

**REPORT TO:** Cabinet

**MEETING DATE:** 14 September 2021

**BY:** Executive Director of Education and Children's Services

**SUBJECT:** Kinship Care Allowances, Children's Services

---

## **1 PURPOSE**

- 1.1 To report to Cabinet on kinship care and seek approval to changes in the allowances payable to kinship carers in relation to Part 13 of Children and Young People (Scotland) Act 2014.

## **2 RECOMMENDATIONS**

- 2.1 Cabinet is asked to endorse and support the proposal to extend the length of time allowances are paid to some kinship carers with a kinship care order beyond the young person's 16<sup>th</sup> birthday to their 18<sup>th</sup> birthday (or date of leaving school if later), providing they are not in full-time employment. This will help avoid family breakdown at what is often a critical point of transition; and enable young people in kinship care to stay on at school or take up training opportunities while being supported by their kinship carers.
- 2.2 Cabinet is asked to note that this would align us with practice in the other Scottish local authorities. The resulting impact for young people to reduce inequalities, build resilience and prevent problems such as unemployment, homelessness and resultant mental health or addiction problems in this most vulnerable group of young people.

## **3 BACKGROUND**

- 3.1 Where children and young people in East Lothian need to be formally looked after and accommodated, the Council currently seeks to place them with friends or relatives ("kinship carers") where it is safe to do so. This ensures that there is least disruption for the children or young people that they can grow up in familiar circumstances and stay connected to their

family. 24% (51 children) of all our accommodated children and young people reside with friends or relatives. (February 2020).

- 3.2 The kinship carers of looked after children can subsequently seek a residence order (“kinship care order”) from the Sheriff Court, to anchor the child’s residence with them. This allows the child to be removed from the children’s hearing system, and ends their looked after status and any entitlement to ongoing support in the form of continuing care up to the age of 21 or aftercare to the age of 26.
- 3.3 Other vulnerable children and young people have gone to live with kinship carers on an informal basis, often in times of crisis, and often facilitated by Children’s Services.
- 3.4 East Lothian Council has acknowledged that the needs of these children and young people in informal kinship care will usually be greater than the general population and has been supporting many of these informal kinship carers with some financial help. This has ensured the families can sustain their commitment to these children. This early intervention supports the child and avoids any potential trauma and additional expense if the child were to be accommodated with foster carers or in a residential unit.
- 3.5 In 2015, the Scottish Government and COSLA entered into an agreement to ensure that:
  - formal kinship carers of looked after children would receive parity in respect of the allowances received by foster carers
  - these payments would continue in the event that the formal kinship carers got a kinship care order, thus removing them from the Children’s Hearing system and ending their looked after status
  - similar payments would be paid to informal kinship carers who obtain a kinship care order in respect of children or young people who had *not* previously been looked after, if those children had been placed with the involvement of the local authority. (The national Guidance then extended this to children not placed with the involvement of the local Authority but where they would reasonably have placed the child if we had knowledge of the circumstances at the time and where it remains unsuitable for the child to return to the care of their parents.)
  - similar payments would be paid to informal kinship carers who obtained a kinship care order in respect of children and young people who were neither previously looked after, nor placed with the involvement of the local authority, if those children or young people were at risk of becoming looked after.

- 3.6 For those and any other children whose kinship carers have been receiving parity benefits, kinship care orders cease to have effect when the young person reaches their 16<sup>th</sup> birthday.
- 3.7 The consequence of this for a young person deciding whether to stay on at school past the age of 16 or go to college would mean that their kinship carers would cease to receive any financial support from the local authority. The young person would not be eligible for state benefits. This would leave them vulnerable at such a critical time in their lives. This could also lead to kinship carers asking the Children's Hearing not to end the Compulsory Supervision Order, thus keeping the child's looked after status when there is no other reason for this. The child would then require an allocated social worker, formal involvement including formal reviews.
- 3.8 There is a power in the new Kinship Care Assistance (Scotland) Order 2016 to make a payment directly to a young person between the ages of 16 and 18 if they had previously been the subject of a kinship care order and were previously looked after. However, this puts the onus of responsibility for managing finances onto the young person at too early a stage, when they, along with their peers, still need support and guidance.
- 3.9 For this reason, it is recommended that any payment made to those kinship carers with kinship care orders under the parity scheme outlined in paragraph 3.5 above would be extended to the age of eighteen or the date the young person leaves school, whichever is the later, unless the young person is in full-time employment before that date, at which point the allowances would cease.
- 3.10 We want to ensure that all our young people have the best start in life, are able to maximise their educational opportunities, reach positive destinations and avoid family breakdown, which might otherwise result in homelessness, and reduce opportunity for achieving a positive destination at such a crucial time in their development.

