

To: SOCIAL WORK (OPERATIONS AND SERVICES) SUB COMMITTEE		Subject: LINK CARERS SCHEME
From: DIRECTOR OF SOCIAL WORK		
Date 10 AUGUST 2004	Ref: FB/AW	

1. PURPOSE OF REPORT/ INTRODUCTION

- 1.1 To update Committee on the present position in relation to link carers scheme and advise of developments in relation to kinship care.

2. BACKGROUND

- 2.1 Some children and young people cannot safely be maintained and supported within their immediate family, due to family breakdown or other difficulties, which result in their parent being unable to provide care. These young people should continue to have the opportunity to family life in the community living with extended family, relatives or family friends. Some families make these arrangements independently and on some occasions placements are facilitated by the Local Authority.
- 2.2 Some families require financial support to assist them to provide a home for the child or young person in this position and this can be provided through State Benefit or financial support from the Local Authority in exceptional circumstances (known as the link carers scheme).
- 2.3 In 1996 North Lanarkshire Council adopted the link carers scheme which had previously been in operation within Strathclyde Regional Council. This allowed for related carers to be assessed as link carers, and if found to be suitable they would be provided with limited financial assistance to meet the needs of the young person.
- 2.4. The Association of Directors of Social Work (ADSW) and the Scottish Executive have been reviewing support and payments to related carers. This follows on from the number of grandparents who are caring for grandchildren many arising from drug/alcohol misuse of their birth parents. "Kinship care" is now part of the political agenda and requires clear guidelines to ensure all families are dealt with on an equal basis and that the financial support is provided by the relevant agency.
- 2.5 There are a number of routes which legally provide for children and young people to be looked after and cared for by adults who are not their birth parent e.g. Private Fostering; Residence Orders and Guardianship. Payment to carers in these circumstances comes from the birth parent; the Social Work Department or through State Benefit.
- 2.6. Across Scotland there is a wide variation in the implementation of link carers scheme, from no support or payment being given, to related carers being assessed, supported and paid as foster carers.

2.7 North Lanarkshire's position is that related carers are assessed under the link carers procedures and payments are made when the assessment indicates they are required to meet the welfare of the young person.

3. PROPOSALS/CONSIDERATIONS

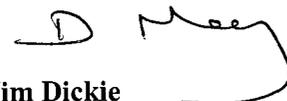
- 3.1 In line with Scottish Executive guidance the Link Carers scheme will be reviewed and proposals be submitted to Committee in due course.
- 3.2 At present the rate paid to link carers is approximately a third of the adoption allowance payment, which reflects that the task of the related carer is not viewed as being the same as that of a non-related foster carer. Link carers are not subject to monitoring or registration under the Regulation of Care Act nor do they require to meet national standards in relation to provision of Foster Care
- 3.3 Payments of Link Carers allowance are reviewed every 13 weeks to ensure that these carers continue to provide a community placement for a young person, to ensure that families are encouraged to secure placements through the appropriate legal route, and that they are in receipt of appropriate financial support from Department of Work and Pensions.

4. FINANCIAL/PERSONNEL/LEGAL/POLICY IMPLICATIONS

- 4.1 The Link Carer's allowance scheme will be reviewed and will take into account the guidance on Kinship Care circulated by the Executive. Review of the scheme may have financial implications for the Council and these will be reported to Committee.
- 4.2 Section 22 of the Children (Scotland) Act 1995 allows for payment in kind or cash (in exceptional circumstances) to maintain the welfare of a child in the community.
- 4.3 Subject to future proposals, the financial implications for the Authority will be submitted for the Committee.

5. RECOMMENDATION

- 5.1 The Committee is asked to:
 - (i) request the Director of Social Work to prepare a future report advising Committee of the recommendation of the review of the link carer allowance scheme; and
 - (ii) otherwise note the content of this report

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Jim Dickie
Director of Social Work
20 July 2004

For further information on this report please contact Fiona Brown, Senior Child Care Officer
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NORTH LANARKSHIRE COUNCIL

LINK CARERS SCHEME

(Draft Guidelines)

1.0 Definitions

- 1.1 **Kinship care** - where families are caring for a relative's child. Instances which are defined as kinship care arrangements mean that the child has **not** been placed by the Social Work Department
- 1.2 **Link care** – where families are caring for a relative's child. Instances which are defined as link care arrangements mean that the child **was** placed by the Social Work Department and where a child is subject to supervision requirement naming the relative as the carer under the Boarding Out Regulations.
- 1.3 **Private fostering** – where a child is placed with non-related carers and the carers are registered with the Care Commission. These cares would be in receipt of payment from the birth family of the child.
- 1.4 The link carers scheme will only consider placements made by the Social work Department where children have been placed with related carers; family friends or neighbours' who have a significant relation with the child prior to placement. These procedures **will not** supercede the existing checks required under the Board Out Regulations as laid out in Schedule 1.
- 1.5 This procedure does not preclude one off payments under Section 22 Social [Scotland] Act 1995 to support families in continuing to care for relative's children.

