thrive. If the child is considered to be in need, Children’s Services may provide support to meet those needs. This might include a nursery place, extra equipment (e.g. beds, clothing etc) or even a regular cash payment whilst your benefits are processed or because of particular needs.

Every Children’s Services department should have a Family and Friends Care policy² setting out the support they will provide to family and friends carers so you may want to ask the social worker for a copy of this.

For further information on the support you may be able to get, see FRG advice sheets on ‘[Family Support Services](#)’ and ‘[Support for relatives and friends caring for other people’s children](#)’: <http://www.frg.org.uk/need-help-or-advice/advice-sheets>

Note: YOU may be a private foster carer!

If you are caring for a child in a private arrangement which is (or which is intended to be), for 28 days or more and you:

- don’t have a residence/ child arrangements order or special guardianship order,
- are not a foster carer working for Children Services, and
- are not a close relative (i.e. you are not the child’s grandparent, uncle, aunt, sibling or stepparent), you will be considered to be a ‘private foster carer’. In this situation , you must tell Children’s Services that you have taken over care of the child.

Children’s Services must then check and monitor the arrangement which includes inspecting your premises. It could even be a criminal offence if you don’t tell them, once you realise you need to. For further information about this, contact FRG advice service - details at end of this advice sheet.

PART 2: APPLYING TO COURT FOR A CHILD ARRANGEMENTS ORDER (SAYING THE CHILD SHOULD LIVE WITH YOU)

If the parents will not agree to you caring for the child and you don't want to get Children's Services involved, but you really feel that the child cannot stay at home any longer and should come to live with you, you could consider applying to the court for a child arrangements order (saying who the child should live with). This used to be called a residence order. You can also apply for a interim (temporary) child arrangements order very quickly if you believe it's urgent.

What is a child arrangements order?

- A child arrangements order is an order of the court which says where a child should live or who the child should see. If you are granted an child arrangements order saying the child should live with you, the parents can't then remove the child from your care without being in breach of the court order. If they were to do so, you could take action to get the child back through the Police and the Courts.
- A child arrangements order (saying the child should live with you) also gives you parental responsibility for the child whilst the order lasts. This means the child would live with you and you could make most decisions about his/her care subject to a few exceptions: see FRG advice sheet '[DIY Child Arrangements Orders: Information for family and friends carers](http://www.frg.org.uk/need-help-or-advice/advice-sheets)': <http://www.frg.org.uk/need-help-or-advice/advice-sheets>

What do I need to do to apply for a child arrangements order?

Meet with a mediator:

- If you want to apply for a child arrangements order you will first have to meet with a family mediator at a Mediation Information and Assessment session (MIAM) to discuss whether mediation might be an appropriate way to try to reach agreement with the parents about this.³ You can find out more about MIAMS here: <http://www.familymediationcouncil.org.uk/family-mediation/assessment-meeting-miam/>
- You and the parents cannot be forced to mediate but you do have to find out before you go to court whether mediation is suitable in your case. (Details on how to find a mediator are at the end of this advice sheet).

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- If you decide to mediate and you manage to reach agreement, you may still need to apply to the court for a child arrangements order (saying the child should live with you) if you feel the arrangement needs to be secured legally and you want to have parental responsibility. If you and the parents agree that there should be an order, it will be a much shorter process as you will be asking the court to make the order by agreement (sometimes called a 'consent order').
- If mediation is not suitable, you need to ask the mediator to sign part of the court (form C100) saying they have met with you and why mediation is not going ahead. You will need to give this to the court when you issue your application.

NB You do not have to attend mediation first if your application is an urgent one and delay in making the application would lead to a risk to the child, or risk of an unlawful removal of the child from the UK⁴.

