



**Haverling**  
LONDON BOROUGH

# **FAMILY AND FRIENDS CARERS' INFORMATION LEAFLET**



## Document Information

<b>Current Version:</b>	V 1.0
<b>Author:</b>	Linda McGrath, Service Manager Children's Care and Support Services
<b>Email:</b>	<a href="mailto:Linda.McGrath@havering.gov.uk">Linda.McGrath@havering.gov.uk</a>
<b>Review Frequency:</b>	Three yearly
<b>Next Review:</b>	1 <sup>st</sup> October 2014

# Contents

## Introduction

### Summary of Legal Options for Family and Friends Carer's

- Informal Kinship Care
- Private Fostering
- Family and Friends Foster Care
- Residence Order
- Special Guardianship Order
- Adoption Order

### Informal Kinship Care

- Who has Parental Responsibility?
- What is the assessment approval process?
- How long can the child/young person live in this arrangement?
- Will there be any supervision of the placement?
- Will the placement be reviewed?
- What services/resources will be available to support the placement?
- Will there be any financial support available?

### Private Fostering

- Who has Parental Responsibility?
- What is the assessment approval process?
- How long can the child/young person live in this arrangement?
- Will there be any supervision of the placement?
- Will the placement be reviewed?
- What services/resources will be available to support the placement?
- Will there be any financial support available?

### Family and Friends Foster Care

- Who has Parental Responsibility?
- What is the assessment and approval process?
- How long can the child/young person live in this arrangement?
- Will there be any supervision of the placement?
- Will the placement be reviewed?
- What services/resources will be available to support the placement?
- Will there be any financial support available?

### Residence Order

- Who has Parental Responsibility?
- What is the assessment and approval process?
- How long can the child/young person live in this arrangement?
- Will there be any supervision of the placement?
- Will the placement be reviewed?
- What services/resources will be available to support the placement?
- Will there be any financial support available?

### Special Guardianship Order

- Who has Parental Responsibility?

- What is the assessment and approval process?
- How long can the child/young person live in this arrangement?
- Will there be any supervision of the placement?
- Will the placement be reviewed?
- What services/resources will be available to support the placement?
- Will there be any financial support available?

#### **Adoption Order**

- Who has Parental Responsibility?
- What is the assessment process?
- How long can the child/young person live in this arrangement?
- Will there be any supervision of the placement?
- Will the placement be reviewed?
- What services/resources will be available to support the placement?
- Will there be any financial support available?

# Introduction

*“Family and friends carers play a unique role in enabling children and young people to remain with people they know and trust if they cannot, for whatever reason, live with their parents”.*

Department of Education 2010

Family and friends carers are relatives, friends and other people with a prior relationship with somebody else’s child, who are caring for him or her full time.

One of the common concerns expressed by family and friends carers is that they are not given clear information about the different legal options, the types of support available to them, details of any financial support available and the kind of social work involvement that will be necessary.

This booklet summarises the London Borough of Havering’s policy and procedures regarding family and friends care. Its primary aim is to give information about the various legal options open to family and friends carers, how family and friends carers can be supported, and where they can access additional advice and support from voluntary organisations that specialise in supporting families.

This booklet is not a comprehensive guide to every aspect of family and friends care and how the local authority works with family and friends carers. A copy of Havering’s policy and procedures on family and friends care is available on request. There may be times when it will be necessary to seek your own legal advice about the best option for your and the child’s situation.

(Wherever the term parent is used, it includes those who may hold parental responsibility but who are not necessarily also a birth parent.)

## Guiding principles for family and friends care

Our principles are based on those contained in the Children Act 1989, the Equality Act 2010 and the United Nations Convention on the Rights of the Child. Whenever we are working with a family, these will be our guiding principles.

The child's welfare is the paramount consideration for all decision making. A child's upbringing is primarily the responsibility of its parents and most children are generally best brought up by their families

Before any decision is made which would affect a child, that child (if they have sufficient understanding), the parents, carers and other relevant interested parties will be consulted and given the opportunity to participate actively in the decision making process, unless to do so would endanger the child. We will strive to work in partnership with the child; the parents, carers and others provided this approach is consistent with the child's welfare.

All children will be treated as individuals. Their opinions should be listened to and all decisions will take account of the wishes and feelings of the child.

London Borough Of Havering will only seek to interfere with a parent's authority to make decisions about where the child lives when it is necessary to safeguard the welfare of the child.

Support will be based on the needs of the child rather than their legal status and will seek to ensure that family and friends carers (whether or not they are approved foster carers) are provided with adequate support to ensure that children do not become, or remain longer than is needed, accommodated by the local authority.

Children living with a family / friend carer will only be 'looked after' in exceptional circumstances. When the child is looked after this will usually be a temporary measure while other factors are addressed.

Not all family / friend carer living arrangements need the support of London Borough Of Havering. The majority are established independently between the child's parent(s) and the family / friend carer. London Borough Of Havering will not become involved with these arrangements unless it is necessary to safeguard and promote the welfare of the child.

## Why does family and friends care matter?

London Borough of Havering bases its assessments on the best available evidence. Nationally, research tells us the following about family and friends care.