2.0 Introduction

- 2.1 It is the policy of North Lanarkshire Council Social Work Department within Section 22 Children's (Scotland) Act 1995 that children and families should be supported to enable the children to remain at home wherever possible and appropriate. If children can not continue to live with their parents, that they should continue to have the opportunity of family life in the community.
- 2.2 There are many children who are cared for by relatives, family friends or neighbours under private arrangements, which do not require the Social Work Department to be involved – e.g. Guardianship (Family apply to Court to secure legal Guardianship if a child has been orphaned or abandoned by their parent. Payments are made to carers through guardianship allowance, which is paid through the benefits system.) These carers are entitled to claim the relevant state benefit for the child, such as Child Benefit, Income Support, Tax Credits and Guardian's Allowance. Where the child needs to be legally secured within this living arrangement the carers will be able to go to Court for a residence order.

- 2.3 There are small number of potential carers whose family budget and financial commitments are based on their existing households, and who therefore cannot easily adapt to the expense of another child or children joining the family. Families who are willing (and assessed as suitable in terms of meeting the needs identified in the child's care plan) to offer a home to a child to prevent reception into care can be reluctant to do so because of the potential adverse financial consequences. More commonly, they agree to the placement but the resulting deterioration in their financial circumstances undermines their willingness and ability to sustain the placement in the longer term.
- 2.4 The Social Work Department is keen to monitor the care of young people at risk by assessment of potential link carers to allow North Lanarkshire to provide payment under a link carer scheme. In circumstances where a child is unable to remain at home due to parental substances misuse or similar difficulties the Council would carry out an assessment of need and undertake the appropriate checks to ensure the welfare of any child placed with relatives. This would standardise the financial support available to relatives when they are providing care in these circumstances.

3.0 The Principles of the Scheme

- 3.1 Some vulnerable children and young people who are assessed as being unable to continue to live at home would have to be accommodated but for the fact that a placement with a relative is a viable option. Some children and young people are already looked after, and returning home is not an option due to continuing substance misuse, etc but there may be relatives, neighbours or family friends to whom they could be discharged. Placement with relatives, neighbours or friends needs to be compatible with the care plan for the child.
- 3.2 The circumstances of such children and young people will vary from case to case, as will the reasons why they cannot be at home. In all cases the Department will already be involved with the family before or at the stage where it becomes clear that the child needs alternative care arrangements. The Social Work Department's actual involvement in making the alternative care arrangements with the relatives, family friends or neighbours will vary according to the situation and the needs of the child.
- 3.3 Where consideration is being given to placing a child with relatives, family friends or neighbours, a social work assessment will be needed to consider and confirm that:
- (i) It is no longer appropriate for the child or young person to remain at home due to substance misuse or similar circumstances
 - (ii) The child or young person would otherwise require to be looked after and be placed in foster care or residential care
 - (iii) There are relatives, family friends or neighbours willing to care for the child or young person, who are assessed as being suitable to undertake that care and meet the needs of the child or young person, at least in the short term

(iv) The carers have a significant link or relationship with the child or young person which, was established before assuming care.

3.4 Where it appears to the Social Worker that financial assistance is required or where the carer specifically requests this, the carer should be advised to put this request in writing and an assessment report for link carers allowance should be completed along with the a full disclosure check and a statement from the appropriate G.P. about any significant medical factors. **No payment will be provided with out the assessment process being completed.** (It should be noted that the allowance, if approved, will be back dated to the date of the formal written request by the link carer.)

4.0 Financial Assistance to Link Carers

4.1 The legal authority for payment to Link Carers is under Section 22 of the Children (Scotland) Act 1995. The payments are made in recognition of the role played by the Link Carers in assuming the care of someone else's child and preventing the child being "looked after" by the local authority. It is different and distinct from a formal fostering arrangement as the carers have not been assessed or approved as foster carers. Payments are set at a lower level that fostering allowances because Link Carers are not providing as broad a service as foster carers who are required to work with the Department and contribute to Child Care Reviews, Child Protection work and Case Conferences.

4.2 The payments are not designed to recompense the Link Carers for all the costs involved. Every effort should be made to maximise the carer's income and take up of other benefits in respect of the children. (A full benefits check will be completed as part of the assessment.) The Link Carers payment is made to add to the carers income, not to take the place of benefit entitlement.

4.3 If approved the Link Carers will be paid at one third of the standard adoption allowance of the age range of child or young person. The payment will be authorised by the Area Service Manager and will be subject to review of the circumstances that the needs of the child in terms of Section 22 of Children (Scotland) Act 1995 continue to be met.

4.4 Carers receiving this allowance will not be eligible for additional payments.

5.0 Residence Order

5.1 At the time that a child or young person goes to reside with a Link Carer, the longer term care needs are often uncertain. It may be possible for the child or young person to return to his/her own family in the short term or medium term, but there are occasions when after a period of time it becomes clear that this is neither achievable or appropriate.