#### **4 POLICY IMPLICATIONS**

- 4.1 This policy has implications for those children and young people living in East Lothian with kinship carers who were previously looked after or are at risk of becoming looked after.

#### **5 INTEGRATED IMPACT ASSESSMENT**

- 5.1 The subject of this report has been through the Integrated Impact Assessment process and no negative impacts have been identified.

## 6 RESOURCE IMPLICATIONS

- 6.1 At current rates, continuation of the payment would cost an additional £11,206 per year per young person (less any child related benefits that may need to be deducted) for a maximum of two years per young person. Based on predicted numbers over the next three financial years this would increase overall costs to a maximum of £50,000. This may change depending on demand for the service. As a result of work with finance colleagues to realign kinship and fostering budgets, the costs of this policy change can be met within existing resources.
- 6.2 Personnel – This has no additional personnel implications were it to be introduced. However without the funding, there will likely be the need for additional social worker time, in the event that young people remain looked after for longer, and then require continuing care or aftercare support.
- 6.3 Other – None

## 7. BACKGROUND PAPERS

- 7.1 Appendix 1: East Lothian Kinship Care Policy and guidance

<b>AUTHOR'S NAME</b>	Jen Fraser Judith Tait
<b>DESIGNATION</b>	Service Manager Head of Children's Services, Chief Social Work Officer
<b>CONTACT INFO</b>	<a href="mailto:jfraser@eastlothian.gov.uk">jfraser@eastlothian.gov.uk</a>
<b>DATE</b>	27 August 2021

# East Lothian Council Kinship Care Policy and Guidance



# East Lothian Kinship Care Policy

<b>Index</b>	<b>Page</b>
<b>1. Introduction</b>	<b>1</b>
<b>2. Types of Kinship Care</b>	<b>1</b>
i. informal kinship care	
ii. formal kinship care (looked after children)	
iii. some carers with a residence order	
iv. carers qualifying for “kinship care assistance”	
v. other carers with a residence order not qualifying for assistance or parity	
<b>3. Informal kinship carers – assessment and support</b>	<b>2</b>
<b>4. Kinship carers of Looked After Children (formal kinship care) - assessment and support</b>	<b>3</b>
<b>5. Support to some carers with a residence order who qualify for parity payments</b>	<b>5</b>
<b>6. Kinship Carers qualifying for “kinship care assistance”</b>	<b>6</b>
<b>7. Carers not qualifying for parity or kinship care assistance (Other carers with a residence order)</b>	<b>8</b>
<b>8. Assessment of carers for permanence</b>	<b>8</b>
<b>Appendices:</b>	
1. Flowchart for planned move	
2. Flowchart for emergency placement	

## 1 Introduction

In East Lothian, we work to improve the long-term outcomes for all children. We work together as a council in partnership with families and other agencies to support children and families. We aim to keep children safely together with their families wherever possible.

Where a child cannot live with their birth family we will always look first to the child's wider family. Where it is safe to do so, we will support the child to live with relatives or friends. (This may sometimes include financial support from the start where assessed as necessary.) This means that the child grows up in familiar circumstances. It reduces disruption for the child. The child grows up knowing his or her own family. We call this "kinship care". This support is a fundamental part of our early intervention strategy.

