

To: HOUSING AND SOCIAL WORK SERVICES COMMITTEE		Subject: KINSHIP CARE	
From: HEAD OF SOCIAL WORK SERVICES/CHIEF SOCIAL WORK OFFICER			
Date: 20 AUGUST 2008	Ref: ST/MOL		

1. Purpose of Report / Introduction

To advise of work being undertaken in developing the Scottish Government scheme to support kinship carers and to advise of the development of national guidance.

2. Background

- 2.1 The national strategy "Getting it Right for Every Child in Kinship and Foster Care" was launched jointly by the Scottish Government and COSLA in December 2007, following extensive consultation.
- 2.2. Within the strategy, kinship care is defined as "a relative or close friend who cares for a child or young person where :
- the local authority places the child or young person with a relative, or
 - an order by the court or children's hearing requires the child or young person to live with them".
- 2.3 During the consultation period, North Lanarkshire submitted a response which recognised that kinship carers require to be supported, but urged caution in regarding foster carers and kinship carers as undertaking similar responsibilities, requiring similar support. This undervalues the key role of families as natural supports in children's lives, and could lead to a distortion of the key principles of the Children (Scotland) Act 1995, which advocates for minimum intervention in the lives of children and their families. In addition, social work is not an income maintenance agency, and a recommendation was made that any financial support arrangements be routed via the Department of Works and Pensions. There has also been concern that kinship carers have been led to understand that these allowances are entitlements as opposed to allowances based on need. The Scottish Government has since confirmed that discussions are taking place to progress this as part of a longer term approach.
- 2.4 The strategy is set within the context of government policy which is seeking to support vulnerable children and young people through an early years and early intervention approach, and by targeting action where required eg. in respect of child protection and looked after and accommodated children.

- 2.5 The strategy proposes that kinship carers are :
- recognised as equal members of the team responsible for the child
 - provided with training and development opportunities
 - provided with improved status
 - provided with short breaks from caring
- 2.6 The strategy also proposes that approved kinship carers should receive support, including allowances equivalent to that provided to foster carers (minus child benefit). The allowance refers to the payments made to support children and not to the fees paid to foster carers in recognition of the service they provide.
- 2.7 As part of the concordat with local authorities, the Scottish Government has made funds available over a three year period to provide support, including financial allowances. The public has been advised that this arrangement is effective from 1 April 2008, but that local authorities have until 31 March 2011 to implement the new arrangements.

3. Proposals / Considerations

- 3.1 The Scottish Government has set up task groups to provide guidance and advice to local authorities on the implementation of kinship care arrangements, however this is not yet available. The task groups are due to report at the end of the summer 2008. The North Lanarkshire Council Kinship Care Strategy has been drafted based on the information available to date, but the national guidance is awaited prior to seeking committee approval.
- 3.2 North Lanarkshire Council currently has a link carers scheme in place which provides financial supports to enable children who would be looked after and accommodated to be placed with relatives or others in the family's extended network. The scheme can provide short term financial support as part of the child's support plan where need is identified, subject to income maximisation and financial assessment.
- 3.3 The criteria to qualify as a kinship carer within the national scheme are different from those currently used by North Lanarkshire Council, which is more responsive to individual need. In particular the Scottish Government scheme requires the child to be formally looked after as specified in section 17 of the Children (Scotland) Act 1995. This includes :
- a supervision requirement made by a children's hearing under section 70 of the 1995 Act
 - a child accommodated by the local authority under section 25 of the 1995 Act
 - an order made or authorisation or warrant granted by virtue of chapter 2,3 or 4 of part II of the 1995 Act
 - a placement made by a local authority which has taken parental responsibility under section 86 of the 1995 Act to be repealed shortly under the Adoption and Children Act 2007.
- 3.4 At present there are 88 children receiving support under North Lanarkshire Council's link carer's scheme (54 households). Approximately 75% of these children would meet the criteria of the national kinship care scheme. The cost of existing allowances are £161,535.92. If all 88 children were converted to kinship care allowances (equivalent to foster care allowances), this cost would increase to £712,858.72. If costs were calculated only for those children eligible under the new national criteria, the cost would be £534,644.04.

- 3.5 A further 78 children are subject to statutory orders from the hearing which would make them potentially eligible. The cost of these allowances would be £624,096.72.
- 3.6 The new funding allocation of £350,000 to North Lanarkshire Council is insufficient to meet all of the costs associated with the implementation of kinship care support arrangements.
- 3.7 The payment of allowances does not link directly to the UK tax benefit system and there will be some individual carers who would be disadvantaged if kinship care allowances were paid automatically. North Lanarkshire Council's existing scheme uses income maximisation as a fundamental decision making tool in determining financial help for carers and this will remain a feature of the new scheme. Foster carers allowances vary with the age of the child/young person cared for and so will kinship care allowances.
- 3.8 In drafting the strategy for implementing kinship care arrangements in North Lanarkshire, the following work is taking place :
- I. explore and cost the potential for an independent sector organisation providing information, support and training to kinship carers. This would ensure that all kinship carers have access to a form of support.
 - II. make available to kinship carers the training and development opportunities which are in place for foster carers.
 - III. review all existing link carer payments to assess continued need and to ascertain if eligible under the new scheme's criteria. Income maximisation processes would apply and decisions will be made on an individual basis.
 - IV. undertake initial information gathering to ascertain need in respect of the carers who may be eligible for allowances as set out in the Scottish government's scheme.
 - V. explore and cost the implications for resources of any national guidance and standards, for example, the additional costs associated with more robust assessment processes.
 - VI. prepare an implementation plan which incrementally introduces the new kinship care arrangements for all carers who are potentially eligible, based on the department's prioritisation framework, along with a financial plan reflecting the resources available.
- 3.9 At present, the assessment process for link carers will remain, however this may change in the light of national guidance. Existing link carers are assessed by social workers and approved by Locality Social Work Managers. These assessments are not as detailed and comprehensive as those undertaken for foster carers, but they do include agency checks and Disclosure Scotland checks. Within the new kinship care arrangements, carers will be advised that a new and more comprehensive assessment and approval process may require to be undertaken to meet national standards. Carers will require to be advised of the implications of not being approved as kinship carers.
- 3.10 In the interim, support will continue to be provided to link carers via social work locality teams.

- 3.11 Briefings for relevant staff on the implications of the scheme will be organised following the publication of national guidance.
- 3.12 The Citizen's Advice Bureau has developed an income maximisation package of advice and information for kinship carers. In line with the Council's income maximisation arrangements, a standard tool for income maximisation for kinship carers will be developed.

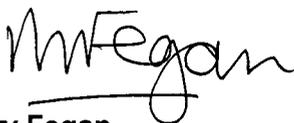
4 Financial / Personnel / Legal / Policy Implications

- 4.1. A draft strategy has been developed for implementation in North Lanarkshire, but national guidance about how to implement kinship care arrangements is currently awaited.
- 4.2 Work is taking place to cost a proposal for an independent sector provider to provide information, training, support and short breaks to carers.
- 4.3 In the absence of national guidance, it is not yet clear what additional responsibilities will require to be undertaken by the local authority and this will require to be costed.
- 4.4 The total cost of upgrading payments to the existing 88 link carers would be £712,858.72. This figure represents a maximum, as not all of the existing link carers would meet the eligibility criteria for the new scheme. Taking into account the current expenditure of £161,535.92 and the amount of £350,000 made available by the Scottish Government for the implementation of kinship care arrangements, there would be a shortfall of £201,322.80.
- 4.5 This does not take into consideration the additional 78 children for whom allowances are potentially eligible at a cost of £624,096.72, or the costs of the development of other support arrangements e.g. short breaks and training.
- 4.6 The total funding shortfall for the 166 children (current 88 children and the potential eligible 78 children) would be £825,419.52.

5. Recommendations

It is recommended that Committee:

- (i) note the implications of implementing the proposed kinship care scheme in North Lanarkshire
- (ii) note the work in progress in drafting the kinship care strategy
- (iii) request that the Executive Director of Housing and Social Work submit a report to a future committee, following the publication of national guidance.



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18 July 2008