

# Family and Friends Care Newsletter



Kinship Care Parliamentary Taskforce Launch

*"Kinship carers have been unbelievably brave in sharing their very personal stories...I will be the voice of kinship care in Government"* - Nadhim Zahawi MP, Parliamentary Under-Secretary of State for Children and Families

## Highlights include...

### CHILD TAX CREDIT WIN FOR KINSHIP CARERS

Kinship carers and adopters will now be exempt from the two child tax credit limit for the kin or adopted children in their care.

### CARE CRISIS REVIEW

A sector-led Review examining the rise in applications for care orders and the number of children in care and proposing options for change.

### MARIA - A GRANDPARENT CARER'S STORY

Maria contacted FRG's advice service because her grandchildren had been placed in foster carer. Read her story about what happened next...

A photograph of a woman with long blonde hair and a young girl with brown hair, both smiling warmly. They are wearing red jackets. The woman is on the left, and the girl is on the right, leaning her head against the woman's shoulder.

## Kinship carer

A kinship carer is a relative, such as a grandparent, older sibling, aunt or cousin or friend who is raising a child who is unable to live with their parents. Kinship carers are also known as family and friends carers.

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Family Rights Group Trustee position – we're recruiting

# 1. Campaign News

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## Child Tax Credit win for Kinship Carers

Following a three year relentless campaign led by Family Rights Group working with the Kinship Care Alliance, kinship carers and adopters will now be exempt from the two child tax credit limit for the kin or adopted children in their care, regardless of when the children join the household.



### To qualify, the child must:

- Be living with you under a court order (e.g. a child arrangements order or special guardianship order); or
- Be living with you because they would otherwise be likely to be looked after by a local authority; or
- You get Guardian's Allowance for the child.

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As some of you will be aware, in 2017, having agreed that kinship carers should be exempt from the two child rule, the Government then issued regulations which prevented kinship carers who had a baby themselves after April 2017 from claiming child tax credit for this baby, if there were already two children in their household. This was ruled unlawful following a successful court challenge pursued by Child Poverty Action Group with support and assistance from Family Rights Group. The Government have now issued Regulations which came into force on 28th November 2018 which rectify this.

Thank you to everyone involved in this including: a cross party group of MPs and Peers who raised their concerns in Parliament; kinship carers who wrote to their MPs, told their experiences in the media, signed a Parliamentary petition and were part of the legal challenge; and voluntary organisations and practitioners and FRG supporters who backed this cause.

But the campaigning does not stop here. We are now in discussions with civil servants to ensure that payments be backdated to kinship carers who were denied child tax credit due to having had a baby after April 2017. We also want all kinship carers to be exempt from the benefit cap, and as a first step are also calling for child tax credit received for a kinship child to be exempt from the cap.

# New cross-party Parliamentary Taskforce on Kinship Care



## New cross-party Parliamentary Taskforce on Kinship Care

### MAKE YOUR VOICE HEARD

Anna Turley MP, with the support of Family Rights Group, has set up Parliamentary Taskforce on Kinship Care. The aim is to raise awareness about, and support for, children in kinship care and to highlight the importance of this option for children who cannot live with their parents.

There are a number of ways that kinship carers can influence the parliamentary taskforce:

1.

A) Write to your MP – tell them what is most important to you. To make it simpler we've drafted a template letter that you can edit.

**Download template letter for Kinship Carers here. The draft letter also invites your MP to get involved in the Taskforce.**

If you are not sure, who your MP is, or do not know their address, you can find it out through this website.

2.

If you are part of a kinship support group – could your group host a discussion to inform the Parliamentary Taskforce or you may want to hold a special joint meeting with a number of local kinship groups? You could invite your local MP to the meeting, or if they are unavailable, invite a member of the Taskforce c/o cashley@frg.org.uk or jordan.hall@parliament.uk. We can provide you with questions to help structure the meeting. A couple of members of the group may wish to consider whether they would like to give direct evidence to the Taskforce meeting at a later date.

B) Please do copy the letter that you send to your MP and any response that you get from them to the Parliamentary Taskforce c/o cashley@frg.org.uk or post these letters to the Parliamentary Taskforce c/o Cathy Ashley, Family Rights Group, Print House, 18 Ashwin Street, London E8 3DL.

Alongside analysing existing research, a Taskforce will analyse the letters to identify matters of most importance to kinship carers.

## Care Crisis Review

In 2016/17 the number of care order applications reached record levels. Sir James Munby, then President of the Family Division of the High Court, stated:

**“** *We are facing a crisis and, truth be told, we have no very clear strategy for meeting the crisis. What is to be done?* **”**

In response Family Rights Group facilitated a sector-led Review into the care crisis. The Review is supported by stakeholders within the child welfare and family justice system.

The Review confirmed the sense of crisis that is now felt by many young people, families and those working within the system. Many professionals described the frustration they feel at working in a sector that is overstretched and overwhelmed and in which, too often, children and families do not get the direct help they need early enough to prevent difficulties escalating. There was a palpable sense of unease about how lack of resources, poverty and deprivation are making it harder for families and the system to cope. There was a strong sense of concern that a culture of blame, shame and fear has permeated the system, affecting those working in it as well as the children and families reliant upon it. It was suggested that this had led to an environment that is increasingly mistrusting and risk averse and prompts individuals to seek refuge in procedural responses.

**The Review found plenty of common agreement about the way forward. There was consensus that relationship building is at the heart of good practice. In tandem, the Review concluded that there is currently a significant and often untapped resource that exists for some children in and on the edge of care, namely, their wider family and community. Greater focus on exploring and supporting this resource could safely avert more children needing to come into care or could help them thrive in the care system. The Review proposes 20 options for change that are primarily focused on addressing these challenges.**

**Many of the Options for Change specifically relate to improved access to advice and support for kinship carers, such as (but not limited to):**

- Wider provision of free, independent, specialist legal advice for families;
- A long-term goal of ensuring that all families are offered a family group conference before a child is moved into the care system (except as an emergency). As a first step, local authorities could introduce this as a local offer to families, with the family's plan shaping how the local authority works with the child and family;
- A renewed commitment to ensuring that the therapeutic, practical and financial needs of children and family and friends carers are met;
- That family and friends carers are granted the right to a period of paid leave, as adopters are entitled to, to help a child settle in with them;
- That family and friends carer households are exempted from the benefit cap and the spare room subsidy.

This is an excerpt taken from "The Care Crisis Review: Options for Change" which can be found [here](#). Read more about who has endorsed the Review and ways it is now influencing policy and practice.

## Kinship Care Alliance

Family Rights Group was successful earlier this year in securing funds from the Esmée Fairbairn Foundation to provide secretariat support and policy and legal expertise to assist the Kinship Care Alliance (KCA). The KCA is made up of a group of organisations which subscribe to a set of shared aims and beliefs on family and friends care. The KCA meet regularly to develop a joint policy agenda and agree strategies to promote its aims.

One of the KCA's recent campaign successes is that under the new Parental Bereavement and Pay Act 2018, the definition of a parent has been widened to include kinship carers.

The membership of the Alliance has grown and now stands at 20 organisations. The organisations making up the KCA work with, and for, kinship carers (and the children they raise) in a wide variety of ways, including by providing specialist advice services, support groups, training services, legal and policy analysis, campaigning, research and more. Alliance members bring that wealth of experience and expertise to the KCA's work.

In July 2018, members of the Alliance came together for an away day facilitated by the founder of the KCA, Robert Tapsfield. The away day provided a valuable opportunity for members to spend a day sharing ideas, pooling knowledge and identifying priority areas of work for the KCA for the year ahead.

The KCA has finalised a revised, updated terms of reference that members must subscribe to.

If your charity is interested in joining the KCA, please email Angharad Davies [adavies@frg.org.uk](mailto:adavies@frg.org.uk). If you are based outside of London and are an organisation of kinship carers, then we have a small pot of funding to help cover travel costs to KCA meetings. For more information please see [here](#).

## 2. Advice Section

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There is lots of information and advice for kinship carers on the Family Rights Group website. Here are just a few examples:

- If you are considering raising a friend or relative's child, do look at our frequently asked questions section for people in your situation.
- Why not sign up to and post on the family and friends care discussion board? You can get the views of other kinship carers and also advice from our specialist advisers about child welfare law and practice.
- There are a range of detailed advice sheets which set out your legal rights, such as: AS 21a: Support for relatives and friends who are looking after someone else's child. AS 21b: Social security support for relatives and friends looking after someone else's child.
- There are helpful letters that you could adapt to write to your local authority. For example, there's one for kinship carers who are receiving the fostering allowance but fear it is not set at the National Minimum Fostering Allowance rate.

## New rights for children who were in the care system and are now living with kinship carers



Over the last few years, as a result of campaigning by Family Rights Group, MPs, Peers, kinship carers and other members of the Kinship Care Alliance, the Government has made a number of changes to the law to improve the situation for some children being raised by kinship carers. These changes have tended to focus upon those children who were previously in the care system, and are now either subject to a Special Guardianship Order, or in some cases are on a Child Arrangements Order.

In addition, the remit of the Adoption Leadership Board has now been extended to include Special Guardians raising children who were previously in the care system. Family Rights Group's Chief Executive now sits on the Adoption and Special Guardianship Board, and whilst promoting improvements in support for these children, she is also busy lobbying to ensure that all children unable to live with their parents get the help that they need.

**The following are some of the rights of children who were previously looked after i.e in the care system and are now raised by kinship carers:**

Adoption and Special Guardianship Support Fund: can pay for a range of therapeutic support for:

- adopted children
- children aged 21 and younger (or 25 and younger if they have a Statement of Special Educational Needs or an Education, Health and Care Plan) who are subject to a Special Guardianship Order, and were looked after immediately before the SGO was granted.

To find out more about the Support Fund please visit our website.



## The following apply to children who:

- o Are 'looked after' under a care order or under a voluntary arrangement;  
or
  - o Are under a special guardianship order or
  - o Are raised by a kinship carer under a child arrangements order (or residents order) **and**
  - o Were looked after (i.e. in care) immediately before the order was granted:
- The child must be given priority admission to a school of their carer's choice. All schools must have over subscription criteria for each 'relevant age group' and the highest priority must be given, unless otherwise provided for in the School Admissions Code, to looked after children and all previously looked after children.
  - The school is able to receive Pupil Premium Plus (currently £2300 per pupil per annum) for the child.
  - The local authority must appoint a Virtual School Head who is responsible for carrying out the local authority's duty to promote the child's educational achievement.
  - For previously looked after children, the Virtual School Head should also provide advice to any person who has parental responsibility for the child and to any other person the local authority considers appropriate, for the purpose of promoting the child's educational achievement.
  - The school should have a designated member of staff responsible for promoting the educational achievement of the children.

**For further information see government guidance 'Promoting the education of looked after children and previously looked after children.'**

## Initial Family and Friends Care Assessment: A Good Practice

**Initial Family and Friends Care Assessment: A good practice guide**

These assessments are commonly known as viability assessments. Developed by Family Rights Group in partnership with an expert working group.



**Endorsed by:**

- Association of Directors of Children's Services
- Family Justice Council
- Cafcass
- Catch 22
- Covam (BAAF)
- Covam Chambers
- Covam Children's Legal Centre
- Association of Lawyers for Children
- Family Action
- Family Rights Group
- Grandparents Plus
- Kinship Carers UK
- Kinship Care Alliance
- London Borough of Islington
- Principal Social Work Network
- The Fostering Network
- The Kinship 'Foster Carers' Group

The free guide sets out best practice as to how initial assessments (often known as viability assessments) should be conducted. It lists what factors social workers conducting the assessment need to consider, including when undertaking assessments with family members overseas. It also includes research evidence, a schedule and example template to assist social work practitioners with the practical task of completing an initial assessment and an information sheet for family and friends carers.

The guide is endorsed by the Kinship Care Alliance, the Association of Directors of Children's Services, the Family Justice Council, Cafcass and twelve other organisations with expertise in this field.

### 3. Stories of kinship carers

The BBC Sound Untold Stories series recently had two different true stories about kinship care.

One was about Simon, who used to live the high life in London, but is now fighting for a Special Guardianship Order for his 13 year old niece. He is also raising his 17 year old nephew, alongside supporting the sister who he loves but is addicted to drugs.

 **Fighting for my niece**

Another story was about a tailor in Weston-Super-Mare who exhausts himself making prom dresses. Then Carmen, an unconfident teenager, who is being raised by her father's ex-girlfriend under a Special Guardianship Order, walks into the tailors and tries on the perfect dress.

 **If the dress fits**

# An FRG Advice Service Success Story

## *Maria , a grandparent*

Maria contacted Family Rights Group's advice service in August 2018. The local authority had secured an interim care order and placed her two grandchildren with foster carers due to allegations that they had been physically and emotionally abused by their parents. Maria wanted to put herself forward as a potential carer for her grandchildren, who were both under the age of 5. Maria was very upset, as she was not initially contacted about what was happening and extremely frustrated that she had not been considered by the local authority as a potential carer for her grandchildren, who she and her husband adored. She was frightened that the bond they had would be broken and that any contact, moving forward, would be infrequent. Maria felt powerless.

The FRG adviser was able to provide Maria with information about how she could put herself forward to be considered as a carer by the local authority, what might be involved in the initial (viability) assessment and what could happen afterwards if it was positive. Maria was also asked to request a copy of the assessment and re-contact FRG if the assessment was negative. The FRG adviser also sent Maria an advice sheet, which explained in plain simple language the different stages within court proceedings. This helped Maria to understand the terms used; how long the case may take to conclude; and provided her with a break-down of what happens when a case is in court.

In September 2018, Maria again contacted the FRG advice line. The initial viability assessment was positive and she had been told she and her husband would be assessed as Special Guardians. They discussed with FRG the possibility of her attending court. She was concerned that her understanding of what was going on in the court during hearings was somewhat limited and that vital information was being lost as she was not fully consulted on any of the matters discussed in court.

Maria was given advice on becoming a party to proceedings, provided with guidance about the merits of asking the court for permission to join in the proceedings at that stage and completing the court Form C2 document. The FRG adviser spoke to Maria about the Special Guardianship Order (SGO), what it meant and what the special guardianship assessment should involve. The adviser further advised Maria that if the special guardianship assessment was positive, she should request to have legal advice from a solicitor regarding the proposed support plan prior to the final hearing.

In October 2018, Maria posted on the FRG on-line discussion board. She had now been joined as party to the court proceedings, was represented by a solicitor and the special guardianship assessment was positive. Maria had been informed by children's services that the children were coming to stay with her and financial support sought was agreed. Maria reported that 'I was legally represented in court and no stone was left unturned. The judge also pre warned children services that under no circumstances are any payments to be delayed'.

“ Maria sent a personal thank you to the advisers saying 'Thank you very much. I don't know how I would have coped without the Family Rights Group's advice'. Maria went on to say 'FRG really helped me'. 'They offer free advice and you realise you're not alone' and in posting on the discussion board, she was able to see that 'so many families are going through the same thing'. Maria further updated that 'the children have settled very well in her care and are happy'. ”

## 4. Recruitment

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### Become a Trustee and help shape our Charity

Family Rights Group has two vacant Trustee positions.  
Could you be just the person this dynamic charity is seeking?  
Applications from kinship carers welcome

We are looking to recruit people with the following skills and experiences to our existing vibrant and hard-working trustee board:

- You are a kinship carer with experience of children's social care and/or
- You have significant fundraising experience

To find out more and to get an application form for please visit our website here. The deadline for applications is 18 January 2019.

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