



**North Lanarkshire Council  
Social Work Service  
Kinship Carer's  
Assessment and Approval Procedures  
(1<sup>st</sup> of November 2019 )**

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## Part One

### General information

#### **1.1 Purpose**

- 1.1.1 This guidance outlines the procedures and processes to be followed, by workers, when assessing both formal and informal kinship carers.
- 1.1.2 This guidance also outlines the process for approval of a kinship care placement via the kinship care multi-agency approval panel.
- 1.1.3 Staff should also be aware of the need, under the Equalities Act, to ensure that no kinship carer is disadvantaged as a result of any of the following characteristics:
- Age
  - Disability
  - Gender re-assignment
  - Pregnancy and maternity
  - Race
  - Religion or belief
  - Sex
  - Sexual orientation

Staff should refer to appropriate equalities policy and procedures for additional information.

#### **1.2 Background**

- 1.2.1 All local authorities have kinship care schemes. Over the years, kinship care schemes have developed in line with Scottish Government policy, procedures and legislation requirements.
- 1.2.2 The key legislations covering kinship care are:
- Looked After Children (Scotland) Regulations 2009 (*hereafter referred to as 2009 Regulations*)
  - Children and Young People (Scotland) Act 2014 (*hereafter referred to as 2014 Act*)
  - Kinship Care Assistance (Scotland) Act 2016 (*hereafter referred to as 2016 Act*)
- 1.2.3 In July 2016, the Scottish Government issued the Children and Young People (Scotland) Act 2014: National Guidance on Part 13: Support for Kinship Care.

### 1.3 Formal and informal kinship care placements

1.3.1 There are two types of kinship care placements:

- Formal (governed by the 2009 Regulations)
- Informal (governed by the 2014 Act and the 2016 Act)

#### Formal kinship carers

1.3.2 A formal kinship carer is defined as a “relative or close friend” who cares for an eligible child where:

- The local authority has placed the child under Section 25 of the Children (Scotland) Act 1995 or
- A Children’s Hearing Order, with a condition that the child resides with the carer.
- A Kinship Permanence Order issued by the Court (different from Section 11 Order/Guardianship Order/Kinship Care Order)

1.3.3 Formal kinship care placements must be assessed and approved, by a local authority, within 12 weeks of the date of placement (*Regulation 39*).

1.3.4 Children in formal kinship care placements are looked after children.

#### Informal kinship carers

1.3.5 Some informal kinship carers can now be considered for kinship care assistance (*Section 71, 2014 Act*).

“a local authority must make placements to secure that kinship care assistance is made available for a person **residing** in its area...who falls within the agreed criteria i.e. a person who is applying for, considering applying for (a kinship care order) in respect of an eligible child”.

1.3.6 Kinship care orders are also referred to as:

- Section 11 residence orders
- Guardianship orders.

Hereafter the above orders will be referred to as kinship care orders.

1.3.7 Children who will be deemed by a local authority as “eligible” children, are children who:

- Is/was looked after
- Was placed by the local authority
- Is/was at risk of becoming looked after

## Part Two

### Kinship care placements

#### 2.1 New placements (formal and informal)

##### Formal kinship care placements

[kinshipcare@northlan.gov.uk](mailto:kinshipcare@northlan.gov.uk)

- 2.1.1 Social work staff **must** discuss with (and obtain approval of) their locality social work manager as to whether a child is to be accommodated in a kinship care placement.
- 2.1.2 Within 24 hours of the date a child is accommodated in a kinship care placement by social work staff, the allocated worker completes and emails the notification that a kinship care placement has commenced (KC1) to:
- 2.1.3 If a child is moved as part of a child protection investigation, then if this is likely to last longer than 24 hours, the parents must be asked to sign section 25 as the child is classed as looked after.
- 2.1.4 Children cannot remain any longer than 24 hours on a respite basis.

##### Section 25 (Children (Scotland) Act 1995)

*Section 25 (1) A local authority shall provide accommodation for any child who, residing or having been found within their area, appears to them to require such provision*

*And*

*Section 25 (8) "accommodation" means...accommodation provided by the local authority for a continuous period of more than 24 hours.*

*And*

*Section 26 (1) outlines that a local authority may provide accommodation for a child looked after by them (under S 25) by placing him with a family member, relative or any other suitable person.*

- 2.1.5 Section 25 must be completed and a KC1 sent to HQ along with a completed bank mandate and a financial assessment (recorded on SWIS, audited and approved by the senior WRO).
- 2.1.6 If the child moved is subject to a supervision order with a condition of residence, at the time the move to a carer is being considered the locality social work manager must consider use of emergency transfer.
- 2.1.7 The KC1 must include:
- Date of placement
  - Child's current legislation (when residing in the parent's home)
  - Relevant legislation relating to the child's move



- Details of who will be assessed as kinship carers (if the child is placed with a couple, both persons must be assessed)
- Details of any supports currently being provided by the locality, including finance
- Date Chief Social Work Officer approved the move if due to emergency transfer under section 143.

2.1.8 The KC1 must be signed by the locality social work manager.

**Informal kinship care placements (often referred to as “new enquiries”)**

2.1.9 All new inquiries must be passed to the senior officer HQ for logging and action.

Localities should forward details of these to: [kinshipcare@northlan.gov.uk](mailto:kinshipcare@northlan.gov.uk)

2.1.10 Details should include:

- The person’s name/address/contact telephone number
- Details of the child residing with them (including SWIS number)
- Whether the person has a kinship care order or not in respect of the child

2.1.11 HQ admin will send acknowledgement letters to the person (making the request) advising that their enquiry is being considered.

2.1.12 The senior officer at HQ will investigate the new enquiry and if relevant information is available on SWIS, the senior officer HQ will make recommendation to the service manager HQ as to whether or not the new enquiry meets the rules to be an informal kinship care placement.

2.1.13 The senior officer HQ will require to determine:

- Whether the child is an eligible child
- If the person currently has a kinship care order in respect of the eligible child
- If the person does not currently have a kinship care order but the child is deemed eligible, should the carer be supported to obtain a kinship care order

**2.1.14** Where the senior officer HQ is unable to make a recommendation due to limited information, they may request the locality social work manager ask a social worker to undertake a home visit to gather additional information to help inform decision making.

**Criteria not met**

2.1.15 Where criteria for kinship care assistance has not been met, the person will be notified (in writing) by the service manager HQ with reasons for the decision.