Consider if you want a solicitor

- Many people want to have a solicitor to help them complete all the court forms and represent them in court. This is particularly true if you feel it may be hard to bring a case against the parents who you have a close relationship with, especially if you have to ask them difficult questions in court. If you do use one, it is a good idea to find someone who is experienced in children law. Details of how to find a solicitor are at the end of this advice sheet. BUT
 - You need to be aware that solicitors can be expensive, especially if the case the parents don't agree to you having the order, so you need to work out how you will pay for their costs.
 - There are some limited circumstances when you might still be able to get legal aid (see page 7), but if you cannot get legal aid and you cannot afford a solicitor, you can apply to court on your own without a solicitor. The court staff will tell you which forms you need to complete. For more information see FRG advice sheet [DIY Child Arrangements Orders: information for family and friends carers:](http://www.frg.org.uk/need-help-or-advice/advice-sheets)
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Legal Aid

The legal aid rules changed on 1st April 2013. You can now only get legal aid to apply for a child arrangements order (saying the child should live with you) if:

- There are care proceedings taking place about the child so your application is a direct alternative to a Care Order for them; or ⁵
- You have evidence that the child is at risk of abuse because there:
 - are ongoing criminal proceedings for abuse; or
 - is an unspent conviction for a child abuse offence; or
 - are ongoing court proceedings for an injunction with an order about the child; or
 - in the last two years there has been a child protection plan, a letter from Children's Services about a child protection plan, a Children's Services assessment (or letter) that the child was at risk of abuse, a finding of fact about abuse in civil proceedings, a protective injunction or undertaking, or a relevant police caution ⁶ or
- You can show you need legal aid exceptionally (outside the normal rules) to prevent a breach of your human rights. For more information about this see the Public Law Project (details at end of advice sheet) for more information about this and a free scheme they run for help applying to the legal aid agency for exceptional eligibility:

http://www.publiclawproject.org.uk/exceptional_funding_project_page.html

Note:

- Even if you fit one of the above criteria, the Legal Aid Agency will still assess your income and capital to see if you fall within the financial limits for legal aid;
- legal aid can also be refused if there is some other way your legal costs could be funded; or someone else who is funded is already arguing for the same thing; or if no-one opposes your application and it's not complicated.

You can apply for legal aid either:

- yourself directly to the Legal Aid Agency and then find a solicitor to take the case if legal aid is granted; or

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- by asking a solicitor to help you apply for legal aid if you can find one - this is likely to improve your chances of getting legal aid.

For more information about legal aid, see the Community Legal Advice section of the Gov.uk website: <https://www.gov.uk/civil-legal-advice>. See also FRG advice sheet: [DIY Child Arrangements Orders. http://www.frg.org.uk/need-help-or-advice/advice-sheets](http://www.frg.org.uk/need-help-or-advice/advice-sheets)

Applying to court

- In most cases, you will need to apply for the permission of the court (sometimes called 'leave') before you can make your main application for a child arrangements order. You will need to discuss this with the court staff at your local county court office who will tell you which forms you need to complete and when you need to go to court.
- You will also be asked to pay a court fee unless you are exempt and you will have to make sure the parents (or other people answering your application) receive all the court papers and notice of the hearing date(s). Again the court staff will tell you what you need to do and by when.

For much more detailed information about applying for a child arrangements order, see FRG advice sheet '[DIY Child Arrangements Orders: Information for family and friends carer's](http://www.frg.org.uk/need-help-or-advice/advice-sheets)': <http://www.frg.org.uk/need-help-or-advice/advice-sheets>. If you need help about your case you can contact FRG's advice service (details at the end of this advice sheet).

What support can I get for the child if I have a Child Arrangements Order?

There is no absolute right to support with a child arrangements order (saying the child should live with you). However you could:

- ask the parents for financial support since they remain financially liable for the child whilst s/he is living with you;
- apply for benefits/tax credits although these will be means tested;
- ask Children's Services to pay a child arrangements order allowance but they do not have to and any allowances will be means tested:⁷

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- ask Children’s Services to assess whether or not the child is “in need”⁸ (which is a term that means they are vulnerable and need extra support to thrive) and if they are, what support Children’s Services will provide to meet those needs, such as a nursery place, extra equipment (e.g. beds, clothing etc) or even a regular cash payment if needed while benefits are processed or because of particular needs.