## 2 Types of kinship care

Children in kinship care are either formally 'looked after' or they are not – referred to as formal and informal kinship care. However, there are now five categories of kinship care when it comes to entitlement to support and financial help, some of which may overlap:

- i. **Informal kinship care:** Within East Lothian, we tend to use informal kinship care as a shorthand for where close family members look after children in informal arrangements made by their family. When we report on them statistically, we count only those children whom we choose to support voluntarily on a financial basis, after an assessment of the needs of the child.
- ii. **Formal kinship care:** where family members or friends are formally approved kinship carers of "looked after children" <sup>1</sup> and receive allowances equal to our fostering allowances, known as "parity payments" under the agreement between Scottish Government and the Convention of Scottish Local Authorities in October 2015 ("the COSLA agreement").
- iii. **Some carers with a residence order:** where the children involved are either
  - a. previously "looked after" children;
  - b. children who were placed with those carers with the involvement of the local authority<sup>2</sup> at the time; or
  - c. children who are at risk of becoming looked after

These three sets of carers will also get parity payments under the COSLA agreement.

- iv. **Carers qualifying for "kinship care assistance":** where the child is at risk of being looked after or was previously looked after, their carers qualify for support to help them apply for a "kinship care order" (which could be guardianship or a residence order), and an allowance on receipt of the order, under the Kinship Care Assistance (Scotland) Order 2016. Those whose kinship care order is a residence order then qualify for parity of payment too (see iii above). Where a parent has appointed a person in writing to be guardian of their child in the event of the parent's death, such a guardian will also have the entitlement to information and advice and an allowance (but not the right to parity).

---

<sup>1</sup> under the Children (Scotland) Act 1995 section 17

<sup>2</sup> This phrase is explained and expanded in the National Guidance – see section 4.2 below

- v. **Other carers with a residence order not qualifying for assistance or parity:** where the children were not looked after previously, were not 'placed with the involvement of the local authority'<sup>3</sup> and are not at risk of becoming looked after (because a parent could resume care). These carers are not entitled to any financial assistance or support under either the Kinship Care Assistance Order or the COSLA agreement. (However, there may be another possible route of support if the child is considered to be a child in need under s22 Children (Scotland) Act 1995.)

### 3 Informal kinship carers – assessment and support

Where parents and other family members agree, a child can move to live with wider family members without any legal order. These are often private family arrangements, made without the involvement of the local authority. We call these relatives “informal kinship carers”. Where they are close relatives<sup>4</sup>, they do not need to be formally assessed or approved as informal carers. (Informal kinship carers who are not a close relative of the child may be subject to suitability checks and ongoing monitoring where the arrangement goes on beyond 28 days, as their situation will be considered to be a private fostering arrangement, for example if they are a great aunt or a friend. Please see our section on [Private Fostering](#) on East Lothian Council’s website.)

However, in cases of close relatives where there are concerns about the wellbeing of the child, the local authority will:

- assess the arrangements to ensure that the child is safe (including police and health checks)
- speak with the child, the birth family and the informal kinship carers to see what supports are required
- refer the kinship carers to voluntary agencies that may provide ongoing support
- help informal kinships to apply for any additional state benefits to which they are entitled now they have the child living with them.

Sometimes when we become involved because of concerns about the child’s wellbeing, we find that these additional state benefits are not enough to meet the child’s needs. Then the social worker may apply on the informal kinship carer’s behalf for financial help from the Council. Sometimes, a one-off payment to help with setting-up costs such as purchasing beds or clothing may be all that is required. However, there are some instances where ongoing financial support is required to meet the ongoing needs of the child or children. At present, the maximum we pay is £50 a week per child. This is a discretionary payment. There is no legal entitlement to it. In East Lothian, these payments are authorised by the Agency Decision-Maker for Kinship Care, currently one of the service managers. (In cases of urgency, an interim payment can be made to the carers under section 22 of the Children (Scotland) Act 1995. We can only make such a payment for up to 4 weeks by which time the Agency Decision-Maker must have taken a decision in respect of regular ongoing payments.)