- Children living in family and friends care seem to do as well as those in non-related placements (Nixon, 2007).
- Family and friends care appears to provide children with the same level of safety from abuse and neglect as non related foster care – although research in this area is still under-developed (Nixon, 2007).
- Family and friends care makes a positive and undervalued contribution to placement stability (Broad, 2007, Nixon, 2007) and maintaining contact with birth parents and children’s connections with siblings and wider family (Nixon, 2007, Aldgate, 2006, Hunt et al 2008).
- Children in family / friends care living arrangements had far less contact with birth fathers than mothers (Aldgate, 2006, Hunt et al 2008).
- Initially, children in family and friends care living arrangements are slower to reunify with parents than children in non related placements. However, more recent studies suggest that levels of reunification even out over time (Nixon, 2007).
- Children see family and friends care as more ‘natural’ than living with a non-related carer (Nixon, 2007).
- Grandparents are especially committed carers, but this can impact on their health, well being and financial situation (Broad, 2007).
- Where the local authority does need to become involved, robust assessments focusing on risk and resilience, and the provision of appropriate support are vital for family / friends care living arrangements to succeed (Broad, 2007).
- Families are more involved in planning and decision making in family / friends care living arrangements (Nixon, 2007)
- Two studies suggest that between 66% and 85% of family and friends care arrangements are initiated by local authorities (Farmer and Moyers 2006, Hunt et al, 2008).
- Family and friends carers can make a strong contribution to sustaining children’s identity, positive self image and cultural continuity (Broad, 2007, Nixon, 2007).
- Family Group Conferences (FGC’s) have an important role in helping families clarify plans, roles and responsibilities for children living with a family and friends carer (Aldgate, 2006, Hunt et al, 2008).
- Unlike looked after children in non-related placements, social workers were more peripheral in the lives of children living with a family / friends carer (Aldgate, 2006, Hunt et al, 2008).
- Family / friend carers are usually older, financially disadvantaged, with more health problems than the general population or non related carers (Broad, 2007, Nixon, 2007).
- Non related foster carers tend to have more academic knowledge of child development than family and friends carers (Nixon, 2007).

- Grandparents and aunts and uncles (usually on the maternal side) are the principle providers of family and friends care in the UK (DfE, 2010).
- Family / friends carers are more likely to persevere with a difficult placement than non related carers, even when under stress (Broad, 2007).
- Children placed with grandparents are most likely to remain in the family (86%) with those placed with aunts and uncles next (65%) (Broad, 2007).
- Children's behaviour is perceived by family and friends carers to be less of a problem. Family and friends carers may have a more optimistic view or be less likely to report problems than non related foster carers (Nixon, 2007).
- Most children in family and friends care, that the local authority is involved with, have some degree of emotional and behavioural problems (Nixon, 2007).
- Children in family and friends care living arrangements are far more likely to have a relationship with their carers prior to placement, and that relationship is more likely to continue into adulthood (Nixon, 2007).
- When children in care move, those placed with a family and friend carers are more likely to move to live with another relative than those in non-related foster care (Nixon, 2007).
- Children in family and friends care appear to maintain a wider set of relationships and connections to their family and community than those in non related foster care (Nixon, 2007) – although another study suggests that this network is smaller than those children living with a parent (especially if the family / friend carer is a sole grandparent) (Hunt et al 2008).
- Educational problems for children in family and friends care are similar for children in non related foster care (Nixon, 2007).
- Children in a family and friend living arrangement are more likely to report that they are satisfied with their care than those in non-related care (Nixon, 2007) – including reporting feeling safe and trusting their carers (Hunt et al 2008).
- Children and extended families participate in day-to-day decision making far more with family and friend care living arrangements (Nixon, 2007).
- Children in family and friends care arrangements (outside of the looked after system) are more likely than those in non-related foster care, to grow up in material and financial poverty, which has a significant impact on their health and well-being (Nixon, 2007).

# Overview of Options for Family and Friends Carers

## **Informal Kinship Care**

This is an arrangement made directly between the parent(s) and the carer. An informal kinship carer can be a friend or relative or someone else with a prior relationship with the child. The child is not a looked after child under this arrangement.

## **Private Fostering**

This is a private arrangement whereby a child (under 16, or under 18 if disabled), is being cared for, for 28 days or more (or the intention is that the arrangement will last for 28 days or more), by anyone who is not a close relative and who does not have parental responsibility. A close relative means grandparent(s), brother(s), sister(s), uncle or aunt (by full blood, half blood or by marriage or civil partnership) or a step parent(s). A private foster carer may be a friend of the family, the parent of a friend of the child, or someone previously unknown to the child's family who is willing to privately foster a child. The period for which the child is cared for and accommodated by the private foster carer should be continuous, but that continuity is not broken by the occasional short break

The child is not a looked after under this arrangement.

## **Family and Friends Foster Care**

If a child is no longer able to live with their birth family, and becomes a looked after child, the Local Authority has a duty to give preference to a placement with a relative, friend or other person connected with the child, as long as this promotes the child's welfare.

When difficulties arise, families may need support to help them to identify resources available to them, with the potential to enable children to remain within the extended family. Family Group Conferences (FGC's) will be considered as an effective method of engaging the support of the wider family and friends at an early stage of concerns about a child who may not be able to live with their parents. FGC's promote the involvement of the wider family in the decision making processes and helps identify extended family or friends who may be able to offer a placement for the child.

If the child is looked after, the Local Authority must approve the relative or friend as a local authority foster carer.

The child may be looked after voluntarily with the agreement of those holding Parental Responsibility, or may be looked after and subject to a care order.

For more permanent arrangements for family and friends care the three following options can be considered:

## **Residence Order**

A Residence Order is an order from the court to say who a child should live with.

Relatives/Friends can apply for a Residence Order whether or not the child has been 'looked after'.

The law enables relatives to apply for a Residence Order after having the child living with them for one year. For some older children, or those for whom adoption is not appropriate, a Residence Order may be the best option.

### **Special Guardianship Order**

Special Guardianship is applicable for a child of any age, unaccompanied minors where there are significant links with the birth family or where the birth family cannot be found. The eligibility criteria to be a Special Guardian are that the person is:

- a guardian of the child
- anyone currently holding a residence order
- a relative with whom the child has lived for one year
- a person with the consent of those who hold a residence order
- a person with the consent of the local authority, where child is in local authority care
- a person with the consent of those with Parental Responsibility
- a local authority foster carer with whom the child has lived for one year preceding the application

Special Guardianship does not completely break the legal link with the child's parent(s). However, it does mean that the Special Guardian can take significant decisions about the child and their upbringing, without having to consult with the child's parent(s).

### **Adoption Order**

Relatives, friends and private foster carers can apply to adopt a child they have been caring for, when the child has lived with them for a total of 3 years out of 5 years. If you don't satisfy this requirement, it is possible to apply for an adoption order if the court gives leave for this.