Note:

- Children’s Services don’t have to support a child in this situation, but they should normally do so if the child is assessed as being in need. You can ask the social worker to assess whether the child is a child in need.
- Children’s Services should have a Family and Friends Care policy⁹ setting out the support they will provide to family and friends carers so you may want to ask the social worker for a copy of this.

Can I get time off work when the child first comes to live with me?

- If you have parental responsibility for a child who is under 5, you can take up to 18 weeks of **unpaid** time off work to look after the child/make arrangements for them¹⁰, provided you have been working for your employer for 12 months or more. You will have parental responsibility if:
 - you have a Child Arrangements Order (saying the child should live with you),
 - You have a Special Guardianship Order or
 - you have been appointed as guardian for a child whose parent(s) have died. .
- But the maximum leave you can take in any one year in these circumstances is 4 weeks and you should take this time off in blocks of one week, unless your employer agrees otherwise. A ‘week’ is equivalent to the number of days that you would normally work per week.¹¹
- If the child is disabled, you can take up to 18 weeks unpaid leave before the child turns 18.

Note: Sometimes social workers advise relatives/friends to apply quickly for a child arrangements order (saying the child should live with them) to keep the child safe in a crisis. This may be really important if the child is at risk but **it is also very important for you that you take independent legal advice** about the options open to you before you apply. Once a child arrangements order has been made, it is up to the discretion of Children’s Services whether you get support or not. Contact a solicitor specialising in child care law or Family Rights Group’s Advice Service – contact details in part 4 of this advice sheet.

For further information generally on the support you may be able to get, see FRG advice sheets on ‘[Family Support Services](#)’ and ‘[Support for relatives and friends caring for other people’s children](#)’: <http://www.frg.org.uk/need-help-or-advice/advice-sheets>

What is a special guardianship order and how could that help me?

Like a Child Arrangements Order (saying the child should live with you), a Special Guardianship Order (SGO) secures a child’s home with you and gives you parental responsibility but under an SGO you have more authority to make decisions than under a Child Arrangements Order, even if the parents don’t agree. Also it is harder for a parent to apply to revoke a SGO than a Child Arrangements Order so it is usually considered to be a more permanent order.

However you cannot apply for an SGO in an emergency as you have to tell Children’s Services you want to apply for an SGO 3 months before applying to court, so they can prepare a report for the court on whether you would be a suitable special guardian. So this may be a longer term solution for you but will not help in a crisis. For further information see FRG advice sheet: [DIY Special Guardianship Orders](#) <http://www.frg.org.uk/need-help-or-advice/advice-sheets>

PART 3: INVOLVING CHILDREN'S SERVICES

Whatever the circumstances, you may feel you want to involve Children's Services to make sure the child is safe, or they may already be involved and concerned about the child. Their response to you getting in touch will depend on the child's situation:

Child protection enquiries

If the social worker ***suspects that a child is suffering significant harm***, they are under a legal duty to make enquiries and make plans to keep the child safe (where necessary).¹² ***If these enquiries show that the child is suffering (or is likely to suffer significant harm)***, they should hold a child protection conference.

Child protection conference:

A child protection conference is a meeting of key professionals who know the child and family to come together to share information and make decisions about the child's future safety, health and development. The conference will decide whether the child is at risk, if anything needs to change in their situation and whether support is needed so the child is safe and well cared for.¹³ Parents and children who are old enough and want to be there normally also attend. Other key family members may be invited to attend the conference if the parents agree – if you are caring for the child it is likely that you will be asked to be there although you may be asked to leave for parts of the meeting if information is confidential and cannot be shared with you.

Child protection Plan:

If there are ongoing serious concerns about the child professionals at the conference should draw up a child protection plan, which might say for example that the child can stay with you but you must not allow the child to return to the parents. In these circumstances, you should take independent legal advice about whether the child is in fact legally in the care system as this has important implications for the support you can get and how you care for the child. Contact a solicitor specialising in child care law or Family Rights Group's Advice Service – contact details in part 4 of this advice sheet.

For further information on this see FRG advice sheets 'child protection procedures':

<http://www.frg.org.uk/need-help-or-advice/advice-sheets>

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Family Group Conferences

Children's Services can also refer the family for a Family Group Conference (FGC). This is a family-led meeting which is arranged by someone who is independent of the social workers in the case. Rather than everything being decided by social workers, the FGC provides the child's whole family network with an opportunity to get together to make a plan for the child which would keep them safe and well cared for, potentially within the family network. Children's Services should generally provide the support that is needed to make sure the plan works.

If an FGC has not already happened and you think it would be useful to bring in support from others in the child's family, you could ask the social worker to make a referral for a Family Group Conference

For further information see FRG advice sheet on 'Family Group Conferences:' <http://www.frg.org.uk/need-help-or-advice/advice-sheets> or contact Family Rights Group advice service – contact details in Part 4 of this advice sheet.

Social worker removing the child from their home

If the social workers think that the child is in immediate danger, they may think it is necessary to remove the child from their home with the parents. They may also suggest this if they assess that the child is still suffering (or likely to suffer) significant harm after enquiries are completed and child protection plans have been tried and failed. However, they can only remove a child from home if:

- the parents/others with parental responsibility agree or
- they are granted an emergency protection or a care order by the court. However, unless it is an emergency, the local authority would normally send the parents a letter before proceedings inviting them to a meeting to discuss the situation and warning them that there is a real possibility that care proceedings will be started before they actually start proceedings and again they may consider referring the case for an FGC.¹⁴

For further information on this see FRG advice sheet on 'Care and related proceedings:' <http://www.frg.org.uk/need-help-or-advice/advice-sheets>

Note: Police Protection: The police also have the power to remove a child from home for up to 72 hours but this should only occur where there is an immediate danger and it has not been possible for Children's Services to apply for an emergency protection order.¹⁵

What happens if Children's Services remove a child from their home?

If Children's Services remove a child from their parents with the parents' agreement or under an emergency protection or care order, the child then becomes formally '*looked after*' (see page 2).

Children's Services must follow important statutory duties about how the child is looked after whilst they are away from home, including where they are placed, who they should be allowed to see, who is responsible for monitoring and reviewing their case. If the child cannot live with their parents, they should give preference to suitable relatives and friends who want to care for the child – see next question. For further information see FRG advice sheet on 'Duties on children's services towards children in the care system:' <http://www.frg.org.uk/need-help-or-advice/advice-sheets>

Can Children Services place a looked after child with relatives or friends?

Yes. The underlying principle in the Children Act 1989 is that the best place for most children to be brought up is in their own family, with reasonable support from the State when the child is in need of this. The law¹⁶ therefore says that when a child is looked after, Children's Services must place the child:

1. with parents or others with parental responsibility if they are considered suitable after an assessment¹⁷ and if not,
2. they must place the child in the most appropriate placement available. This is:
 - a. with a relative, friend or other person connected with the child who is also LA foster carer; or
 - b. with another unrelated foster carer; or
 - c. in a children's home.¹⁸

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Note: the law says that first preference should be given to relatives/friends/connected people who are approved as foster carers over unrelated foster carers provided it is practical and in the child's best interests.¹⁹

Children's Services should also ensure that the child's placement:

- a) Is near the child's home;
- b) Does not disrupt the child's education or training (if it is proposed to disrupt his education and the child is in Key Stage 4, the disruption may not occur unless it has been approved by a nominated (senior) officer of the local authority
- c) Enables siblings to live together where the child's sibling is also looked after by the local authority,
- d) Is suitable for the child's needs when s/he is disabled.²⁰

For further information see FRG advice sheet on 'duties on Children's Services towards children in the care system:' <http://www.frg.org.uk/need-help-or-advice/advice-sheets>

Can Children's Services place a child with a relative or friend in an emergency, without a full fostering assessment and approval?