Where a regular payment is agreed, it continues while the child remains with the kinship carers. It stops when he or she reaches their 16<sup>th</sup> birthday.

We review these payments every year. We do this by sending a letter to the kinship carers on 1<sup>st</sup> September each year. We ask, among other matters, whether the child or young person is still living

---

<sup>3</sup> See section 4.2. below

<sup>4</sup> Close relatives: grandparents, aunts, uncles, brothers or sisters of the child



with the carers. If the carers do not return this information to us within a month, we will stop the payments. We will ask Carers to repay any overpayments.

Occasionally kinship care families, who have not been supported financially by us, approach us later, and are struggling to manage financially. If we were involved at the time of placing the child, or there is a current reason for our involvement aside from purely financial reasons, we will consider making discretionary payments as above, using the same assessment, approval and reviewing process.

#### **4 Kinship carers of Looked After Children (formal kinship care) – assessment and support**

Some children will need to be looked after and accommodated with their kinship carer on a formal basis. In East Lothian, this will usually happen when:

- there is no agreement with all the family members and
- the child and family attend a Children’s Hearing and
- the hearing makes a compulsory supervision order/interim compulsory supervision order and
- the order states that the child or young person must live with particular relatives or family friends.

These relatives are known as “formal kinship carers”. The children are “looked after children”. Sometimes, parents consent to their child being looked after by the local authority on a voluntary basis under s25 of the Children (Scotland) Act 1995, and being placed with relatives or friends rather than foster carers or in a residential unit. These relatives or friends will also be classed as “formal kinship carers” because the children are also “looked after children” even though they are with relatives or friends. Whichever route is followed, all the usual looked after paperwork and review processes are required.

##### **Assessment**

The most important thing to be aware of is we must assess formal kinship carers **before** the child moves to live with them. This is a legal requirement under [The Looked After Children \(Scotland\) Regulations 2009](#). This is generally done by the Kinship Service who should be alerted about this piece of work, but they will need the child’s worker to start the process off by carrying out a Pre-placement Viability Assessment of the prospective kinship carers. This is something that could be done in one visit to the carers.

Assuming this does not immediately rule out the carers<sup>5</sup>, the Pre-placement Viability Assessment should be shared with the allocated worker from the Kinship Service. The Kinship Service will then carry out a full and thorough assessment of the prospective kinship carers using the Kinship Report template and guidance. This assessment will focus on how well the carers could meet the child’s identified needs, including how the prospective carers have been affected by their own experiences of being parented and having parented already, if relevant. As part of the assessment, the assessor

---

<sup>5</sup> If prospective carers wish to appeal the conclusion of the viability assessment, the Team Leader for the assessor within the Kinship Service will review it within 14 days of receiving written notification. If this does not resolve the situation, the Agency Decision Maker will consider it and provide a written response to the prospective kinship carers, with reasons for that decision, within 28 days.

will arrange for appropriate Disclosure, local authority and health checks and obtain personal references for the carers. (See **Appendix 1: Flowchart for a planned move**)

However, where the move happens in an emergency, there is provision in legislation for us to assess the carers within 12 weeks of the child moving there. In these circumstances, the child's worker would need to carry out basic checks **before** placing the child and with the Pre-Placement Viability Assessment being carried out as quickly as possible, preferably before the placement was made. (See **Appendix 2: Flowchart for emergency placement**, and basic checks.) For the emergency placement to be legal:

1. The kinship carers must sign an Emergency Placement Agreement before the placement starts
2. There must be a three day review that satisfies the local authority that this placement with these carers continues to be in the best interest of the child. (This takes place at the usual Three-day review of the placement.)
3. The placement must be reviewed again at six weeks and similarly satisfy the local authority about the placement

There may be circumstances where extended family or friends come forward later when the child is already accommodated, for example when considering permanence for the child away from the family home. In these circumstances, a member of the Kinship Service will be the ones to carry out a more extensive Viability Assessment<sup>6</sup> to rule these potential carers in or out, before going on to complete a full assessment where this is indicated.