A friend or relative who is a local authority approved foster carer can apply for an adoption order after caring for a child for a year.

Unless the child has been placed with you by an adoption agency, applicants must notify the local authority for the area where they live of their intention to apply for an Adoption Order. An Adoption application cannot be made until at least 3 months after the notification is received.

## Informal Kinship Care

This is an arrangement made directly between the birth parent(s) and the informal kinship carer. An informal kinship carer can be a friend or relative or someone else with a prior relationship with the child.

The child is not a looked after child under this arrangement.

### **Who has Parental Responsibility?**

Parental Responsibility remains with the birth parent(s). The informal kinship carer is allowed to do what is reasonable to safeguard and promote the child's welfare.

### **What is the assessment and approval process?**

There is no 'approval' process. This is an arrangement made by the child's parent(s). It is the child's parent(s) who make the decision about where the child will live.

However, the local authority may need to assess the child under Section 17 of the Children Act 1989 to see if they meet the criteria as a 'child in need'. This assessment is called a 'core assessment' and will assist the parent(s)/those who hold Parental Responsibility to make a decision about who is most suitable for the child to live with.

If the arrangement is not with a close relative this may be seen as a Private Fostering arrangement. (please see section on Private Fostering)

The assessment will also be used to consider if the child meets the criteria to receive any support/services as a child in need.

### **How long can the child/young person live in this arrangement?**

For as long as the parent(s) are in agreement.

### **Will there be any supervision of the placement?**

It is the responsibility of the parent(s) to ensure that the child is being looked after properly.

### **Will the placement be reviewed?**

No.

### **What services/resources will be available to support the placement?**

Depending on the outcome of the assessment, Social Services have the discretion to provide support services under Section 17 of the Children Act 1989. The types of support/ services that are available are:

- A social worker or other worker from Social Services may visit the child and their informal kinship carers – although the carers will not have access to a separate social worker.
- The child may be offered access to an advocacy service.
- Support services for the family may be offered to the informal kinship carers and/or child, but this is discretionary.

- Local authorities have the power under Section 17 to give financial support towards accommodation costs where this is assessed to be the most appropriate way to safeguard and promote the child's welfare.
- There is no entitlement to leaving care support for the child once they reach age 16 years.
- Any support offered will cease on the young person's 18th birthday, unless the young person has already acquired entitlement to support as a care leaver from having previously been looked after or criteria is met for support from adult services.

### **Will there be any financial support available?**

Financial responsibility to maintain the child remains with the parent(s).

Informal kinship carers can claim child benefit and if applicable child tax credit and disability living allowance if these are not being paid to the parent.

Guardians allowance may be payable in certain circumstances (if both parents have died, or the only surviving parent cannot be found, or has 2 years or more left of a prison sentence).

The local authority has discretion to consider financial assistance (which can be on the basis of regular payments), but there is no entitlement to financial support under Section 17, and from April 2011 any Section 17 payments will be taken into account by the Benefits Agency as part of the means testing process. Where financial support is offered, a written agreement will be drawn up detailing the level and duration of the support that is to be provided, and the mechanism for review, to ensure that all parties are clear about the arrangements.

The local authority considers the level of support to be provided to an informal kinship carer, based on the information provided to them by the social worker about the informal kinship carer's circumstances.

# Private Fostering

This is a private arrangement whereby a child (under 16 years old, or under 18 if disabled), is being cared for, for 28 days or more (or the intention is that the arrangement will last for 28 days or more), by anyone who is not a close relative and who does not have parental responsibility. A close relative means grandparent(s), brother(s), sister(s), uncle or aunt (by full blood, half blood or by marriage or civil partnership) or a step parent(s).

The child is not a looked after child under the arrangement. However, private foster carers must give the Local Authority at least 6 weeks' written notice of their intention to foster a child privately. If you are already caring for a child who is privately fostered, you must notify the Local Authority within 48 hours of the date of receiving this booklet.

Sometimes, an informal kinship carer can also be a private foster carer. E.g. a family friend or distant relative (like a cousin).

## **Who has Parental Responsibility?**

Parental Responsibility remains with the parent(s).

## **What is the assessment and approval process?**

The Local Authority has a legal duty to check whether or not the arrangements are suitable. The Private Fostering Social Worker will visit the private foster carer, the child and the parent(s) to discuss the arrangements. The social worker will complete an assessment and carry out reference checks with the police, probation service, local council, GP and education authority.

The assessment will involve the social worker visiting the private foster carer at home and discussing a range of issues including their background and upbringing, parenting experience, relationships, support networks, the suitability of the accommodation, their health, financial situation and their relationship with the family of the child being privately fostered.

The social worker will write a report based on the information shared with them, and will be presented to the Carers Panel for consideration; the Local Authority will then make a decision about their suitability to be a private foster carer.

If the placement is agreed, then a written agreement should be drawn up between the private foster carer and the parent(s) to make it clear who is responsible for what.

## **How long can the child/young person live in this arrangement?**

For as long as the parent(s) and as long as the Local Authority continue to agree that the carer is suitable to be a private foster carer.

## **Will there be any supervision of the placement?**

Yes. The Local Authority has a duty to visit children who are privately fostered at a minimum of every 6 weeks in the first year, and then every 12 weeks after that.

## **Will the placement be reviewed?**

Yes. A review of the plan for the child has to take place at least annually, and in some cases 6 monthly.

### **What services/resources will be available to support the placement?**

As part of the assessment report the private foster carer's needs should be identified and a plan of how these will be met drawn up. Where appropriate, private foster carers will be able to access existing training available to other foster carers. Private foster carers will also be helped to access universal services, such as children's centres.

The private fostering social worker will provide information to private foster carers about the advice and support that is available from the Local Authority and from other agencies. Where appropriate, and with the private foster carer's agreement, a referral will be made to other agencies. Where there is an identified need for support, which is not available from other agencies, consideration needs to be given as to whether this support should be provided by the Local Authority under section 17 of the Children Act 1989.

### **Will there be any financial support available?**

Any financial arrangements are made between the private foster carer and the parent(s) and will not involve the Local Authority. These arrangements should be included in the written agreement so that everyone is clear about what has been agreed.