Yes. Children's Services can place a child immediately with relatives/friends for up to **16 weeks** provided they are satisfied, from basic checks they have done, that this is the appropriate placement.²¹ This means that in order to place a child with you, without you already being approved as a foster carer, they will do some basic checks including:

- Assessing your suitability to look after the child. This includes checking:
 - the suitability of your accommodation and everyone else over 18 in your household,
 - your health and employment,
 - your relationship with the child and your ability to care for him/her including whether you can promote positive contact between the child and other members of the family,
 - your family history

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- details of any criminal convictions/ cautions
- community support available in your neighbourhood.
- Considering whether your care of the child will meet their needs (as set out in the care plan) and be in their best interests.

They will also consult with the child and the parents to find out their wishes and feelings before making a decision to place the child with you.²²

Once the child is placed with you, they will make regular visits to the child and must comply with all the normal duties they have towards looked after children including drawing up care and placement plans.²³

Will I still need to be assessed as a local authority foster carer if I have been approved as an emergency foster carer?

Yes. Children's Services must make immediate arrangements for you to be fully assessed and approved as a local authority foster carer before the period of temporary approval runs out.²⁴

Note:

- If the emergency placement needs to continue beyond **16 weeks** because the full assessment has not been completed, Children's Services may extend the emergency placement by a **further 8 weeks** but they can only do this once.²⁵
- If the full assessment has not been completed by the end of 24 weeks from the beginning of the placement then the placement will become unlawful and the child should normally be moved.²⁶ So if you have a looked after child placed with you in an emergency and the full assessment is taking a long time, you may need to press the social worker to speed things up so that this time limit does not run out. If they suggest removing the child from your care because 24 weeks has passed, you should take urgent legal advice. For example you might be able to apply for an urgent Child Arrangements Order (saying the child should live with you) instead.

For further information see FRG advice sheet on '[Becoming a local authority foster carer.](http://www.frg.org.uk/need-help-or-advice/advice-sheets)' <http://www.frg.org.uk/need-help-or-advice/advice-sheets>

If the child is placed with me by the social worker, will I be paid for looking after them?

Yes. Anyone who is approved as a foster carer (whether it is temporary or full approval) should receive a fostering allowance for any looked after child in their care.²⁷ In theory, Children's Services can decide how much they pay their foster carers, but there are now nationally agreed fostering rates which apply in England.

Note: The law says that family and friends carers should be paid these approved rates (including any fees and additional payments, for example for a child's birthday, holidays and Christmas) and that they should not be paid less than unrelated foster carers.²⁸ These payments should be made from when the child first came to live with you as a looked after child; if they were not the payments can be back dated.²⁹

Note: If Children's Services in your area say that they pay family and friends foster carers less than 'unrelated' foster carers, you may need to politely tell them that recent case law says that you should receive the same as unrelated foster carers according to the [Manchester](#) (2002) and [Tower Hamlets](#) (2013) cases.

If they still don't agree to pay you the same rate, then you can complain and/or take legal advice from a solicitor specialising in child care law or Family Rights Group Advice Service – contact details in part 4 of this advice sheet. See also Family Rights Group Advice Sheet [Support for relatives and friends who are looking after someone else's child](#) and '[Making a complaint:](http://www.frg.org.uk/need-help-or-advice/advice-sheets)' <http://www.frg.org.uk/need-help-or-advice/advice-sheets>

What if Children's Services placed the child with me, but are now saying it was a private arrangement so they cannot help?

Unfortunately Children's Services sometimes place children with relatives or friends but then say at a later date that they were only helping to make a private

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arrangement and that they do not have any further financial or other responsibility or involvement with the child.

Case law has confirmed in the Southwark (2007) and Kent (2011) cases³⁰ that if Children's Services are involved in placing a child with the carer, then, unless it was agreed otherwise at the time of the placement, the child should normally be treated as a 'looked after' child. ***This means that they must assess you as a foster carer for the child. Depending on the assessment they carry out, they can give you temporary or full approval as a foster carer and they should pay you the full fostering allowance*** from when the child first came to live with you unless you agreed at the time of placement that you would be financially responsible for the child.

If you are in this situation, you could mention the Southwark and Kent rulings and ask to be assessed as a foster carer and to be paid the full fostering allowance. If they refuse, you can make a complaint. You may also wish to consult a solicitor or contact FRG advice service – contact details in part 4 of this advice sheet.

However, if you agreed with the local authority when they placed the child with you that it was to be a private arrangement, your options for support are as outlined at pages 3-4 above.

This is a complicated area of law and practice is variable. If you would like further advice about it contact FRG's advice line. (Contact details are at the end of this advice sheet).

What happens if Children's Services will not agree to place a child they are looking after with me?

If the child is not under a care order or an emergency protection order:

- you can ask the parents if they agree to you looking after the child. In this situation, unless Children's Services have a care order on the child or the child is over 16, the parents could in theory remove the child from the care of Children's Services and place them with you.³¹ However the ***parents should not do this***

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without first taking legal advice as Children's Services may respond by applying for a Care or Emergency Protection Order care proceedings.

- if the parents do not want the child to be placed with you or the child is under a care or emergency protection order, you can still apply to court for a Child Arrangements Order (saying the child should live with you). (See Part 2 above).

If the child is under a care or emergency protection order and you can't persuade the social worker to place the child with you immediately, you can apply to the court for permission to apply for a child arrangements or special guardianship order (see Part 2 above). You can either consult a solicitor experienced in children law about this, or contact FRG for advice about how to apply without a solicitor.

For further information see FRG advice sheet 'DIY child arrangements orders: Information for family and friends carers' and DIY Special Guardianship Orders: Information for family and friends carers <http://www.frg.org.uk/need-help-or-advice/advice-sheets>

Tips for negotiating the immediate placement of a looked after child with you

- As soon as Children's Services raise the possibility that the child may not be able to remain in the home, it is a good idea to contact the social worker or team leader and ask for the child to be placed immediately within the family. You should do this initially by phone, as you are asking for an immediate placement, but back it up with an urgent letter, asking for you or another relative to be assessed as an immediate carer. Sign the letter, date it and always keep copies. Sometimes Children's Services will carry out a viability assessment before undertaking a full assessment of you as a foster carer. You need to co-operate fully with any such assessment.
- If they refuse to consider your request, you could:
 - mention government guidance about the importance of seeking out family and friends care and offering a family group conference to explore this before a child becomes looked after (see next question)

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- mention the research evidence set out below about the advantages to the child of being placed with relatives and friends on page 19
- consider applying for a child arrangements order, or a special guardianship order
- make a complaint
- If the child is looked after in the care system, you could also gently remind the social worker of the legal duty to place a looked after child with relatives or friends before placing them with unrelated carers unless that would not be consistent with their welfare – see page 13 above.

For further information contact the FRG advice line- contact details in part 4 of this advice sheet.

What does government guidance say about wider family placements?

Recent government guidance on pre-proceedings work with families³² says:

Involving wider family early:

- it is important wider family are identified and involved as early as possible as they can play a key role in supporting the child and help parents address identified problems. Where problems escalate and children cannot remain safely with parents, local authorities should seek to place children with suitable wider family members where it is safe to do so.’ (para 22)
- Enabling wider family members to contribute to decision-making where there are child protection or welfare concerns, including when the child cannot remain safely with birth parents is an important part of pre-proceedings planning (para 24)

Offering a Family Group Conference before a child becomes looked after:

- FGCs are ‘an important means of involving the family early so that they can provide support to enable the child to remain at home or look at alternative permanence options... Local authorities should consider referring the family to a FGC if they believe there is a possibility the child may not be able to remain with their parents, or in any event before a child becomes looked after unless this would be a risk to the child’ (para 24). The use of FGCs ensures that wider family members understand at an early stage the seriousness of the situation and have

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the opportunity to make contingency plans for alternative care within the family if the parents do not satisfactorily resolve their problems within the child's timescale (page 16).

For further information see FRG advice sheet 'Family Group Conferences':

<http://www.frg.org.uk/need-help-or-advice/advice-sheets>

What does research say about placement with relatives and friends?

Research suggests that there are well evidenced advantages for children who cannot live with their parents to be raised by relatives or friends.³³

- Despite having very little support, most children in family and friends care are thriving, and are doing significantly better than children in unrelated care³⁴ – in particular they feel more secure and have fewer emotional and behavioural difficulties and are also doing better academically.
- Children in care tend to experience several placement moves which is detrimental to their well-being. However, children living with relatives or friends experience fewer moves than those placed with unrelated foster carers.
- When children are placed immediately within the family, their placement is likely to last longer.
- Children feel loved and report high levels of satisfaction when living with relatives or friends.
- Children placed within their family can more easily maintain a sense of family and cultural identity.
- Contact with family members is more likely to be maintained, with clear benefits to the child, when children live with relatives or friends as compared to unrelated foster carers. However, relatives are less likely to be offered help with managing difficult contact, and are more likely to be left to manage contact on their own.

You may want to refer to this research when negotiating with Children's Services to place the child with you when they are looked after.

Part 4 Where can I get further help and information?

Citizens Advice: is an independent organisation providing free, confidential and impartial advice on all subjects to anyone. The address and telephone number of your local CAB can be found in the telephone directory. There is also advice on line on their website.

Website www.citizensadvice.org.uk

Advice on line Website www.adviceguide.org.uk

Civil Legal Advice (CLA): A free and confidential advice service for those people eligible for legal aid in England and Wales. It provides information on a range of common legal issues and helps people find legal help and information. It can also help you find legal advisors and find out if you are eligible for publicly funded free legal help.

Website: <https://www.gov.uk/civil-legal-advice> Telephone: 0345 345 4345.

Coram Children's Legal Centre provides independent legal advice to children, parents, carers and professionals. Its Child Law Advice Service provides legal advice and information on areas of child, family and education law in England. To access this advice and information please visit www.childrenslegalcentre.com and follow the link to the Child Law Advice Service where you will be able to view a range of factsheets and 'how to' guides. Should you have clarifying questions following your visit to their website, their helpline number is available at the end of each factsheet. The helpline is available Monday to Friday 8am to 6pm.

Family Mediation

To find a mediator, you can contact:

- Your local National Family Mediation (NFM) service in your area. A list of services can be found at the following weblink; <http://www.nfm.org.uk> or you can call NFM on 01392 271610 - open 9.00am - 5.00pm (Monday - Friday) or email: general@nfm.org.uk; or
- The Ministry of Justice's Family Mediation Helpline (on 0845 602 6627) who can refer you to a mediator from their joint register.

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www.familymediationcouncil.org.uk Email: info@familymediationcouncil.org.uk

Address: Family Mediation Council, PO Box 593, Exeter, EX1 9HG

Family Rights Group: is an organisation which provides free telephone and email advice to family members who are involved with Children's Services about the care and protection of their children.

- Contact FRG's advice line for further advice, on 0808 801 0366. It is open Monday-Friday 9.30am-3.00pm.
- You can also visit <http://www.frg.org.uk/need-help-or-advice/advice-sheets>. where you can download other relevant advice sheets.
- There are parent and family and friends carers discussion boards at: <http://www.frg.org.uk/discussion-board-for-homepage>.

Family Lives offers confidential advice, information and support on any aspect of parenting and family life. You can contact their Helpline on 0808 800 2222 from 9am – 9pm Monday – Friday and 10am – 3pm Saturday and Sunday. They are closed on bank holidays.

Other information including forums is available via the website:

www.familylives.org.uk

Grandparents' Association is an organisation which provides advice and support to grandparents about caring for, or having contact with, their grandchildren. They can be contacted at: Moot House, The Stow, Harlow, Essex CM20 3AG Office: 01279 428040 Helpline: 0845 434 9585 E-mail: info@grandparents-association.org.uk. <http://www.grandparents-association.org.uk/index.php>.