5.2 In considering the child or young person's long term needs, it may be concluded that these can best be met by remaining with the Link Carers and for them to pursue a Residence Order in respect of the child or young person. The 1995 Children (Scotland) Act allows local authorities to pay appropriate allowances to persons granted Residence Orders by the Courts.

- 5.3 Where Link Carers apply for a Residence Order with the support of the Social Work Department, an allowance can be paid on authorisation of the Operations Manager at the same level as the Link Carers payment. Payment can continue until the young person is 16 years of age. Where there is a continuing need for ongoing financial support, this should be considered under Section 22 of the Children (Scotland) Act 1995, as financial support can be paid until the young person reaches 18 years of age.
- 5.4 Payments made to link carers who have a child placed on a Residence Order will be reviewed on an annual basis to monitor changes in circumstances and ensure the welfare of the child or young person continues to be met.
- 6.0 Procedures
- 6.1 The Social Worker involved with the child or young person for whom a Link Carers Allowance is being considered, or to whom a new referral is allocated, should undertake an assessment of the circumstances surrounding the necessity and suitability of the placement with Link Carers as outlined in Section 2.3
- 6.2 Further checks should be undertaken which include full Disclosure checks, Area Health Board (both the Health Visitor check and the letter to the family G.P.) and Departmental enquiries. The need for financial assistance should be assessed taking into account the full financial circumstances of the proposed Link Carers, and the result of a full welfare benefits checks.
- 6.3 The Social Worker should present the L.C.A. (1) along with any other relevant information to the Screening and Resource Group to ensure that appropriate resources are being utilised to support a child or young person. The L.C.A. (1) should be countersigned by the Senior Social Worker.
- 6.4 The L.C.A. (1) and the L.A.C. (2), which has been countersigned by the chairperson of the Screening and Resource Group, will be forwarded to the Area Service Manager for consideration and approval. The Area Service Manager has responsibility for monitoring the Link Carers Scheme.
- 6.5 The Area Services Manager will consider the application and will make the decision regarding approval of the payment.. If approval is given, payment will be made from the date when the Social Worker's application is completed, and will be for a maximum of thirteen weeks. It is the responsibility of the Social Worker for the child or young person to ensure that the Review Forms LCA (1) and (2) is completed and returned to the Area Service Manager at least 2 weeks before the first period of authorisation has expired. Payment cannot be continued unless a review of the circumstances of the case has been undertaken by the Area Service Manager, and they is satisfied that the requirements of Section 22 are, and continue to be met. This will involve a resubmission to the S.R.G. to ensure appropriate use of resources.
- 7.0 Reviews
- 7.1 As indicated above payment of the allowance will be reviewed on a regular basis. The updated Form LCA(1) will be completed after 11 weeks of payment. The S.R.G. will recommend if payment should continue and any other course of action, which may be required to ensure that the child's care plan is met.

- 7.2 The completed LCA(1) should be presented to the Area Service Manager along with the LCA(2), which will be completed by the social worker following the review, and signed off by the chairperson of the S.R.G. The Area Service Manager makes the decision if the allowance will continue for a further 13 weeks.
- 7.3 This review process will continue as long as link carers allowance is paid.
- 7.4 If the child or young person becomes subject of a Residence Order then the review process will be undertaken on an annual basis or if there is a change in circumstances for the carer or young person.

8.0 Appeals

- 8.1 If the assessment concludes that the carer does not meet the criteria for link care and payment of allowance is refused then the person/family being assessed has a right of appeal to the Operations Manager for the appropriate division.
- 8.2 The Operations Manager will ensure that the investigating officer has not been involved in the assessment process and arrangements should be made to ensure that Senior Child Care Officer's out with the division complete the investigation on the Operation Managers behalf.

9.0 Complaints

- 9.1 Complaints regarding the implementation of the scheme would be addressed through the departmental complaints procedure.

3. Reasons why child/ren can no longer live with his/her family?

4. Assessment of the suitability of the link carers to care for the child/ren
(Motivation/Skills/Abilities)

5. Views of other members of the household in relation to the link care arrangements.
(Carers own children/other adults in household)

6. Proposed Contact Arrangements

6. Legal Section under which child/ren will move to link carers.

Date of Hearing Decision:

Any action indicated:

7. Plans for Child/ren:

Signature of Social Worker _____

Signature of Senior Social Worker _____

Outcome /recommendation of S.R.G.

Name of Child/ren

Link Carer:
.....
.....

- 1. Is child/ren to be moved or remain with carer? YES/NO

Date of move if applicable:

- 2. Contact arrangements
- 3. Link Carers Allowance: agreed/not agreed
- 4. Any other decisions:
 - i) legal status
 - ii) care plan for child/ren

Chairperson of S.R.G.: _____

Date of Meeting: _____

Approved by Area Service Manager _____

Date _____

For Finance Section Only.

Payment agreed by A.S.M.
Start date/continue payment:

Date to end payment: