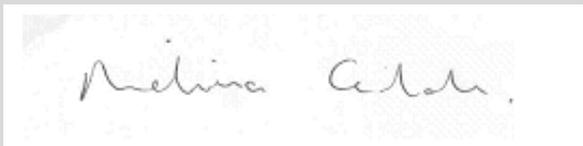


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TITLE: Friends and Family Care Policy

PURPOSE OF POLICY: This document sets out the range of alternative care arrangements offered and supported by Merton Children's Social Care.

This procedure is continually reviewed by all members of staff for suitability, effectiveness and customer focus to ensure we can improve upon the service we provide. If you have any comments on this procedure, please complete an improvement form included in the 'Issue, Control and Revision' procedure (1.0)

APPROVED BY: 

JOB TITLE: Head of Children's Social Care and Youth Inclusion

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1 Introduction

- 1.1 Many children who are not able to be looked after by their birth parents are looked after by members of their extended family, friends or other people who are connected with them for a variety of reasons and in a variety of different arrangements.
- 1.2 Merton will always seek to secure permanency for children in a timely manner and provide permanent alternative care arrangements where this is in the child's interest. Wherever possible this should be within the extended family network.
- 1.3 Where there is no potential to place a child within their extended family network a permanent solution will be sought through adoption or long term fostering arrangements without delay. This will often involve parallel planning to ensure the timeliness of securing permanent and secure care.
- 1.4 Merton Children's Social Care believe that in the great majority of cases families and friends should be allowed and will be able to make suitable arrangements for the care of children known to them without any statutory intervention.
- 1.5 Family and friends arrangements coming within the scope of this Policy and Procedures will have been initiated, facilitated, or supported by Merton Children's Social Care.
- 1.6 This policy defines the different sorts of arrangements that lead to children being cared for by people from within their wider family and friendship network and sets out the approach by London Borough of Merton towards promoting and supporting the needs of such children.
- 1.7 It highlights the key principles underpinning the policy and covers the assessments, planning and decision making process which will be carried out to determine the services required and how such services will then be provided.
- 1.8 The manager with overall responsibility for this policy is the Service Manager, LAC Permanency and Placements. This policy will be regularly reviewed, and made freely and widely available.

2 Values and Principles

- 2.1 Families themselves are often best placed to find their own solutions and to make safe arrangements for children within the family and we would expect families to care for their kin without the intervention and involvement of the local authority.
- 2.2 Consideration of children's welfare and best interests will always be at the centre of the work we do.
- 2.3 Intervention from the local authority should be at the minimum needed to safeguard the welfare of those children for whom it has a duty of care.
- 2.4 We will provide support based on the assessed needs of the child, not simply on his or her legal status, and will seek to ensure that family and friends carers are provided with support to ensure that children do not become looked after, or do not have to remain looked after longer than is necessary.
- 2.5 Where a child cannot live with his or her immediate family and the local authority is considering the need to look after the child, care by family and friends is the placement of first choice, provided this meets the needs of the child.
- 2.6 Children are active participants, and their wishes and feelings must be taken into account in all relevant processes and decision about them.

3 Legal Framework.

- 3.1 It is important to note that local authorities do not have a general duty to assess all arrangements where children are living with their wider family or friends network rather than their parents but it does have a duty where it appears that services may be necessary to safeguard or promote the welfare of a Child in Need¹
- 3.2 Looked After Children will always come within the definition of Children in Need, whether they are accommodated under [Section 20 of the Children Act 1989](#) or in care subject to a [Court Order](#) whereby the Local Authority shares parental responsibility for the child. The Local Authority has a responsibility wherever it is possible and safe to do so, to make arrangements for a Looked After Child to live with a member of the family
- 3.3 In March 2011 the Government published [Family and Friends Care: Statutory Guidance for Local Authorities](#). This guidance sets out a framework for the provision of support to family and friends carers. In particular it provides guidance on the implementation of the duties in the [Children Act 1989](#) in respect of children and young people who, because they are unable to live with their parents, are being brought up by members of their extended families, friends or other people who are connected with them.
- 3.4 The Friends and Family Care Guidance is issued under [section 7 of the Local Authority Social Services Act 1970](#) which requires local authorities in exercising their social services functions to act under the general guidance of the Secretary of State. It is also issued under [section 10 of the Children Act 2004](#). Local authorities and health partners/agencies in England must have regard to it when exercising their functions under that section.

¹ A Child in Need is defined in Section 17(10) of the Children Act 1989 as a child who is disabled, or who is unlikely to achieve or maintain a reasonable standard of health or development without the provision of services by the local authority.

- 3.5 The Friends and Family Care Guidance should be read in conjunction with the following statutory guidance relevant to family and friends carers in specific situations, which must be followed where applicable:
- [Replacement Children Act 1989 Guidance on Private Fostering, DfES 2005](#)
 - [Special Guardianship Guidance, DfES 2005](#)
 - [Adoption Guidance: Adoption and Children Act 2002, \(revised February 2011\) DfE 2011](#)
 - [Statutory Guidance on Fostering Services, DfE 2011](#)

4 Different situations whereby children may be living with family and friends carers

- 4.1 In the great majority of cases families and friends will be able to make suitable arrangements without any intervention by the council. In circumstances where parents or those with parental responsibility make arrangements for their child to live with family or friends, the arrangement will have been made between the proposed family and friends and the child's parents or a person with parental responsibility. Consideration should be given to whether this might be a Private Fostering arrangement, but the council will play no other role in the arrangements.
- 4.2 Children subject to a family and friends arrangement, or for whom family and friends carers have a Special Guardianship Order (SGO) or Residence Order (RO) are not in care of the local council and are not 'Looked After', although they may have previously had 'Looked After' status.
- 4.3 Children may also be living with friends and family carers who have been assessed as foster carers.
- 4.4 Appendix 1 sets out in detail the range of options available for caring for someone else's child, including the support available to carers.

5 Situation 1 Family and friends care arrangements

- 5.1 Where a child cannot be cared for within his or her immediate family, the family may make their own arrangements to care for the child within the family and friends network.
- 5.2 The London Borough of Merton does not have a duty to assess any such informal family and friends care arrangements, unless it appears to the Local Authority that services may be necessary to safeguard or promote the welfare of a child under Section 17 of the Children Act 1989, or the arrangements fall within the private fostering regulations.
- 5.3 If the child is assessed as being "In Need", the council will assist the family in discussing the care of the child by a family member or friend. This does not constitute a care placement made by the Local Authority.

6 Situation 2 Connected Persons and family and friends foster carers. Family and friends carers

- 6.1 There are children who are referred to Children's Social Care who are assessed through an Initial Assessment as being Children in Need. If the child's circumstances are such that it is not possible for family and friends to care for the child, then the child would be placed with stranger foster carers, or in other care settings.

- 6.2 A child becomes 'Looked After' when a decision has been made by the Local Authority that the child appears to require accommodation, as there is no person who has parental responsibility for him; or he or she is lost or has been abandoned, or the person who has been caring for him or her is being prevented (whether or not permanently, and for whatever reason) from providing suitable accommodation or care. The council can also provide accommodation to safeguard and promote the welfare of a young person.
- 6.3 In looking for a placement, the Local Authority will consider whether it is in the child's best interests to be placed with family, friends or another "connected person" –who is defined as a relative, friend, or other person connected with a 'Looked After Child' -as a temporarily approved foster carer (Care Planning , Placement and Case Review(England) Regulations 2010). In Merton this temporary approval is granted by the Agency Decision Maker
- 6.4 If the placement with the family member, friend or connected person is made by the Local Authority, the carers will not have parental responsibility, and will need to be assessed as Family and Friends foster carers by a Fostering Assessment Social Worker within the Access to Resources Team. The assessment will include local authority, CRB and medical checks, and any other relevant checks (e.g with employers and/or birth children's schools). The social worker will undertake a series of interviews with the applicants and other family members, and interview 2 personal referees. A report is completed jointly between the child's social worker, who provides information about the child, and the assessing social worker who considers the potential of the carers to meet the child's needs. The completed report is presented to the Fostering Panel, and the proposed carer/s will also be expected to attend. Merton assessments comply with the Fostering Service (England) Regulations 2011 and national minimum standards.
- 6.5 The child can be placed with family members for up to 16 weeks, pending formal approval, in line with Regulation 24 of the Care Planning, Placements & Case Review Regulations,(England) Regulations 2010). In this case the child's social worker will visit the prospective carer's home and interview family members, including completing an application form for a Criminal Record Disclosure (CRB) check.
- 6.6 If such a placement is made, and the plan is for the placement to continue, the carers must undergo a full assessment and be approved as foster carers within 16 weeks.
- 6.7 Family & friends foster carers are required to meet the training, support and development standards for Family and Friends Foster Carers as set out by the Children's Workforce Development Council, and will be supported to do achieve this by their social worker. For the first time, this includes production and completion of a portfolio on the CWDC 6 Standards in line with Fostering regulations 2011.
- 6.8 For Family and Friends Foster Care placements a Care Plan for the child or young person,, including a Placement Plan is required in accordance with the relevant regulations governing foster care.
- 6.9 A placement plan sets out the specific arrangements surrounding the child, including the expectations of the foster carer(s) and the support they can expect to receive to enable them to fulfill their responsibilities for the child.
- 6.10 While the child remains a Looked After Child, family and friends foster carers will be expected to cooperate with all the processes that are in place to ensure that the child receives appropriate care and support, for example, contributing to reviews of the child's Care Plan, cooperating with the child's social worker and promoting the child's education and health needs. Further information on support for foster carers, including support groups, in Merton can be found on the Council website.