- 2.1.16 The relevant locality social work manager will be copied into this correspondence for their records.
- 2.1.17 The letter sent will advise the person that the relevant locality social work manager will arrange for a social worker to make contact with the person to identify if an assessment of need under Section 22 of the Children (Scotland) Act 1995 is desired.
- 2.1.18 A person who is advised they do not meet the criteria, must be advised that they can ask for a review of this decision and the process for doing so should be outlined in the letter advising that criteria has not been met.

#### **Review process**

- 2.1.19 Where a person is advised that they do not meet the criteria for kinship care assistance, they can request a review of the decision to social work HQ. The person should put their request for a review in writing and send it to the [kinshipcare@northlan.gov.uk](mailto:kinshipcare@northlan.gov.uk) inbox where it will be progressed.
- 2.1.20 The request for a review should be submitted in writing within 10 working days from the date of the letter sent to the person advising criteria not met.
- 2.1.21 An independent locality social work manager will consider the decisions made and, in conjunction with social work headquarters, provide the person with a written response within 10 working days of the appeal being made.
- 2.1.22** Thereafter if a person wishes to progress the matter further, they should submit their complaint via North Lanarkshire Council complaints procedures

#### **Criteria met**

- 2.1.23 Where the criteria for kinship care assistance has been met, the person will be notified (in writing) by the service manager HQ that a kinship care assessment will now commence.
- 2.1.24 Where a person is notified that the full criteria for kinship care assistance cannot be met until they have secured a kinship care order (via court) a letter will be sent to the person advising of the action they should take and what financial support the local authority can provide to support their application for a kinship care order.
- 2.1.25 Once the person has obtained the kinship care order, they will liaise with the senior officer HQ who will arrange for any agreed financial support, towards the cost of the kinship care order, to be paid. At this stage, the person needs to submit a copy of the kinship care order to the senior officer HQ.
- 2.1.26 Once the kinship care order is in place, the senior officer HQ will arrange for the person to be notified (in writing) by the service manager HQ that a kinship care assessment will now commence.

- 2.1.27 The locality social work manager will be copied into all correspondence for their records and also receive a notification memo which details the due date for all paperwork to be completed and sent to HQ (within 9 weeks of the date of the notification memo).
- 2.1.28 The senior officer HQ will complete the KC1 in all instances of new inquiries approved as meeting the kinship care criteria.

***Please note cases cannot be heard at the kinship care panel in respect of informal kinship care placements where a kinship care/residence order is not yet in place and no copy has been sent to the Kinship Care Inbox.***

## **2.2 Financial support towards a kinship care order in respect of formal kinship care placements.**

- 2.2.1 In all instances where NLC are in support of a person applying for a kinship care order, NLC can consider financial support towards the costs of the order.
- 2.2.2 However, before a request for funding can be made, a permanency planning meeting must be held to confirm that a kinship care order is the most appropriate permanence route. A copy of this minute must be sent to HQ with any request for funding towards the kinship care order.
- 2.2.3 If it is agreed, as part of a permanency planning meeting, that a kinship care order is appropriate, the kinship carer should be advised to make application to the Legal Aid Board to find out whether or not legal aid can cover all or some of the costs of the order.
- 2.2.4 The worker should then, as part of the memo to HQ to request funding, incorporate details of the outcome of the legal aid application.
- 2.2.5 North Lanarkshire Council will financially support a person applying for a kinship care order up to £1,000 per child. If the cost of the order is more than £1,000, the kinship carer themselves will require to cover any additional cost.
- 2.2.6 Confirmation of what costs can be covered will be issued from HQ and in writing.

### **Adoption of kinship care children**

- 2.2.7 If a kinship carer advises they are considering adopting a child placed with them on a kinship basis the social worker for the child should discuss with the kinship carer:
- Why they are considering this particular route given the other options available i.e. Guardianship or a Permanence (Kinship) Order.
  - The legal aspects of adoption – possible change of surname, hereditary rights, the importance of open adoption and a child knowing about their identity and heritage.

2.2.8 If adoption is to be considered, the locality social work manager must chair a permanence planning meeting to discuss and agree if this is the best route for the child. As part of this meeting, the locality social work manager must ensure their decisions are recorded and timescales are put in place for the completion of an adoption report.

2.2.9 The process for adoption petitions and reports will depend on whether this is a relative adoption (S19) or a non-related adoption (S17)

### **Relative adoptions**

- If agreed the kinship carer should instruct their own lawyer and a section 19 report should then be completed by the relevant locality.

### **Non relative adoptions**

- Coram BAAF Form F assessment for adoption of a specific child will require to be completed by the children's carers' team. This will include the kinship carers attending adoption preparatory groups.
- The completed assessment will be presented to the Adoption and Fostering Family Placement panel for approval
- The panel will only agree adoption allowances if the child meets the criteria for allowances
- If the carers are approved as adopters they will require to instruct a lawyer and a Section 17 report will be completed once the petition is lodged in court.

### **Fees/adoption allowances**

- If a kinship carer applies to adopt a child placed with them financial support for reasonable legal costs will only apply where an adoption order is being contested. If it is not contested there will be no legal costs granted.
- Kinship care allowances cease at the date the adoption order is granted.
- Adoption allowances will only be agreed by the Adoption panel if the child meets the criteria (Adoption Allowance Scheme, NLC)

## **2.3 Assessment of formal and informal kinship care placements**

2.3.1 The process for assessment and approval of both formal and informal kinship care placements is the same.

2.3.2 In all instances, the allocated worker must complete:

- Medical checks (on both carers)
- PVG checks (on both carers)
- Enhanced Disclosure (on any person over 16 years of age residing in the household)
- FA1 (Income Maximisation – financial assessment)

- Kinship care assessment
- Child's plan
- Chronology
- Eco map (not mandatory but preferred)

### **Formal kinship care assessments**

2.3.3 In addition, to the above papers for a formal kinship care placement, within 72 hours of the placement commencing, the allocated social worker must also arrange for the following to be completed and a copy passed to the kinship carer:

- Emergency kinship carer's agreement
- Information leaflet
- Bank Mandate

2.3.4 The 72 hour admissions meeting which take places for all looked after children will take place using the relevant 72 hour standard agenda. This should be 72 hours from date child formally became looked after.