In exceptional circumstances, additional financial support may be available to support the child under Section 17 of the Children Act 1989. This is at the discretion of the Local Authority. Private foster carers may be able to claim child benefit and if applicable child tax credit and disability living allowance, if these are not being paid to the parent(s). Where financial support is offered, a written agreement will be drawn up detailing the level and duration of the support that is to be provided, and the mechanism for review, to ensure that all parties are clear about the arrangements.

If private foster carers are already claiming any benefits, including child benefit, they will need to inform the Department for Work and Pensions (DWP) that they are privately fostering a child. They should also let the DWP know about any money they are receiving for private fostering.

**For more information about private fostering ask Social Services for a copy of the booklet - Information and Advice for private foster carers.**

## Family and Friends Foster Care

If a child is no longer able to live with their birth family, and becomes a looked after child, the Local Authority have a duty to give preference to a placement with a connected person (relative, friend or other person with a prior relationship with the child), as long as this promotes the child's welfare, this may be identified through a Family Group Conference or by the parent(s).

As the child is looked after, Local Authority must assess and approve the relative or friend as a local authority family & friend foster carer under the 2011 Fostering Services (England) Regulations or temporarily approve as foster carers under the 2010 Regulations.

The child may be looked after voluntarily with the agreement of the parent(s) or may be looked after and subject to a care order/emergency protection order.

### **Who has Parental Responsibility?**

If the child is looked after voluntarily, under Section 20 of the Children Act 1989, parental responsibility remains with the parent(s) before the child was looked after. If the child is subject to a care order or emergency protection order, the Local Authority share parental responsibility with those who held it before the child was looked after.

### **What is the assessment and approval process?**

If a child is looked after by the Local Authority, placements can be made on a temporary basis if the placement is urgent as long as the local authority is satisfied that the placement is suitable for the child and that the placement cannot wait until the approval process has been completed. On the successful completion of a viability assessment and checks the family and friends carers may be immediately approved as a local authority foster carer for a period not exceeding 16 weeks.

This period of time has been set to allow sufficient time for a full Family & Friends assessment to be undertaken, including criminal record bureau checks, references, and medicals.

An assessment of the friends/relatives capacity to care for the child will be completed by the Fostering Team. This is a rigorous process that involves a number of visits to the family/friends home and the completion of the BAAF Form C. This goes into detail about things like their background and childhood, previous and current relationships/marriage, support networks, experience as a parent(s), their relationship with the child's family and other relevant issues such as the suitability of the accommodation.

They will need to provide details of their income and names of people who are prepared to act as referees for them.

Once the assessment is complete, the fostering worker will make a recommendation to the Carers Panel. Prospective family & friends foster carers will be invited to attend the Carers Panel. The Carers Panel makes a recommendation to the Local Authorities Decision Maker, who has the final decision about whether or not someone is approved as a foster carer.

### **How long can the child/young person live in this arrangement?**

A temporary arrangement can continue for 16 weeks, with a possible one extension of 6 weeks, after this without approval, the placement is seen as an illegal placement and the child would have to be removed.

For approved Family & Friends Carers, the placement can continue as long as the local authority considers the placement meets the child's needs and is in line with the care plan.

**Will there be any supervision of the placement?**

Yes. The Local Authority has a duty to visit looked after children. The child's social worker will visit the child within the first week of the child being placed, then at least every 6 weeks.

You will have a supervising social worker who will visit you at least 6 weekly. The supervising social worker will explain the process of annual reviews of family & friends foster carers' approval, and how family & friends foster carers are offered opportunities for training and development

**Will the placement be reviewed?**

Yes. The Local Authority has a duty to review a looked after child's care plan within 28 days of the child becoming looked after, then within the next 3 months and then every 6 months until the child is no longer looked after.

**What services/resources will be available to support the placement?**

As approved family & friends foster carers you will be supported by a supervising social worker who will visit on a regular basis. Family & friends foster carers are required to attend training courses and will be offered the opportunity to attend support groups.

The child will receive support for their health and education needs. The child's social worker will discuss with you what services/resources you or the child may need to ensure the child's needs are met in the placement.

An older looked after child may be eligible for leaving care support services.

**Will there be any financial support available?**

Yes. A weekly maintenance allowance is payable, fortnightly, to meet the costs of caring for the child. The family & friends allowances are reviewed annually. A written agreement will be drawn up detailing the level and duration of the support that is to be provided, and the mechanism for review, to ensure that all parties are clear about the arrangements.

Child benefit and child tax credit **can not** be claimed by family & friends foster carers.

# Residence Order

A Residence Order is an order from the court to say who a child should live with. Relatives/Friends can apply for a Residence Order whether or not the child has been 'looked after'. The law enables relatives to apply for a Residence Order after having the child living with them for one year. For some older children, or those for whom adoption is not appropriate, a Residence Order may be the best option.

## **Who has Parental Responsibility?**

This is shared between the parent(s) and those to whom the Residence Order was given. However, the person with the Residence Order can make decisions to safeguard and protect the child and meet their day-to-day needs, without needing the permission of the child's parent(s).

## **What is the assessment and approval process?**

Applications for a Residence Order are made through the court. There will be an assessment of the applicant's suitability and how well they could meet the child's needs. The wishes and feelings of the child and their parent(s) will be taken into account.

If the Local Authority had previous involvement with the child or the child is looked after, they will be asked to carry out the assessment. If not, a CAFCASS (the Children and Family Court Advisory and Support Service) officer will undertake the assessment.

## **How long can the child/young person live in this arrangement?**

A Residence Order lasts until the child is 16, although in exceptional circumstances the court can order it to continue until the child is 18.

## **Will there be any supervision of the placement?**

No.

## **Will the placement be reviewed?**

No. However, if a residence order allowance is agreed by the Local Authority, this will be reviewed on an annual basis.

## **What services/resources will be available to support the placement?**

There is no automatic entitlement to support but the Local Authority has the discretion to provide services/support for the child/family under Section 17 of the Children Act 1989, if the child meets the criteria as a child in need. This will be discussed during the assessment.