### **Kinship Care Panel**

While the assessment is being completed, the social worker who is carrying out the assessment of the carers must book a slot at the Kinship Care Panel, whose three members are made up of Children's Services staff. The assessment and all associated paperwork including copies of supporting checks and references must be with the panel administrator one week before the panel.

The kinship carers attend this panel along with the assessing social worker and the social worker for the child. The members of the panel recommend whether or not to approve the carers. The Agency Decision-Maker for Kinship Care takes the final decision and will write to advise the carers of this within two weeks of the panel, and if approved, will ask the carers to sign the full placement agreement.

### **Financial support - parity payments**

Parity payments to the kinship carers for looking after this "looked after" child will begin from the point the child is both a looked after child and in their care, whether or not the kinship carers have yet to be formally approved (i.e. if placed in an emergency). The child's worker should let the Finance Business Support Worker know to start making payments.

The calculation for parity is based on taking the total of any child-related state benefits which the carers can claim for the child (generally only Child Benefit, unless the carers already have been claiming child tax credits for children of their own, in which case it may be possible that they could

---

<sup>6</sup> If prospective carers wish to appeal conclusion of the viability assessment, the Team Leader for the assessor within the Kinship Service will review it [ within 14days of receiving written notification] If this does not resolve the situation it will be considered by the Agency Decision Maker who will provide a written response to the prospective kinship carers with reasons for that decision within 28 days]

claim child tax credit for this child). This is then topped up to the equivalent fostering allowance which would be payable for a child of that age (see our [website](#) for details).

We will continue to pay these regular allowances while the child is looked after and accommodated with these carers. We will formally review the carers' support needs carers at the child's Looked After Reviews. We will also give the social worker for the family a letter on 1<sup>st</sup> September every year to review the carers' financial circumstances and adjust their existing kinship care allowance if required.

### **When looked after status ends**

If the child stops being a 'looked after child' before their 16<sup>th</sup> birthday and continues to stay with their approved kinship carers, with or without a residence order, we have until recently continued to pay these regular allowances up to the child's 16<sup>th</sup> birthday. However, this situation caused much hardship to families and affected the young person. We will now continue to make regular payments until the young person reached their 18<sup>th</sup> Birthday or leaves school, whichever is the later, unless they have begun full-time employment in the meantime.

If the child remains a 'looked after child' on or after their 16<sup>th</sup> birthday, and wishes to remain there after they turn 18, they must request Continuing Care. This means having the same accommodation (provided their carers agree) and the same level of support under Continuing Care legislation until their 21<sup>st</sup> birthday, including financial support to their carers. The child will then be eligible for Aftercare support until they turn 26. (If Continuing Care is not available to them, they immediately become eligible for Aftercare.) To help inform the decision about whether Continuing Care can be agreed, their worker must carry out a Welfare Assessment as part of the legal requirements of the Continuing Care legislation.

## **5 Support to some carers with a residence order who qualify for parity payments:**

- **where the children involved were previously "looked after" children with those carers**

If there is a need for a kinship care order and when one is granted, we will discuss and agree the need for ongoing support at the child's final Looked After review. When the compulsory supervision order is ended by the children's hearing and the child ceases to be formally looked after, we will continue to pay their kinship carers at the formal rates i.e. the amount required to top-up to the relevant fostering allowance. The residence order lasts to the child's 16<sup>th</sup> birthday, but we will now continue to make regular payments until the young person reached their 18<sup>th</sup> Birthday or leaves school, whichever is the later, unless they have begun full-time employment in the meantime.