2.3.5 Where a person meets the criteria to be assessed as a potential kinship carer but does not wish to be assessed then they must state this in writing to the LSWM. A copy of this written notification should be sent to the Kinship care inbox.

## **2.4 Income maximisation (Financial assessments)**

2.4.1 It is essential that when a child is in a kinship care placement, the kinship carer's income is maximised to ensure they are in receipt of correct benefits.

2.4.2 This should be completed within 72 hours of the placement commencing.

2.4.3 The completed FA1 must be passed to the locality welfare rights officer for approval and recording on the financial assessment screen on SWIS.

2.4.4 The worker must regularly check their SWIS financial assessment "workflow screens" (as should the welfare rights officer for the locality) to ensure any additional work to be completed is being progressed.

2.4.5 When the locality welfare rights officer identifies the details on the financial assessment screen are correct, they will approve the FA1 and email a senior welfare rights officer for the financial screen to be audited and approved.

2.4.6 The financial assessment screens will be checked by the senior officer HQ and if not completed, this will impact on the ability of the case to be progressed to the multi-agency kinship care panel for approval.

## **2.5 Kinship care assessment**

2.5.1 Kinship care assessments must focus on the kinship carer's capacity and ability to provide a safe and supportive environment for the child and their commitment to work in partnership to meet the identified outcomes in the child's plan.

2.5.2 Kinship care assessments must focus on both the immediate and longer term needs of the child and the capacity of the kinship carers to meet these needs.

- 2.5.3 Where two adults are residing in the home, with the child, where the adults are married or cohabitating, the kinship care assessment must include both.
- 2.5.4 Principally, the kinship care assessment is about the capacity of the kinship carer to:
- Care for the child and meet the child's needs (contained in the child's plan) in terms of the following wellbeing indicators (Safe, Healthy, Active, Nurtured, Achieving, Respected and Included)
  - Provide a short term placement with further assessment as to their ability to provide a permanent and secure family within which the child can develop through childhood to adulthood, including consideration of permanence
  - To support and progress the child's plan, together with the parents, and the child's network of support
- 2.5.5 The workers must ensure that the focus of the assessment also takes into account:
- The kinship carer's own background (i.e. where they were born, raised, details of past employment, marital status etc.)
  - The kinship carer's own experience of being parented and parenting
  - Their current situation (including current employment, housing, current relationships)
  - Identifying strengths and resilience of the kinship carer
  - Any challenges facing the kinship carer
- 2.5.6 Kinship care assessments should contain sufficient information about the child's own background and reasons for the move to the kinship carer to inform the assessment. However, it is the child's plan that should contain the majority of information relating to the child.
- 2.5.7 If, as part of the kinship care assessment, any issues are identified workers must be open and transparent with kinship carers and discuss in detail the issues identified. These discussions should be noted in the kinship care assessment alongside the kinship carers views of whether they agree or not with the issues raised and, if agreed, any actions agreed (by all) to address the issues.
- 2.5.9 As part of the assessment, the worker must discuss and identify with the carer if any additional supports are required by the carer to support the placement. Additional support can include training, individual support, general advice and guidance.
- 2.5.10 Any additional supports identified must be recorded in the kinship care assessment and how these will be met.
- 2.5.11 If as part of the kinship care assessment, the worker intends to request funding for residence orders, the kinship care assessment must contain details of the permanency planning meeting which made the decision regarding permanence.

**Reducing the risk of environmental tobacco smoke for looked after children and their carers.**

- 2.5.12 Public awareness of the dangers of inhaling second-hand smoke has steadily increased and it is now seen as a serious, potential health problem from which the public need to be protected.
- 2.5.13 Social work staff must give a high priority to the present and future health of the children they are looking to place and whilst they will need to take account of the rights of prospective carers to smoke, this MUST always be balanced against the right of the child to remain healthy.
- 2.5.14 When assessing prospective carers, workers must be aware that young children are particularly susceptible to the effects of second-hand smoke. Consequently, when exposed to environmental tobacco smoke they are more likely than adults to develop both respiratory and ear infections.
- 2.5.15 Workers therefore need to give the protection of the health of the children (to be placed) a high priority and have to balance the positive elements of any placement against the negative impact of smoking.
- 2.5.16 Where a prospective carer is unable or unwilling to stop smoking, workers should ensure carers are provided with as much information as possible to minimise children's exposure to tobacco smoke and for additional guidance staff should refer to:
- ( BAAF Practice Note 51 – Reducing the risks of environmental tobacco smoke for looked after children and their carers)
- 2.5.17 If someone who meets the criteria to be a kinship carer does not wish to be assessed/approved they must put this in writing to the relevant Locality social work manager.
- 2.5.18 Where a potential Kinship carer refuses a financial assessment this must be notified to relevant Locality social work manager immediately and recorded on SWIS.

## **2.6 Transferring an accommodated child to a kinship care placement**

- 2.6.1 If a child is in foster care or residential care and a relative or friend is being considered as a suitable alternative placement, the decision to commence a kinship care assessment must be recorded as a decision within the child's looked after and accommodated review.
- 2.6.2 Within 24 hours of such a decision, the allocated worker must complete a KC1 which must include the date of the review which made the decision to commence a kinship care assessment.
- 2.6.3 The allocated worker should complete and submit all paperwork to the kinship care inbox within 9 weeks of the date of the LAAC review that agreed the kinship care assessment should progress.
- 2.6.4 If a panel date is required sooner than this, the worker should discuss with the senior officer (HQ) to establish when the assessment and all paperwork will be completed to

ensure a panel date is offered timeously so as not to cause drift to the child's plan for transfer.

## **2.7 Kinship care paperwork**

- 2.7.1 The senior social worker must ensure that the front sheet of the kinship care assessment is fully completed with all the details.
- 2.7.2 The senior social worker must ensure that the kinship care assessments being submitted are signed and dated by themselves and:
- Allocated worker
  - Locality social work manager

### **Quality assurance of kinship care paperwork**

- 2.7.3 The locality social work manager must sign that they have read and are endorsing the content of each kinship care assessment.
- 2.7.4 The locality social work manager must ensure that the papers being presented at the kinship panel are of a high standard and cover all information required. Should any issues be identified with the quality of the paperwork, the locality social work manager should discuss with the allocated worker and these should be addressed prior to submission to HQ.