## **Will there be any financial support available?**

There is no entitlement to financial support, but the local authority has the discretion to pay a residence order allowance for those children who were previously looked after. This will be discussed during the assessment, and any financial support will be means tested. Where financial support is offered, a written agreement will be drawn up detailing the level and duration of the support that is to be provided, and the mechanism for review, to ensure that all parties are clear about the arrangements. Child benefit will be payable and if applicable, child tax credit and disability living allowance.

# Special Guardianship Order

The Adoption and Children Act 2002 amended the Children Act 1989 introducing Special Guardianship Orders.

Special Guardianship is applicable for a child of any age, unaccompanied minors where there are significant links with the birth family, or where the birth family cannot be found.

The eligibility criteria to be a Special Guardian are that the person is:

- a guardian of the child
- anyone currently holding a residence order
- a relative with whom the child has lived for one year
- a person with the consent of those who hold a residence order
- a person with the consent of the local authority, where child is in local authority care
- a person with the consent of those with parental responsibility
- a local authority foster carer with whom the child has lived for one year preceding the application

Special Guardianship does not completely break the legal link with the child's parent(s). However, it does mean that the Special Guardian can take significant decisions about the child and their upbringing.

It is advised that independent legal advice is sought.

## **Who has Parental Responsibility?**

Parental responsibility is shared between those who held parental responsibility before the Special Guardianship Order was made and those to whom the Special Guardianship Order is given.

Special Guardians can exercise parental responsibility to the exclusion of all others who share it. This means they can make most major decisions about the child's upbringing. They will need to get the consent of those they share parental responsibility with for some medical situations, and cannot change the child's surname.

## **What is the assessment and approval process?**

If someone intending to apply to a court for a Special Guardianship Order they must give the local authority 3 months written notice, unless the child is looked after and Special Guardianship is part of the Care Plan.

A leaflet on 'Special Guardianship' will be available from the Adoption Team.

Once an application is made to the court for a Special Guardianship Order, the local authority will be asked to make an assessment and prepare a report.

An Adoption social worker and the child's social worker will complete the report. The report will include details about the child and their family, details about the carer and their family, their background and childhood experiences, their experience as a parent(s), and relationship with the child's family.

Checks will also be made with the Police, Probation, Criminal Records Bureau, employers, GP, health and education.

They will need to give details of their financial situation, and the names of people who are willing to be referees.

Once the social worker has completed their assessment, they will make a recommendation to the court about the appropriateness of the Special Guardianship Order. The final decision about whether or not a Special Guardianship Order is granted lies with the court.

**How long can the child/young person live in this arrangement?**

Until the child is 18, unless the order is varied or discharged by the court before the child is 18.

**Will there be any supervision of the placement?**

No.

**Will the placement be reviewed?**

No. However, there will be an annual review of the special guardianship allowance if one has been agreed.

**What services/resources will be available to support the placement?**

An assessment of support needs must legally be made during the preparation of the report for court, for all children who are looked after prior to the making of a Special Guardianship Order. A Special Guardianship Support Plan will be drawn up.

It is discretionary whether or not the local authority carries out an assessment where the child was not looked after prior to the Special Guardianship Order being made.

At the age of 16, a young person who was looked after prior to the making of a Special Guardianship Order becomes eligible for the provisions of the Leaving Care Act, as a 'Qualifying Person'.

**Will there be any financial support available?**

This will be discussed with you during the assessment. A means tested special guardianship allowance is payable in certain circumstances for children who were looked after prior to the Special Guardianship Order being made. The child will need to meet the criteria in the Special Guardianship Regulations.

Where financial support is offered, a written agreement will be drawn up detailing the level and duration of the support that is to be provided, and the mechanism for review, to ensure that all parties are clear about the arrangements.

You may be able to claim child benefit and if applicable, child tax credit and disability living allowance, if these are not being paid to those who share Parental Responsibility with you. If you receive benefits, receiving a special guardianship allowance may affect your benefits, and it would be advisable to seek advice about this

# Adoption Order

Relatives, friends and private foster carers can apply to adopt a child they have been caring for, when the child has lived with them for a total of 3 out of 5 years. However, if this is not the case, it is possible to apply for an adoption order if the court gives leave for this.

A friend or relative who is a local authority approved foster carer can apply for an adoption order after caring for a child for a year.

Unless the child has been placed by an adoption agency, applicants must notify the local authority for the area where they live of their intention to apply for an Adoption Order. An Adoption application cannot be made until at least 3 months after the notification is received.

## **Who has Parental Responsibility?**

Parental responsibility is transferred to the adopters when the adoption order is made. Parental responsibility is not shared with anyone else.

## **What is the assessment and approval process?**

When friends, relatives or private foster carers apply to a court to adopt a child they have been caring for, the court asks the local authority to prepare a report for the court about the applicant's suitability to adopt the child, and whether adoption is in the best interests of the child.

This will involve visits from an adoption social worker, and discussion about various aspects of their relationships, family life, support network and relationship with the child's family.

They will need to give details of their financial situation, and the names of people who are willing to be referees.

If the child you are caring for is a looked after child (this means the carer will have to be an approved foster carer) and they want to adopt the child, the process is different to adopting a non-looked after child or a child who has not been placed by an adoption agency. The fostering social worker will be able to advise about what steps are needed.

## **How long can the child/young person live in this arrangement?**

It is a permanent lifelong relationship.

## **Will there be any supervision of the placement?**

There is no duty to supervise the placement. However, the court hearing the adoption application would expect the carer to allow the local authority to have sufficient opportunities to observe the child at home, in order for the local authority to be able to complete the required report for the court hearing.

## **Will the placement be reviewed?**

No.

## **What services/resources will be available to support the placement?**

Other than counselling, advice and information, there is no automatic entitlement to post adoption support when a child who has not been a 'looked after child' or a child who has not been placed by an adoption agency is adopted. A request can be made that the local authority assesses for support services, but it is at the discretion of the local authority whether or not services are provided.