Pro Bono Net

Tries to help litigants in person find alternative free sources of legal advice and representation where they are not entitled to legal aid.

http://www.probonouk.net/index.php?id=assist_pub

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Public law project

They may be able to help with applying for legal aid under the exceptional criteria (see page 6 above). Referral form and more information available from:

http://www.publiclawproject.org.uk/exceptional_funding_project_page.html Or the Casework Team, 150 Caledonian Road, London, N1 9RD

Specialist solicitor:

Contact a solicitor who specialises in child care law. Ask your local Citizens Advice to recommend one, or search on

<http://www.lawsociety.org.uk/choosingandusing/findasolicitor.law>. Or contact CLA (see above). If you are on a low wage, or on income support or job seekers allowance, you may be able to get free advice initially under the Legal Help Scheme.

References

CA	Children Act 1989 http://www.legislation.gov.uk/ukpga/1989/41/contents
CPPCRR	Care Planning, Placement and Case Review Regulations 2010 http://www.legislation.gov.uk/uksi/2010/959/contents/made
CYPA	Children and Young Persons Act 2008 http://www.legislation.gov.uk/ukpga/2008/23/contents
ECHR	European Convention on Human Rights and Fundamental Freedoms http://conventions.coe.int/Treaty/en/Treaties/Html/005.htm
FSR 2011	Fostering Services Regulations 2011 http://www.legislation.gov.uk/uksi/2011/581/contents/made
FFSG	Statutory Guidance: Family and Friends Care 2010 https://www.education.gov.uk/publications/eOrderingDownload/Family%20and%20Friends%20Care.pdf
G&R	Children Act 1989, Guidance and Regulations, 1991, Department of Health, Vols 1-4
HRA	Human Rights Act 1998 http://www.legislation.gov.uk/ukpga/1998/42/contents
LASPO	Legal Aid Sentencing and Punishment of Offenders Act 2012: http://www.legislation.gov.uk/ukpga/2012/10/schedule/1/enacted
WT	Working Together to safeguard children: A guide to interagency working to safeguard and promote the welfare of children. March 2015 – https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/

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¹ s.17 Children Act 1989

² paras 2.12, 4.2 & 4.6 FFSG

³ Pre-action protocol http://www.cwfm.org.uk/new_pre_action_protocol_being_introduced_from_6th_april_2011

⁴ FPR 3.6

⁵ Sch 1 para 1(2) LASPO 2012

⁶ reg 34, Civil Legal Aid (procedure) Regulations 2012

⁷ Sch 1 para 15 CA

⁸ s.17 Children Act 1989

⁹ paras 2.12, 4.2 & 4.6 FFSG

¹⁰ Maternity and Parental Leave etc. Regulations 1999 reg 14(1)

¹¹ Maternity and Parental Leave Regulations 1999 Sch 2

¹² s.47 CA

¹³ WT 2015, Pages 43 - 46

¹⁴ Chapter 3 G & R Vol 3

¹⁵ s.46 CA

¹⁶ s.22C CA (as amended by s.8 CYPA)

¹⁷ Regs 17 & 19 CPPCRR

¹⁸ s.22C(6) CA

¹⁹ s.22C(7) CA

²⁰ s.22C (8)&(9) CA

²¹ Reg 24 & Schedule 4, CPPCRR;

²² s.22 (4)&(5) CA & para 3.90 G & R vol 2

²³ Regs 28-31 CPPCRR & para 3.92 G & R vol 2

²⁴ Reg 24(2)(c) CPPCRR

²⁵ Reg 25 CPPCRR

²⁶ Re W and X (Wardship: Relatives rejected as foster carers) [2004] 1 FLR 415]

²⁷ s.22B & s.22C (10) CA (as amended by CYPA).

²⁸ Manchester City Council – V – F (2002) 1FLR 43; R (on the application of x) v LB Tower Hamlets [2013] EWHC 480(Admin); Paras 4.49 and 4.50 FFSG.

²⁹ Dudley Metropolitan Council Complaint no 06/B/09795 24 January 2008; FFSG chapter 5

³⁰ D-v- Southwark LBC [2007] EWCA Civ 182; SA v Kent CC [2011] EWCA Civ 1303

³¹ s.20(8) CA

³²

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/306282/Statutory_guidance_on_court_orders_and_pre-proceedings.pdf

³⁴ Selwyn J, Farmer E, Meakings S, Vaisey P (2013) *The Poor Relation* (Buttle UK)