## **2.8 Timescales**

- 2.8.1 The Looked After Children (Scotland) Regulations 2009, state that a kinship care placement, for a looked after child, must be approved within 12 weeks of date of placement.
- 2.8.2 This timescale has been adopted for informal kinship care placements with the 12 weeks from the date a locality has been asked, by HQ, to commence a kinship care assessment.
- 2.8.3 All panel papers should be sent to HQ kinship care inbox within 9 weeks of the start date of the placement/notification.
- 2.8.4 Panel dates cannot be scheduled unless the full pack of papers has been received by HQ. It is the Social workers responsibility to ensure all papers are submitted prior to the deadline date, if papers are not submitted HQ admin will remove from the agenda. This includes ensuring the financial assessment on SWIS has been audited and approved by the senior WRO.

## **2.9 Notifications**

- 2.9.1 As part of the kinship care assessment process, the allocated worker must ensure that the kinship carer is in receipt of the correct child related benefits.



2.9.2 Where child related benefits are payable, these will be deducted (whether the carer is in receipt of these or not) at the time of kinship care allowances commencing and in respect of any backdated monies.

2.9.3 The allocated worker must therefore ensure that the following are notified of the child's change of residence:

- child benefit section (DWP)
- child tax credits (HMRC)

2.9.4 Whilst the DWP/HMRC are making placements to transfer benefits, the allocated worker should negotiate with the child's parents that any allowances they are currently in receipt of, are handed over, on a weekly or monthly basis, to the kinship carer.

**Notifications to other agencies of formal kinship care placements out with North Lanarkshire**

2.9.5 As per Regulation 13 of the Looked After Children (Scotland) Regulations 2009, the senior social worker will arrange for the following, to be notified that a new kinship care placement has been made, by North Lanarkshire, to their area:

- the relevant local authority
- health board
- parents or relevant persons etc.

When the placement ends, the senior social worker should ensure that any of the above notified of the placement commencing are now notified of the placement ending.

2.9.6 In respect of other local authorities placing children in kinship care placements in North Lanarkshire, the notifications (if received by localities) should be forwarded to the senior officer HQ for logging [kinshipcare@northlan.gov.uk](mailto:kinshipcare@northlan.gov.uk)

## Part Three

### Multi agency kinship care approval panel

#### **3.1 Multi agency kinship care approval panel**

- 3.1.1 The multi-agency kinship care approval panel (hereafter referred to as “the panel”) considers all kinship care assessments in respect of both formal and informal kinship care placements.
- 3.1.2 The panel makes recommendations to the agency decision maker in respect of:
- approval of a person as a suitable kinship carer
  - approval of kinship care allowances
  - approval of financial support towards residence costs
- 3.1.3 If the panel does not recommend approval of a kinship care placement, the chair of the panel will immediately inform the relevant locality social work manager to discuss and ensure the wellbeing of the child.
- 3.1.4 If the panel is unable to make a recommendation regarding a kinship care placement due to incomplete information, the panel can defer to a future panel for the additional information to be obtained and presented. At this time a future panel date should be given for the deferred case to be presented.
- 3.1.5 In some instances, kinship care assessments will be presented to the panel where the social worker’s assessment is not to recommend the person(s) as suitable to be kinship carers. At these times, the panel will be asked to consider the assessment and if in agreement, to ratify the recommendation.
- 3.1.6 For such recommendations the same process of approval via the agency decision maker will apply.
- 3.1.7 If child protection issues are identified either as part of the kinship care assessment or as part of the panel debate, the allocated worker must refer to North Lanarkshire Council’s Child Protection Procedures (2014) with immediate effect.

#### **3.2 Panel members**

- 3.2.1 The panel will be chaired by a locality social work manager or service manager on a rotating basis and locality social work managers will not chair panels where cases from their own locality are being presented.
- 3.2.2 Present at the Panel will be, as detailed below:
- Locality social work manager/service manager (chair – alternating)
  - Education representative
  - Health representative
  - Senior social worker x 1
  - Senior officer HQ (with lead for kinship)/panel advisor
  - Minute taker

3.2.3 The panel will be scheduled on a monthly basis. If required, additional panels can be scheduled.

### **3.3 Panel – Quorum**

3.3.1 Panels can be held where there is a quorum of 3 voting members:

- Chair
- 2 additional voting members (either education, health or SSW rep)

### **3.4 Panel papers**

3.4.1 The following details the panel papers and who, as a member of each panel, should receive what:

- Chair –copy of all paperwork
- Senior officer (HQ) –copy of all paperwork
- All other panel members will only receive a copy of:
  - Kinship care assessment
  - Child’s plan

### **3.5 Agency decision maker**

3.5.1 The agency decision maker is the Manager, Children and Families who will oversee the panel process and make final decisions in respect of panel recommendations.

3.5.2 Once a panel has been held, all paperwork and a copy of the signed minute (by the chair) including panel recommendations, will be forwarded to the agency decision maker.

3.5.3 The agency decision maker will consider the recommendations of the panel and sign their authorisation of the minutes.

3.5.4 Where the agency decision maker does not agree with the recommendations of a panel, they will discuss with the chair of panel and if required, defer back to a further Panel for reconsideration.

3.5.5 If a case is deferred for further information by panel members, the agency decision maker will not sign the minute of the deferred panel but will sign the final minute submitted by panel members with a full recommendation.

3.5.6 Carers are notified in writing of the decision of the agency decision maker.

### **3.6 Review of decision**

3.6.1 Where the agency decision maker has approved a panel recommendation which a kinship carer then does not agree with, the kinship carer can request that there is a review of the decision.

## **Process for requesting a review of the decision**

- 3.6.2 The individual should email the kinship care inbox ([kinshipcare@northlan.gov.uk](mailto:kinshipcare@northlan.gov.uk)) requesting a review of the decision.
- 3.6.3 Requests for reviews should be made in writing within 10 working days of the kinship carer being notified of the panel decision in writing.
- 3.6.4 An acknowledgement letter will the request sent to the person making the appeal to advise that they will respond within 28 working days
- 3.6.5 The review will be passed to a third tier senior social work manager for their consideration and decision. The Social work manager will liaise with the chair of the panel and the agency decision maker in respect of the review in order to obtain all information.
- 3.6.6 The Senior Social Work Manager will make a decision in respect of the review and send this in writing to the kinship carer.
- 3.6.7 Where the review is upheld, the senior social work manager will liaise with the agency decision maker to request any action required.
- 3.6.8 Any correspondence from the senior social work manager must outline a person's right to complain against decisions made and the process for this.

## **3.7 Minutes**

- 3.7.1 HQ admin will take a minute of each case discussed at the kinship care panel.
- 3.7.2 HQ admin will then pass the minute to the senior officer for checking within 1 week.
- 3.7.3 HQ admin will then pass, within one week of the panel date, the minute to the chair of the panel for their consideration and approval.
- 3.7.4 The chair of the panel will consider, approve and return the minute to HQ admin within a further week.
- 3.7.5 The approved minute will then be passed to the agency decision maker for final approval and then circulated (total timescale within 4 weeks of panel date).
- 3.7.6 HQ admin will circulate signed/approved minutes (with accompanying email) to:
- social worker/senior social worker
  - lead senior social worker for kinship
  - locality social work manager
  - copy to locality child care inbox

## Part Four

### Kinship care allowances

#### 4.1 Legal status

4.1.1 For formal kinship care placements, Regulation 33 of the Looked After Children (Scotland) Regulations 2009 outlines that where the local authority see fit, taking into account the needs and circumstances of the person with whom the child is placed, may pay such allowances, which may be:

- A fixed allowance applicable in the case of children who are looked after by the local authority, or
- A rate applicable to certain categories of case, or
- Amounts relevant to the individual needs of a particular child

4.1.2 The above criteria was amended by the Scottish Government in October 2015 who advised that:

*Local authority leaders have agreed to ensure local parity (i.e. within their local authority area) of allowances between eligible kinship carers and foster carers. Foster fees are not included in this agreement. The agreement applies to all formal kinship carers and some informal kinship carers (who meet the new rules criteria, October 2015).*

*All formal kinship carers ... where the local authority was involved in placing the child. Carers are eligible from the point of placement and not approval.*

*Kinship carers covered by this agreement should receive an allowance at a minimum of the same rate as foster carers in their local authority area minus any relevant child related benefits*

[kinshipcare@northlan.gov.uk](mailto:kinshipcare@northlan.gov.uk)

4.1.3 Section 71 of the Children and Young People (Scotland) Act 2014 states that a local authority must provide kinship care assistance to a person/child, residing in their local authority area, who meets the criteria laid out in section 71 i.e. the person has a kinship care order in respect of an eligible child.

4.1.4 In respect of the 2016 Act, Section 4, outlines the need for kinship care assistance to be provided by way of such information and advice a person may reasonably require and:

- Financial support towards the cost of an application if the person caring for an eligible child has not yet obtained such an order (section 4(b)(ii))
- The provision of an allowance where the person has a kinship care order in respect of an eligible child who has not yet reached 16 years of age (section 4(d)(ii) and section 71(3)(c) 2014 Act)

4.1.5 Kinship care allowances will be paid via Section 22 of the Children (Scotland) Act 1995 at an applicable weekly amount.

4.1.6 As part of the Kinship Care Scheme, and to keep in line with fostering allowances paid, approved kinship carers for looked after children will receive 4 weeks additional kinship care allowance (at the full fostering/kinship rate with no deductions) as detailed below:

- 1 week (based on the age of the child) at 1<sup>st</sup> December -Christmas
- 1 week (based on the age of the child) at the child's birthday
- 2 weeks (based on the age of the child) at 1<sup>st</sup> June - summer holidays

4.1.7 Informal Kinship carers will not receive additional payments detailed above as the children in their care are not looked after children and as such there is no legal duty on NLC to make these payments.

## **4.2 Formal kinship care placements - Payments**

4.2.1 For all looked after children placed in their current kinship care placement prior to the 1<sup>st</sup> of October 2015, the new rules in respect of parity of allowances will commence from the 1<sup>st</sup> of October 2015.

4.2.2 For all looked after children placed in their kinship care placement after the 1<sup>st</sup> of October 2015, the new rules in respect of parity of allowances will commence from the date the child was placed.

4.2.3 For all looked after children placed in a kinship care placement, kinship carers will be entitled to a flat rate of £50 per week per child until their BACS payment is in place. This will be deducted from allowances due. This will be paid from Petty cash within the locality via normal processes.

4.2.4 It is essential that the worker liaises with their locality finance section as soon as possible to ensure petty cash funds are available for this as required.

4.2.5 Once the BACS is in place, kinship carers will be paid at a reduced rate until a full financial assessment is completed and approved by the WRO and then audited and approved by the senior income maximiser.

Reduced Rate Payments per week per child. (Pre-approval of financial assessment)

<b>Age Band</b>	<b>Reduced Rate Payment</b>
<b>0-4 years</b>	£50
<b>5-10 years</b>	£60
<b>11-15 years</b>	£80
<b>16-18 years</b>	£100

- 4.2.6 Admin locality staff will not commence payment of the full kinship care rate (minus relevant deductions) until notified by HQ that the financial assessment on SWIS has been audited and approved.
- 4.2.7 Any backdated allowances due will be paid via BACS on approval of financial assessment.
- 4.2.8 A Bank Mandate for prospective Kinship carers' should be completed along with the KC1 and forwarded to HQ Admin Team.
- 4.2.9 For looked after children, kinship care allowances can be paid until the day before their 18<sup>th</sup> birthday.

### **4.3 Informal kinship care placements – Payments**

- 4.3.1 No informal Kinship carer will receive allowances until approval of their status via the NLC Kinship care approval panel.
- 4.3.2 For children classed as “eligible” where North Lanarkshire have been aware of and instrumental in supporting the carer to obtain a section 11 residence order/guardianship (aka kinship care order) the backdating of allowances will be from the date on which the order was granted at court.
- 4.3.3 If a person presents to the local authority with a section 11/kinship care order/guardianship order, the local authority were not previously aware of the person but have subsequently assessed that the criteria has been met, then backdated allowances will be from the date of the notification letter to the informal kinship carer advising criteria has been met.
- 4.3.4 For children in informal kinship care placements (that is where the carer is receiving kinship care allowances as they have a Kinship care order in respect of the child) kinship care allowances can be paid until the day before their 16<sup>th</sup> birthday at which time the kinship care order ends and allowances will routinely cease.
- 4.3.5 Where there are exceptional circumstances and assessed need in respect of a child aged 16 (in an informal Kinship placement) the bi-annual review of the placement can recommend continued Kinship care allowances. This requires the approval of Service Manager Children and Families HQ.
- 4.3.6 Where allowances continue after the child's 16<sup>th</sup> birthday (for children referenced in point 4.3.5 above) these should be reviewed on a 3 monthly basis and any change in circumstances highlighted to Service Manager Children and Families HQ immediately.

### **4.4 Annual re-assessment of kinship care financial allowances**

- 4.4.1 Given the significant financial commitment it is essential that the kinship carers' financial situation is annually re-assessed and relevant adjustments made to allowances.
- 4.4.2 This updated financial information will be used to re-calculate (if required) a person's weekly kinship care allowance.

4.4.3 If workers become aware of a person's financial situation changing significantly during the year i.e. the person obtains employment and is no longer entitled to child tax credits, the worker must complete an updated FA1, ensure the locality WRO records the information on the financial assessment screen, ensure their senior officer audits the relevant screen and then the worker emails the FA1 to:  
[kinshipcare@northlan.gov.uk](mailto:kinshipcare@northlan.gov.uk)

4.4.4 Overpayments of kinship care allowances will be recovered from kinship carers and where an underpayment is identified this will be paid to the kinship carer.

4.4.5 Kinship carers will be notified of their responsibility to inform of any significant changes to their income by advising their social worker who then must email details to: [kinshipcare@northlan.gov.uk](mailto:kinshipcare@northlan.gov.uk)

#### **4.5 Non approved kinship care placements**

4.5.1 Where a locality has not progressed a kinship care assessment to panel within agreed timescales and a child, placed by social work staff, is then returned home to the parents care or moved to alternative carers, there is no entitlement to kinship care allowances to the person previously caring for the child.

4.5.2 In such instances, locality social work managers should decide if they wish to provide some element of financial remuneration to the person to cover the period the child was in the person's care.

4.5.3 Where a locality social work manager agrees this, this monies should be paid from the locality section 22 budget and the locality social work manager must ensure the correct deductions are made from any monies paid i.e. child related benefits and any previous section 22 monies paid. – this will not come from kinship budget and localities should make suitable placement

#### **4.6 Backdated payments**

4.6.2 If for any reason back dated money cannot be paid to the kinship carer directly the money will not be paid to any other family member.



## Part Five

### Kinship carer's annual review

#### **5.1 Formal and informal kinship carers**

5.1.1 The kinship carer review needs to consider any specific issues in relation to the kinship carer and the kinship carers ability to continue to meet the needs of the child.

5.1.2 Kinship carers, in all instances, should be invited to attend their review, and where possible the child's views of the placement, the care they are receiving etc. should be available via any means.

5.1.3 The annual review of the kinship carer will be chaired by senior social worker.

5.1.4 As part of the process for this annual review, the allocated social worker should request an update from the child's network of support regarding the child's wellbeing and how the placement is continuing to meet the needs of the child.

5.1.5 Other considerations of the review should include:

- Updated kinship care assessment
- Updated health checks (if appropriate)
- Updated financial information (FA1)

5.1.6 If the annual review raises any concerns about the care of the child, it must be highlighted to the kinship care panel.

#### **5.2 Formal kinship carer's files (archiving and retention)**

5.2.1 Kinship carers should have their own files/SWIS record and information specific to them should be retained in these files/records.

5.2.2 Kinship carer's files (for children who are looked after) should be retained for 25 years after the date of the kinship care placement ending, or the death of the child (if the death occurs whilst in the placement).

5.2.3 Any information pertinent to the child (not contained in the child's file) must be copied to the child's file (archiving and retention for looked after children is 100 years)

#### **5.3 Informal kinship carer's files (archiving and retention)**

5.3.1 Kinship carer's files (for children who have never been formally looked after but who are subject to Kinship Care Orders/Residence Orders/Guardianship Orders) should be retained as per guidance for Section 22 cases.

5.3.2 These children are not looked after therefore 6.2.3 is not relevant in this instance.

## Part Six

### Ending of formal and informal kinship care placements

#### **6.1 Formal kinship care placements**

6.1.1 When a formal kinship care placement ends i.e. the child returns home or moves to reside elsewhere, an email must be submitted to: [kinshipcare@northlan.gov.uk](mailto:kinshipcare@northlan.gov.uk) with the following details:

- Date kinship care placement ended
- Reasons for it ending e.g.:
  - Returning home
  - Moved to continuing care agenda,
  - Not looked after and placement ended at 18<sup>th</sup> birthday
- Date locality ceased paying kinship care allowance

6.1.2 Children who are/were previously looked after in a formal kinship care placement (at their 16<sup>th</sup> birthday) and remain in this placement at their 18<sup>th</sup> birthday may be entitled to ongoing support under the continuing care agenda scheme.

6.1.3 The senior social worker should ensure that workers identify relevant children several months in advance of their 18<sup>th</sup> birthday to enable discussion/negotiation to take place with the senior officer for kinship at HQ.

#### **6.2 Informal kinship care placements**

6.2.1 For children in informal kinship care placements, who are subject to kinship care orders, kinship care allowances will cease at their 16<sup>th</sup> birthday as this is when the kinship care order ends, as it is viewed that a child has sufficient capacity to decide residence by the age of sixteen years.

6.2.2 Children in informal kinship care placements are not looked after children and they are not eligible for ongoing support after their 16<sup>th</sup> birthday under section 10 of the Children and Young People (Scotland) Act 2014 but any continuing needs should be met through assessment of need.

#### **6.3 Terminating a kinship carer's approval to care for a specific child (formal and informal kinship care placements)**

6.3.1 Where previous approval to be a kinship carer has been agreed and the person is no longer a kinship carer for the child, or is no longer deemed a suitable person to care for the child, the social worker must complete a memo and submit to the panel requesting that approval to be a kinship carer for NLC be stopped. The memo should outline the reasons for this request and be submitted to:

[kinshipcare@northlan.gov.uk](mailto:kinshipcare@northlan.gov.uk)

This memo will then be submitted to the next panel for discussion and the worker notified of the outcome.

## **6.4 Removal from PVG scheme (formal and informal kinship care placements)**

6.4.1 When a kinship care placement ends, or a person is no longer caring for a child (this could be due to a couple separating, ill health etc.) then the locality must ensure that the PVG scheme is updated to advise that NLC no longer have an interest in that person.

## **6.5 16 to 18 year olds**

6.5.1 For 16 to 18 year olds who are residing in kinship care placements, there may be entitlement to Basic Living Allowance (BLA) or some additional funding for further education etc. and workers should contact the senior officer young people at HQ to discuss what may be available.

## Part Seven

### Additional information

#### **7.2 Death of a child in informal/formal kinship care placement**

7.2.1 Where a looked after child in a formal kinship care placement dies, the kinship carer must immediately inform the locality social worker during normal working hours or social work emergency services worker (SWES) outwith normal working hours.

7.2.2 The locality social work manager or social work emergency service must immediately inform the Manager, Children and Families as the death of a looked after child requires additional notifications to the care inspectorate.

7.2.3 Staff should access, from Connect NL, the following guidance for information:

Reporting requirements where there is social work involvement in respect of:

- The death of a child
- A significant incident involving a child (2010)

7.2.4 If a child in an informal kinship care placement dies, the locality social work manager must notify the Manager, Children and Families. Whilst there is no formal requirement to notify the care inspectorate in these instances, the Manager, Children and Families may decide that additional notifications to for example, the child protection committee may be relevant.

#### **7.3 When a child in a kinship care placement goes missing**

7.3.1 Where a looked after child in a kinship care placement goes missing, the kinship carer must immediately notify the Police and inform the locality social worker during normal working hours or social work emergency services worker (SWES) outwith normal working hours.

#### **7.4 Transfer of kinship care placement between localities within North Lanarkshire**

7.4.1 Where a kinship care placement is transferring between two localities within North Lanarkshire, a review of the kinship care placement involving representatives from both localities should be arranged and the following confirmed:

- Agreement on plan management responsibility
- Agreement that receiving locality will assume responsibility for any financial support being provided.
- Transfer of kinship care payments from one locality budget to another

7.4.2 Social worker at transferring locality must notify their local administration staff of the transfer details to ensure that payments from the transferring locality cease. They should also notify administration staff HQ of transfer by emailing:

- 7.4.3 If issues arise regarding the proposed transfer, these should be highlighted to the agency decision maker, who will discuss with the localities involved.
- 7.4.4 Social worker at the receiving locality must notify their local administration staff of the transfer details to ensure that payments commence.

## **7.5 Transfer of kinship care placements between local authorities**

- 7.5.1 Under the Scottish Government, new rules (2015) if a person has a kinship care order (or a person is intending to apply for a kinship care order) and there has been no previous social work involvement, there was only historical social work involvement and the child has never been looked after, the assessment of eligibility and subsequent payment of kinship care allowances (if approved) is the responsibility of the local authority that the person resides in (as per Section 71 of the Children and Young People (Scotland) Act 2014).
- 7.5.2 If a child is placed by North Lanarkshire Council with a kinship carer in another local authority, the case was then closed to NLC and at some point thereafter, the carer obtained a kinship care order, or is intending to seek a kinship care order, then the assessment of eligibility and subsequent payment of kinship care allowances (if approved) is the responsibility of the local authority that the person resides in.
- 7.5.3 If a child is placed with by NLC, in another local authority, under Section 25 or Section 83 of the Children's Hearing (Scotland) Act 2011, it is the responsibility of NLC to assess the placement and subsequent payment of kinship care allowances (if approved).
- 7.5.4 If the child is placed in placed by NLC under Section 25 and then the person supported by NLC to obtain a kinship care order, it is NLC who retains responsibility for kinship care allowances.
- 7.5.5 If a child is placed by NLC in another local authority under a children's hearing order, as long as NLC remains the implementing authority, NLC will have responsibility for payment of allowances (even if the person caring for the child obtains a kinship care order).
- 7.5.6 If the children's hearing order is transferred from NLC and the local authority the child is resident in becomes the implementing local authority, then the implementing local authority should undertake a kinship care assessment with the view of the child being approved within its kinship care scheme. Generally, this should occur within 3/6 months of the date of the transfer children's hearing. Whilst the assessment is ongoing, NLC will continue to have responsibility for kinship care allowances.
- 7.5.7 Social Work Scotland are currently considering creation of a protocol to cover transfer of kinship care placements between local authorities. When agreed, this will be

circulated. In the meantime, however, staff should contact the senior officer HQ for additional advice and guidance.

## Appendix 1

### Alternative funding sources for new kinship care placements

#### **Scottish Welfare Fund**

When a child is placed in a kinship care arrangement, in the first instance, staff should identify if there are any additional needs created by the placement and how best these additional needs can be met, for example, from the Scottish Welfare Fund (for assistance via a community care grant or crisis grant).

The Scottish Welfare Fund is the successor scheme to Community Care Grants and Crisis Loans (living expenses) under the Social Fund. The Fund is discretionary and is administered by local authorities.

The Scottish Welfare Fund is intended to offer grants or “in kind” support for two purposes;

- Provide a safety net in a disaster or emergency, when there is an immediate threat to health or safety - Crisis Grant
- Enable independent living or continued independent living, preventing the need for institutional care - Community Care Grant

#### **Eligibility criteria**

Grants are available to anyone aged 16 or over and applicants should normally have a low income, for example be in receipt of a benefit such as Income Support, Job Seekers Allowance or Pension Credit.

However, applicants do not have to be in receipt of a benefit to receive a grant. Anyone who has a low income, or does not have access to their money, can apply.

A community care grant will not be awarded if the claimant or their partner has savings of:

- Over £700 if they are below pension age
- Over £1200 if the claimant is above pension age

*Please note: there may be exceptional circumstances in which this rule may not apply, seek advice from welfare rights officer.*

If the claimant is not in receipt of a qualifying benefit, in exceptional Circumstances, the local authority may award a crisis grant only

Applications can be made:  
Telephone: 0300 555 0405  
Downloading the form

Posting to:

Scottish Welfare Fund  
Finance and Customer Services  
PO Box 19078  
Motherwell  
ML1 9DU

Workers should include, within their kinship care assessment, details of applications made to the welfare fund and the outcomes of these applications. Where applications have not been made, workers should include reasons for this in the kinship care assessment.

### **Best Start Grant**

The Best Start Grant is a package of three new Scottish benefits to help parents and carers on low incomes with the costs of having a child in the family. It replaces the Sure Start Maternity Grant for people living in Scotland.

Details of the three Best Start Grant payments are listed below:

- the Pregnancy and Baby Payment (£600 for a first child/ £300 for subsequent children)
- the Early Learning Payment (£250)
- the School Age Payment (£250)

The three payments are one off cash payments and they are grants rather than loans meaning they do not have to be repaid.

**The Pregnancy and baby payment** replaced the Sure Start Maternity Grant in Scotland in December 2018. You cannot qualify for this payment if you have had a Sure Start Maternity Grant for the same child. It is intended to help parents and carers low incomes with the costs associated with pregnancy and having a baby

You are eligible to apply if you are pregnant or looking after a young baby and the claim can be made from the end of the 24<sup>th</sup> week of pregnancy up until the child is 6 months old. This is extended to up until the child's first birthday if you start looking after a child as kinship carer.

If you are aged 18 or over you need to be in receipt of one of the following 'qualifying benefit' to be eligible for the pregnancy and baby payment:

- universal credit
- income support
- income-based jobseeker's allowance
- income-related employment and support allowance
- pension credit
- housing benefit



- child tax credit
- working tax credit

You can be entitled if you were getting universal credit within the last **month** but it has now stopped.

*N.B. If you are aged under 18 you can get a pregnancy and baby payment regardless of whether or not you are in receipt of any of the qualifying benefits.*

If someone has become a kinship carer for a child under one they can be paid the Best Start Grant pregnancy and baby payment providing they satisfy the normal rules of entitlement (i.e. reside in Scotland and are in receipt of a qualifying benefit). A payment can be made even if someone else has already received the pregnancy and baby payment for the same child, as long as that person was not your partner when s/he applied, and the child is not living with that person when you apply.

**The early learning payment** is £250 and to qualify you must live in Scotland and be responsible for a child aged between two and three and half years old. This payment is intended to help with the costs of having a pre-school child for example the costs of day trips, books or toys for home learning.

If you are aged 18 or over you need to be in receipt of a qualifying benefits. The qualifying benefits are the same as those listed above under the pregnancy and baby payment.

You can be entitled if you were getting universal credit within the last **month** but it has now stopped.

*N.B. If you are aged under 18 you can an early learning payment regardless of whether or not you are in receipt of one of the qualifying benefits.*

Usually only one early learning payment can be made for a child who is between two to three and half years old but this does not apply if you have become responsible for the child after someone else (who is not your partner) has received a payment. For example, you are caring for a child as a kinship carer and the child's parent has previously received an early learning payment.

**The school age payment** is £250 and it is intended to help with the costs of having a child who is starting school. To qualify you must, as well as normally living in Scotland and being in receipt of a qualifying benefit, be responsible for a child whose date of birth is between 1 March 2014 and 28 February 2015. You need to claim at the right time depending on the child's date of birth. For children born from 1 March 2014 – 28 February 2015 the claim period is currently open and claims be made any time from 3 June 2019 to 29 February 2020.

The qualifying benefits are the same as those listed above under the pregnancy and baby payment.

*N.B. If you are aged under 18 you can get school age payment regardless of whether or not you are in receipt of one of the qualifying benefits.*

Usually only one school age payment can be made for a child but this does not apply if you have become responsible for the child after someone else (who is not your partner) has received a payment. For example, you are caring for a child as a kinship carer and the child's parent has previously received a school-age payment for the child. **School Age Payment** – a one off payment of £250 to help with the costs of having a child of school starting age

Applications for all three of the Best Start payments can be made online at [mygov.scot](http://mygov.scot)

Alternatively it is possible to apply via the phone by calling 0800 182 2222. Applications forms are also available to download at [mygov.scot](http://mygov.scot) or you can phone Social Security Scotland and ask for one to be posted out. Completed applications can be posted to the following address:

**Social Security Scotland - Best Start Grant**

PO Box 10300

Dundee

DD1 9FU

## APPENDIX TWO

### Informal kinship carers (new rules October 2015)

#### **Informal kinship carers**

##### **Inquiries under new rules (October 2015)**

In October 2015, the Scottish Government introduced new criteria where some relatives or friends can now be considered as informal kinship carers and be entitled to kinship care allowances. This is now included in the 2014 Act.

The 2014 Act introduces a duty on local authorities to provide Kinship care assistance to people with kinship care orders (i.e. those who have a Section 11 Order/Guardianship Order) who reside in their local authority area.

Under the 2014 Act local authorities have a duty to provide assistance to people, residing in the NLC area:

- who have a kinship care order in respect of an eligible child or,
- people who are considering/seeking a kinship care order in respect of an eligible child, and
- to eligible children who are subject of one of these orders

A person has an entitlement to be considered as an informal kinship carer where the following criteria is met:

The person has a Section 11 Residence Order or Guardianship order, in respect of an eligible child, the family reside in the NLC area and the child is or was:

- Previously looked after;
- Placed with involvement from the local authority; or
- At risk of becoming looked after

##### **Special Guardianship Order (English Orders)**

Special Guardianship Orders can only be made in England, however, Section 25 of the Family Law Act 1986 provides that:

*“Where a Part 1 order made by a court IN ANY PART OF THE UNITED KINGDOM is in force with respect to a child who has not attained the age of sixteen then...the order SHALL BE RECOGNISED IN ANY OTHER PART OF THE UNITED KINGDOM as having the same effect in that other part as if it had been made by the appropriate court in that other part and as if that court had had jurisdiction to make it”*

A special guardianship is a “Part 1” order and so must be recognised in Scotland as conferring “parental responsibility” upon the guardian, analogous to section 11 order made in Scotland.

Whilst the special guardianship order must be recognised in Scotland, there is no responsibility for Scotland to assume responsibility for any ongoing financial responsibility that an English authority may currently be providing.

If a looked after child is placed by an English authority with a special guardian, the English authority has responsibility to provide support for three years from date of the order being made, even if the guardian moves to another English authority or Scotland.

if a child, who is not looked after, is placed by an English authority with a special guardian, the English authority the child/special guardian resides in is responsible for assessing the need for support services.

According to the English special guardianship guidance (February 2016) “the assessment and provision of ...financial support will remain the responsibility of the local authority who originally agreed it for as long as the family in question qualify for payments”.

Therefore, in all instances where a special guardianship carer applies for kinship care support in Scotland (unless they hold a recognised Kinship Care Order) they should be directed back to the relevant English authority.

If they have a kinship care order they should submit their request for an initial enquiry as per normal procedures.