**Will there be any financial support available?**

There is no automatic entitlement to financial support, but adopters can request to be assessed for financial support.

It is also advisable to seek advice about what state benefits may be available.

## Family Group Conferences

When difficulties arise, families may need support to help them to identify resources available to them with the potential to enable children to remain within the extended family. Family Group Conferences (FGCs) are offered by London Borough of Havering as an effective method of engaging the support of wider family and friends at an early stage of concerns about a child who may not be able to live with their parents. They promote the involvement of the wider family in the decision-making process to achieve a resolution of difficulties, and offer a way of ensuring that all resources within the family's wider social networks have been engaged for the benefit of the child.

The child is directly involved in the process, and the family plan that is devised must take account of any stipulations made by London Borough of Havering for it to be agreed. Every family is unique, with its own culture, personalities, inter-personal dynamics and history. All families come up against problems from time to time. Some family difficulties involving children can be sorted out relatively easily with help from relatives and friends; and some require additional support from health services, children's services departments and/or other agencies. FGCs are a way of enabling families to work together to make the best plan possible for their children taking account of any identified child welfare concerns.

The primary decision makers at an FGC are the family members rather than the professionals. It is here that the mother, father and other family members get together with the child or young person to talk, make plans and decide how to resolve the situation.

FGCs aim to empower families with a view to:

- making sure that the child or young person will live in a safe environment and be allowed to develop as an individual;
- providing an opportunity for the family to develop solutions to their current problems, drawing on their knowledge and experience to decide what is best for the child or young person; and
- encouraging the child or young person to take part in the decisions that directly affect them.

If a child becomes looked after, perhaps following an emergency, without an FGC having been held then an FGC will be considered as soon as possible. A conference at this stage will be a useful way to identify family members or friends who may be able to offer a placement for the child as a foster carer, or to provide a safe route out of care for children who are unable to return to their parents' care.

## Complements and complaints

We welcome comments, compliments, and complaints so that we can learn and improve local services. Your feedback would be of great value to us on the services that our staff provide. If you have received an effective or excellent service please tell us. Your contribution helps us to plan services and understand what works for our customers. Should you wish to make a complaint, you have a right to have your complaint investigated and to receive a full and prompt reply. Should you need help with the complaints process we will always try to find someone to support and assist you.

Parents and carers can comment, compliment and complain by:

- Telephoning the Complaints Receiving Officer on 01708 433038
- By filling in the form at the back of the complaints leaflet (available on request - alternative languages and formats available)
- Faxing in your comment, compliment or complaint to 01708 434114
- Email your comments, compliments, complaint to [social\\_services\\_complaints@havering.gov.uk](mailto:social_services_complaints@havering.gov.uk)

Children and young people can make a comment, complaint or a compliment to London Borough of Havering by:

- Telephoning and speaking to the complaints Officer on 01708 433038
- Writing to the Complaints Officer, London Borough of Havering, Children and Young People's Services Complaints Section, 8<sup>th</sup> Floor, Mercury House, Mercury Gardens, Romford, Essex, RM1 3SL
- Emailing us at: [social\\_services\\_complaints@havering.gov.uk](mailto:social_services_complaints@havering.gov.uk)

Further details are available at: <http://www.havering.gov.uk/pages/complaintsprocedure.aspx>

## Caring for somebody else's child – summary of options

	Private Fostering	Family Care (Informal)	Family & Friends Care	Unrelated Foster Care	Residence Order	Special Guardianship Order (SGO)	Adoption
<b>Route into the caring arrangement</b>	<p>This is a private arrangement where the child is being cared for for 28 days or more by anyone who does not have parental responsibility and who is not a close relative</p> <p>The child is not looked after.</p>	<p>The relative has chosen to take on the care of the child but does not have parental responsibility and the arrangement was not made by a local authority.</p> <p>The child is not looked after.</p>	<p>The child has been placed with the family /friend by London Borough of Havering.</p> <p>The child may be in care voluntarily with the agreement of the parents or may be subject to a care order.</p> <p>The child is a looked after child so the local authority must assess the family/ friends as potential foster carers</p>	<p>The child is looked after and has been placed with a foster carer by London Borough of Havering.</p>	<p>The child may be at risk of becoming “looked after” and a friend or relative applies for an order</p> <p><b>or</b></p> <p>The child may have been looked after and their foster carer or other family/friend applies for an order</p> <p><b>or</b></p> <p>Benign reasons e.g. after parents death and in line with a prior agreement between the birth parents and the carer.</p> <p>The application to the court can be made without the support of the parents or London Borough of Havering. Relatives may apply for an order after the child has lived with them for a one year.</p>	<p>The LA may decide that a looked after child should be placed for adoption. They can only do so with the consent of the birth parent or under a placement order made by the court.</p> <p>An approved foster carer can apply for an adoption order after one year of caring for the child.</p> <p>Other informal carers could apply for an adoption order if the child has lived with the carer for a period of 3 years or more.</p>	

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

	Private Fostering	Family Care (Informal)	Family & Friends Care	Unrelated Foster Care	Residence Order	Special Guardianship Order (SGO)	Adoption
<b>Duration</b>	Subject to discretion of person with PR and readiness of private foster carer	Subject to discretion of person with PR	So long as placement remains in line with child's care plan as determined by LA		Age 18	Age 18 unless varied or discharged by the court before the child's 18 <sup>th</sup> birthday	Permanent lifelong relationship
<b>Placement supervision</b>	It is not a placement but there are statutory visits to child by a social worker (min 6 weekly in 1 <sup>st</sup> year then 12 weekly)	None	Statutory visits to child by social worker and supervision of foster carers by supervising social worker		None	None	When child is placed for adoption by London Borough of Havering the placement is supervised and there are statutory reviews. Once the adoption order is made there is no further supervision
<b>Review of placement</b>	It is not a placement but the LA may do formal reviews in addition to on-going assessment during visits	None	Statutory reviews of child's care plan (min 6 monthly) and annual reviews of LA foster carers approval		None	None	See above