- 6.11 In order to ensure that the prospective carers understand what the fostering assessment will entail, a social worker from the Access to Resources team will accompany the children's social worker on the assessment visit.
- 6.12 Once approved as foster carers, a supervising social worker from the fostering service will be allocated to provide support and supervision.
- 6.13 A person temporarily approved as a Family and Friends Foster Carer will be entitled to the same Social Worker supports and services that are available to "stranger" (unrelated) Foster Carers. Fostering allowances are calculated in accordance with the Local Authority's current scheme as may be in force from time to time.
- 6.14 Temporarily approved Foster Carers will receive the training and support they need to provide an appropriate level of care to the child. As the placement will have been made without the benefit of a full Fostering Assessment there will be more frequent visits by the Social Workers to the placement than for other foster placements.

7 Situation 3 Private fostering arrangements

- 7.1 A privately fostered child is a child under 16 (or 18 if disabled) who is cared for by an adult who is not a parent or close relative², where the child is to be cared for in that home for 28 days or more. It is not essential that the arrangement to privately foster a child be for a continuous period of 28 days and 24 hour care. A break in the period, for example, the child to visit his/her parents at the weekend, would not affect the nature of the private fostering arrangements.
- 7.2 It does not include a child who is Looked After by a Local Authority. In a private fostering arrangement, the parent still holds parental responsibility and is fully responsible for agreeing the financial support and details of the arrangement with the private foster carer.
- 7.3 The Local Authority has a duty to assess and monitor the welfare of all privately fostered children and the way in which they carry out these duties is set out in the Children (Private Arrangements for Fostering) Regulations 2005.

8 Situation 4 Residence Order

- 8.1 A Residence Order is a Court Order which gives parental responsibility to the person in whose favour it is made, usually lasting until the child is 18. Parental responsibility is shared with the parents.
- 8.2 Residence Orders may be made in private family proceedings in which the local authority is not a party nor involved in any way in the arrangements.
- 8.3 A Residence Order may be an appropriate outcome as part of a permanence plan for a Child in Need or a 'Looked After' child placed with a family and friends foster carer.

9 Situation 5 Special Guardianship Order

² A close relative is defined as 'a grandparent, brother, sister, uncle or aunt (whether by full blood or half blood or by marriage or civil partnership) or step-parent.'

- 9.1 Special Guardianship offers a further option for children needing permanent care outside their birth family. It can offer greater security without absolute severance from the birth family as in adoption.
- 9.2 Special Guardianship can be applied for by.
- Any guardian of the child
 - A local authority foster carer with whom the child has lived for one year immediately preceding the application
 - Anyone who holds a residence order with respect to the child, or who has the consent of all those in whose favour a residence order is in force
 - Anyone with whom the child has lived for three out of the last five years
 - Where the child is in the care of a local authority, any person who has the consent of the local authority
 - Anyone who has the consent of all those with parental responsibility for the child
 - Any person including the child, who has the permission of the court to apply
- 9.3 As Special Guardians, they will have parental responsibility for the child which, while it is still shared with the parents, gives the Special Guardian the overall authority regarding decisions about the child.
- 9.4 Special Guardianship Orders may be made in private family proceedings and the local authority may not be a party to any such arrangements.
- 9.5 A Special Guardianship Order may be an appropriate outcome as part of a permanence plan for a Child in Need or a 'Looked After' child placed with a family and friends foster carer.

10 Situation 6 Adoption Order

- 10.1 Adoption is the process by which all parental rights and responsibilities for a child are permanently transferred to an adoptive parent by a court. As a result the child legally becomes part of the adoptive family, and all legal ties with the birth parents are severed.
- 10.2 An Adoption Order may be an appropriate outcome as part of a permanence plan for a Child in Need or a 'Looked After' child placed with a family and friends foster carer. The carers will need to be fully approved adoptive parents and matched with the child in the normal way.
- 10.3 Information is made available to prospective adoptive parents from the Adoption Team including [British Association for Adoption and Fostering](#) guidance and can also be obtained via the [Merton website](#)

11 Supporting friends and family carers and other alternative care arrangements

- 11.1 The Local Authority has a duty or a discretionary power to support alternative care arrangements as detailed in this policy. The support, including financial support available to the range of alternative care arrangements is detailed in Appendix 1

12 Supporting contact with parents

- 12.1 Where a child is Looked After, Merton is required to promote contact between the child and his or her family 'unless it is not practicable or consistent with the child's welfare'. The overall objective of the contact arrangements will be included in the child's Care Plan and the specific arrangements will be set out in the child's Placement Plan.
- 12.2 It may be identified that specific assistance is required to ensure that any such contact can be managed safely.
- 12.3 Information is made available to family and friends carers about local contact centres and family mediation services, and how to make use of their services through Merton's Family Information Service.

13 Family Group Conferences

- 13.1 Merton Children's Social Care may offer a Family Group Conference or other form of family meeting at an early stage. If a child becomes Looked After, perhaps following an emergency, without a Family Group Conference or family meeting having been held, then (where appropriate) the social worker will arrange one as soon as possible.

14 Complaints procedure

- 14.1 Where a family or friends carer is not satisfied with the level of support provided to enable them to care for the child, then they have access to the Merton Local Authority's complaints process. Merton Children's Social Care aims to resolve any such dissatisfaction without the need for a formal investigation but where an informal resolution is not possible, then a formal investigation will be arranged. Full details on complaints processes are set out on the Council website comments, complaints and compliments page

15 Links

- [Merton Private Fostering Policy](#)
- [Merton's Adoption Policies](#)
- [Merton Special Guardianship Policy](#)

Appendix 1: Caring For Somebody Else’s Child – Options

	Private fostering	Family care (informal)	Family and friends foster care	Unrelated foster care	Residence order	Special guardianship order (SGO)	Adoption
Route into the caring arrangement	<p>This is a private arrangement whereby the child is being cared for for 28 days or more (or the intention is that the arrangement will last for 28 days or more) by anyone who does not have parental responsibility, and who is not a close relative. Relative means grandparent, brother, sister, uncle or aunt (by full blood, half blood or by marriage or civil partnership) or a step parent. The child is not a looked after child.</p>	<p>The relative has chosen to take on the care of the child but does not have parental responsibility, and the arrangement was not made by the local authority. The child is not a looked after child. Relative may perceive the parents to be unable to care for the child; or the parents may be dead or otherwise not available (e.g. in prison); or there may be an agreement between relatives due to difficult family circumstances.</p>	<p>The child has been placed with the relative or friend by the local authority, because the person who had been caring for the child was deemed not to be providing suitable care. The child is a looked after child and so the local authority must approve the relative or friend as a local authority foster carer. The child may be accommodated voluntarily with the agreement of the parents or may be subject to a care order.</p>	<p>The child is a looked after child being accommodated by the local authority under section 20 Children Act 1989 or because the child is subject to a care order; but has been placed with a foster carer by the local authority. (Alternatively, the local authority may choose to place a child into residential care where this is considered to best meet the child’s needs).</p>	<p>The child may be at risk of becoming ‘looked after’ and a friend or relative applies for an order, or The child may have been ‘looked after’ and their foster carer or other relative/friend applies for an order. In either circumstance, application can be made without the support of the parents or the local authority. Relatives may apply for an order after the child has lived with them for one year. Or, there can be benign reasons, e.g. after parents’ death and in line with a prior agreement between the birth parents and the carer.</p>	<p>Looked after children: the LA may decide that the child should be placed for adoption. They can only do so with the consent of the birth parent or under a placement order made by a court. An approved foster carer can apply for an adoption order after a year of caring for the child. Other informal carers could apply for an adoption order if the child has lived with them for a period of 3 years.</p>	

	Private fostering	Family care (informal)	Family and friends foster care	Unrelated foster care	Residence order	Special guardianship order (SGO)	Adoption
Parental Responsibility (PR)	Remains with birth parents	Remains with birth parents but the person who cares for the child may do what is reasonable to safeguard or promote the child's welfare	Remains with birth parents if child accommodated under section 20 CA, or if the child is subject to a care order or emergency protection order the local authority will have parental responsibility and determines the extent to which it may be exercised by others.		Shared by parents and holder of residence order.	PR shared with parents and any one else with parental responsibility for the child. The special guardian may exercise parental responsibility to the exclusion of all others with PR, apart from another special guardian.	Transfers to adopters and relationship with birth parents is severed.
Approval basis	The arrangement is assessed by LA, but the carer is not 'approved' as a local authority foster carer is. The arrangement may be prohibited if assessed by the local authority as unsuitable.	None	Approved as local authority foster carers in accordance with Fostering Services Regulations. (If child is looked after, carers must be approved as foster carers even if close relative.)		Appointed by court following application.	Appointed by court, following application from the applicant. LA must investigate the matter and prepare a report for the court dealing with the suitability of the applicant to be a special guardian.	Adoption agency assesses and approves prospective adopters, court makes order regarding specific child. If the child is not looked after then notice of intention to adopt must be given to the LA who then carry out an assessment / report for the court.

	Private fostering	Family care (informal)	Family and friends foster care	Unrelated foster care	Residence order	Special guardianship order (SGO)	Adoption
Duration	Subject to discretion of person with PR and readiness of private foster carer.	Subject to discretion of person with PR	So long as placement remains in line with child's care plan, as determined by LA		Age 18.	Age 18 unless varied or discharged by the court before the child reaches 18 years.	Permanent lifelong relationship
Placement Supervision	It is not a placement, but there are statutory visits to child by social worker (minimum 6 weekly in first year, then 12 weekly)	None	Statutory: visits to child by social worker and supervision of foster carers by supervising social worker			None	When child is placed for adoption by the LA, the placement is supervised and there are statutory reviews. Once the adoption order is made, none.
Review of placement	It is not a placement, but the LA may do formal reviews in addition to ongoing assessment during visits.	None	Statutory reviews of child's care plan (minimum 6 monthly) and annual reviews of local authority foster carers' approval		None	None	See above
Support services	Provision of advice and support as determined necessary by the LA, which may assess the child as a child in need, with a child in need plan, and provide services / support for child/family under section 17 of the Children Act 1989	No entitlement but the LA may assess the child as a child in need, with a child in need plan, and provide services / support for child/family under section 17 of the Children Act 1989	Support to meet child's needs including health plan and personal education plan. Training and practical support to foster carers in accordance with the Fostering services Regulations, NMS and CWDC standards. Young person may be entitled to leaving care support services		No entitlement (But LA has discretion to provide services / support for child/family under section 17 of the CA)	If child was looked after prior to making the SGO, LA must assess for need for special guardianship support services. LA has discretion whether to provide support. Young person may be entitled to leaving care support services if was a looked after child prior to making of the SGO.	Entitlement to assessment for adoption support services, which may be provided at discretion of LA in accordance with Regulations and NMS.

	Private fostering	Family care (informal)	Family and friends foster care	Unrelated foster care	Residence order	Special guardianship order (SGO)
Financial support - entitlement	Can claim child benefit and child tax credit if not being paid to parent. Financial responsibility to maintain the child remains with holders of PR	Can claim child benefit and child tax credit if not being paid to parent. Financial responsibility to maintain the child remains with holders of PR. Guardians Allowance payable if both parents have died, or the only surviving parent cannot be found or serving 2 years or more prison sentence.	Child benefit and child tax credit not payable. Weekly allowance to meet the costs of caring for the child. This should meet at least the national minimum rate set by DCSF. The Manchester City Council judgment ruled that allowances must be the same for all foster carers, whether or not family & friends.	Can claim child benefit and child tax credit if not being paid to parent.	Can claim child benefit and child tax credit if not being paid to parent.	Can claim child benefit and child tax credit if not being paid to parent. Entitlement to assessment for financial support (part of adoption support) if child looked after prior to order.
Financial support – discretionary	LA has discretion to make one-off or regular payments under section 17 Children Act	LA has discretion to make one-off or regular payments under section 17 Children Act	Some fostering providers pay their foster carers a fee to recognise the carers' skill, experience and commitment. The Manchester City Council judgement (which requires allowances to be paid on the same basis regardless of the relationship of the carer to the child) did not consider fees. However, Statutory Guidance for Fostering Services requires that any policy in relation to the payment of fees must be applied to all foster carers who meet the criteria in the same way and must not discriminate on the grounds of a pre-existing relationship with the child.	LA has discretion to pay residence order allowance – usually if child was previously fostered by the carers, or exceptionally if making residence order prevents child becoming looked after. Any allowance reviewed annually.	Entitled to an assessment for financial support under the Special Guardianship Regulations 2005 if child looked after prior to order and meets the criteria in the regulations. Subject to assessment as above and for former foster carers can include an element of remuneration. Regular or one off payments. Any allowances reviewed annually.	Subject to assessment, one off payments or regular adoption allowance may be paid.