	Private Fostering	Family Care (Informal)	Family & Friends Care	Unrelated Foster Care	Residence Order	Special Guardianship Order (SGO)	Adoption
<b>Support services</b>	Provision of advice and support as determined necessary by London Borough of Havering which may assess the child as a child in need, with a child in need plan and provide services/support for child/family	No entitlement by the LONDON BOROUGH OF HAVERING may assess the child as a child in need with a child in need plan and provide services/support for child/family	Support to meet child's needs including health plan and personal education plan.  Training and practical support to foster carers in accordance with the Fostering Regulations, NMS and CWDC standards  Young person may be entitled to leaving care support services		No entitlement (but LA has discretion to provide services/support for child/family)	If child was looked after prior to making the SGO the London Borough of Havering must assess for need for special guardianship support services. the London Borough of Havering has discretion whether to provide support.  Young person may be entitled to leaving care support services if child was looked after prior to the SGO	Entitlement to assessment for adoption support services, which may be provided at discretion of the London Borough of Havering in accordance with regulations and National Minimum Standards
<b>Financial support-entitlements</b>	Can claim child benefit and child tax credit if not being paid to parent  Financial responsibility to	Can claim child benefit and child tax credit if not being paid to parent.  Financial responsibility to	Child benefit and child tax credit not payable.  Weekly allowance to meet the cost of caring for the child. This should meet at least the national minimum rate set by DfE. Allowances are the same for all foster carers, whether or not family and friends.		Can claim child benefit and child tax credit if not being paid to parent.		Can claim child benefit and child tax credit if not being paid to parent.  Entitlement to assessment for

	Private Fostering	Family Care (Informal)	Family & Friends Care	Unrelated Foster Care	Residence Order	Special Guardianship Order (SGO)	Adoption
	maintain the child remains with the holders of PR	maintain the child remains with those holding parental responsibility  Guardians allowance payable if both parents have died or the only surviving parent cannot be found or serving 2 years or more prison sentence					financial support (part of adoption support) if child looked after prior to order.
<b>Financial support - discretionary</b>	The London Borough of Havering has discretion to make one off or regular payments under S17 CA	The London Borough of Havering has discretion to make one off or regular payments under S17 CA	The London Borough of Havering has discretion to make one off or regular payments under S17 CA		London Borough of Havering has discretion to pay a residence order allowance – usually if child was previously fostered by the carers or exceptionally if making residence	Entitled to an assessment for financial support if the child was looked after prior to order and meets the criteria in the SGO regulations  One off payments or regular allowance may be paid	Subject to assessment one off payments or regular adoption allowance may be paid

	Private Fostering	Family Care (Informal)	Family & Friends Care	Unrelated Foster Care	Residence Order	Special Guardianship Order (SGO)	Adoption
					order prevents child becoming looked after. Allowance is reviewed annually		

# Useful Organisations and Information for Family and Friends Carers

## Action for Prisoners' Families

Works to reduce the negative impact of imprisonment on prisoners' families. Produces publications and resources, and provides advice, information and training as well as networking opportunities.

[www.prisonersfamilies.org.uk](http://www.prisonersfamilies.org.uk)

Unit 21, Carlson Court 116 Putney Bridge Road London, SW15 2NQ

Tel: 020 8812 3600

E-mail: [info@actionpf.org.uk](mailto:info@actionpf.org.uk)

Advice line: 0808 808 2003

[info@prisonersfamilieshelpline.org.uk](mailto:info@prisonersfamilieshelpline.org.uk)

## Addaction

Offers a range of support developed for families and carers affected by substance misuse.

[www.addaction.org.uk](http://www.addaction.org.uk)

67-69 Cowcross Street London EC1M 6PU

Tel. 020 7251 5860

Email: [info@addaction.org.uk](mailto:info@addaction.org.uk)

## Adfam

Works with families affected by drugs and alcohol, and supports carers of children whose parents have drug and alcohol problems.

[www.adfam.org.uk](http://www.adfam.org.uk)

25 Corsham Street, London N1 6DR

Tel: 020 7553 7640

Email: [admin@adfam.org.uk](mailto:admin@adfam.org.uk)

## Advisory Centre for Education (ACE)

Offers free independent advice and information for parents and carers on a range of state education and schooling issues, including admissions, exclusion, attendance, special educational needs and bullying.

[www.ace-ed.org.uk](http://www.ace-ed.org.uk)

1c Aberdeen Studios, 22 Highbury Grove, London N5 2DQ

General advice line: 0808 800 5793

Exclusion advice line: 0808 800 0327

Exclusion information line: 020 7704 9822 (24hr answer phone)

## BeGrand.net

Website offering information and advice to grandparents, plus online and telephone advice.

[www.begrand.net](http://www.begrand.net)

Helpline: 0845 434 6835

### **British Association for Adoption and Fostering (BAAF)**

Provides information and advice about adoption and fostering and publishes resources.

[www.baaf.org.uk](http://www.baaf.org.uk)

Tel: 020 7421 2600

Email: [mail@baaf.org.uk](mailto:mail@baaf.org.uk)

### **Children's Legal Centre**

Provides free independent legal advice and factsheets to children, parents, carers and professionals.

[www.childrenslegalcentre.com](http://www.childrenslegalcentre.com)

University of Essex Wivenhoe Park Colchester Essex CO4 3SQ

Tel: 01206 877 910

E-mail: [clc@essex.ac.uk](mailto:clc@essex.ac.uk)

Child Law Advice Line: 0808 802 0008

Community Legal Advice - Education: 0845 345 4345

### **Citizens Advice Bureaux**

Helps people resolve their legal, money and other problems by providing free, independent and confidential advice through local bureaux and website.

[www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)

### **Department for Education**

Lists details of telephone help lines and online services to provide information, advice and support on a range of issues that parents and families may face in bringing up children and young people.

[www.education.gov.uk/childrenandyoungpeople/families](http://www.education.gov.uk/childrenandyoungpeople/families)

### **Family Fund Trust**

Helps families with severely disabled or seriously ill children to have choices and the opportunity to enjoy ordinary life. Gives grants for things that make life easier and more enjoyable for the disabled child and their family.

[www.familyfund.org.uk](http://www.familyfund.org.uk)

4 Alpha Court Monks Cross Drive York YO32 9WN

Tel: 0845 130 4542

Email: [info@familyfund.org.uk](mailto:info@familyfund.org.uk)

### **Family Mediation Helpline**

Provides information and advice about family mediation services and eligibility for public funding

[www.familymediationhelpline.co.uk](http://www.familymediationhelpline.co.uk)

Tel: 08456 026627

### **Family Rights Group (FGR)**

Provides advice to parents and other family members whose children are involved with or require children's social care services because of welfare needs or concerns. Publishes resources, help to develop support groups for family and friend carers, and runs a discussion board

[www.frg.org.uk](http://www.frg.org.uk)

Second Floor, The Print House, 18 Ashwin Street, London E8 3DL

Tel: 020 7923 2628

Advice Line: 0800 801 0366

Email: [advice@frg.org.uk](mailto:advice@frg.org.uk)

### **The Fostering Network**

Support foster carers and anyone with an interest in fostering to improve the lives of children in care. Publishes resources and runs Fosterline, a confidential advice line for foster carers including concerns about a child's future, allegations and complaints, legislation and financial matters

[www.fostering.net](http://www.fostering.net)

Email: [infor@fostering.net](mailto:infor@fostering.net)

Tel: 020 7620 6400

Fosterline: 0800 040 7675

Email: [fosterline@fostering.net](mailto:fosterline@fostering.net)

### **The Grandparents' Association**

Supports grandparents and their families, especially those who have lost or are losing contact with their grandchildren because of divorce, separation or other family problems, those caring for their grandchildren on a full-time basis, and those with childcare responsibilities for their grandchildren.

[www.grandparents-association.org.uk](http://www.grandparents-association.org.uk)

Moot House The Stow Harlow Essex CM20 3AG

Tel: 01279 428040

Helpline: 0845 434 9585

Welfare benefits advice and information: 0844 357 1033

Email: [info@grandparents-association.org.uk](mailto:info@grandparents-association.org.uk)

### **Grandparents Plus**

Champions the role of grandparents and the wider family in children's lives especially when they take on the caring role in difficult family circumstances

18 Victoria Park Square, Bethnal Green, London E2 9PF

Tel: 020 8981 8001

Email: [info@grandparentsplus.org.uk](mailto:info@grandparentsplus.org.uk)

### **London Borough of Havering**

[www.havering.gov.uk](http://www.havering.gov.uk)

Switchboard: 01708 434343

Out of Hours Emergency Tel: 01708 433999

Fostering Team: 01708 434576  
Adoption Team: 01708 434577

### **Mentor UK**

Promotes the health and wellbeing of children and young people to reduce the damage that drugs can do to lives.  
[www.mentoruk.org.uk](http://www.mentoruk.org.uk)

Fourth Floor 74 Great Eastern Street London EC2A 3JG  
Tel: 020 7739 8494  
Email: [admin@mentoruk.org](mailto:admin@mentoruk.org)

### **National Family Mediation (NFM)**

Provides mediation services to support couples who are separated, and their children and others affected by this.  
[www.nfm.org.uk](http://www.nfm.org.uk)

4 Barnfield Hill, Exeter EX1 1SR.  
0300 4000 636  
[general@nfm.org.uk](mailto:general@nfm.org.uk)

### **Parents Against Drug Abuse (PADA)**

Delivers support and services to the families of substance users, including a national helpline.  
[www.pada.org.uk](http://www.pada.org.uk)

The Foundry Marcus Street Birkenhead CH41 1EU  
Phone: 0151 649 1580  
National Families Helpline: 08457 023867

### **Parentline Plus**

Provides help and support in all aspects of family life, including information, an online chat facility and a 24 hour helpline.  
[www.familylives.org.uk](http://www.familylives.org.uk)

CAN Mezzanine 49-51 East Road London N1 6AH  
Tel: 020 7553 3080 24hr  
Advice line: 0808 800 2222  
Email: [parentsupport@familylives.org.uk](mailto:parentsupport@familylives.org.uk)

### **Partners of Prisoners and Families Support Group**

Operates helpline and provides a variety of services to support anyone who has a link with someone in prison, prisoners and other agencies.  
[www.partnersofprisoners.co.uk](http://www.partnersofprisoners.co.uk)

Valentine House 1079 Rochdale Road Blackley Manchester M9 8AJ  
Tel: 0161 702 1000  
Offenders' Families Helpline: 0808 808 2003  
Email: [info@prisonersfamilieshelpline.co.uk](mailto:info@prisonersfamilieshelpline.co.uk)

**Prison Advice and Care Trust (PACT)**

Provides practical and emotional support to prisoners and to their children and families. The Kinship Care Support Service provides support and advice to family members and friends who care for children whose parents are in HMP Holloway.

[www.prisonadvice.org.uk](http://www.prisonadvice.org.uk)

Park Place 12 Lawn Lane Vauxhall London SW8 1UD

Telephone: 020 77359535

**TalktoFrank**

The government's national drugs helpline which offers free confidential drugs information and advice 24/7.

[www.talktofrank.com](http://www.talktofrank.com)

24 hour advice line: 0800 77 66 00

Text: 82111

Email: [frank@talktofrank.com](mailto:frank@talktofrank.com)

**Voice**

Advocacy organisation for children living away from home or in need.

[www.voiceyp.org](http://www.voiceyp.org)

320 City Road London EC1V 2NZ

Tel: 020 7833 5792

Young person's advice line: 0808 800 5792

Email: [info@voiceyp.org](mailto:info@voiceyp.org)

**Young Minds**

Works to improve the emotional wellbeing and mental health of children and young people and empowering their parents and carers.

[www.youngminds.org.uk](http://www.youngminds.org.uk)

48-50 St John Street London EC1M 4DG

Tel: 020 7336 8445

Parents helpline: 0808 802 5544