- **where the children were originally placed with those carers with the involvement of the local authority at the time (qualifying for parity)**

These children will have had some initial involvement with Children's Services at the time they went to stay with their carers. Often this will have been after a child protection investigation. Children's Services will usually have encouraged the parents to allow the child to stay with relatives for their safety to avoid the child becoming formally looked after. In these circumstances, Children's Services may have supported the kinship carers financially on an informal basis or had no ongoing involvement. If these carers later obtain a residence order for the child, they will become entitled to

parity payments from us, as above, because of the COSLA agreement. Once again, the residence order lasts to the child's 16th birthday, but we will now continue to make regular payments until the young person reached their 18<sup>th</sup> Birthday or leaves school, whichever is the later, unless they have begun full-time employment in the meantime.

If such a residence order was granted before 1<sup>st</sup> October 2015, and we were aware of the residence order having been granted, the entitlement to the allowance began from the 1<sup>st</sup> October 2015. For later orders, we will begin payments from the date the residence order was granted. Where cases come to our attention after a residence order has been granted, we will begin payments from the date we are satisfied of the carer's eligibility to this (following the [National Guidance](#)).

- **where children are at risk of becoming looked after (qualifying for parity)**

This group of children are the final group whose kinship carers are entitled to parity payments because of the COSLA agreement, once they obtain a residence order. Children considered to be at risk of becoming looked after will generally be children who cannot live with their parents and have probably been placed there by the local authority social work service, or would reasonably have been, had the authority known at the time (following the [National Guidance](#)). Any entitlement to payments will begin from the date the court grants the residence order or, if this subsequently comes to the attention of the local authority, from the date the children have been assessed as being at risk of becoming looked after. Once again, the residence order lasts to the child's 16th birthday, but we will now continue to make regular payments until the young person reached their 18<sup>th</sup> Birthday or leaves school, whichever is the later, unless they have begun full-time employment in the meantime.

## 6 Kinship Carers qualifying for “kinship care assistance”

There are entitlements for different types of support (“kinship care assistance”) for some kinship carers and their cared for children from 1<sup>st</sup> April 2016, under s 71 of the Children and Young People (Scotland) Act 2014. There are two aspects to qualifying:

- 1) **either the carers** are considering applying for, or have, a court order giving them the right to have the child living with them (or predominantly living with them)  
**or**  
**the carers** must be the child's legal guardian either by parental or court appointment,  
  
and
- 2) **the child must be an “eligible child”** – defined as previously looked after or considered by the local authority to be at risk of becoming looked after.

[National Guidance](#) has since clarified that children considered to be at risk of becoming looked after will generally be children who cannot live with their parents and have probably been placed there by the local authority social work service, or would reasonably have been, had the authority known at the time. A child can be considered to be placed when local authority social workers have assessed that the child's needs require them to be removed from the care of their parents, and it remains unsuitable for them to return to the care of their parents and the kinship care placement meets local authority requirements.

Here is a summary of Kinship Care Assistance: (details on how to apply are on our website)

Carers		
Which carers get help?	What help do they get?	Notes
<b><u>Carers considering</u></b> applying for an order for residence or guardianship for an eligible child	Such information and advice reasonably required by that person to make a decision about an order	
<b><u>Carers applying</u></b> for an order for residence or guardianship for an eligible child	(i) Such information and advice reasonably required by that person for the purpose of the application  and  (ii) financial support towards the cost	The Agency Decision-Maker would agree any financial contribution
<b><u>Carers having</u></b> an order for residence for an eligible child	(i) Such information and advice reasonably required by that person in relation to the order  and  (ii) an allowance	This allowance qualifies for parity under the COSLA agreement where s11 residence order
<b><u>Carers having an order for guardianship or Guardianship by parental appointment</u></b> of an eligible child under 16	(i) Such information and advice reasonably required by that person in relation to a Kinship care order  and  (ii) an allowance	This allowance would seem not to qualify for parity under the COSLA agreement, but we would still pay parity, given the infrequency of these cases.
Children		
Which children get help?	What help do they get?	Notes
<b><u>Eligible child under 16</u></b> subject to an order for residence or guardianship	Such information and advice reasonably required by that child for the purpose of <b><u>facilitating the placement</u></b> under an order	
<b><u>Between 16 to 18<sup>th</sup> birthday</u></b> , where there was	(i) Such information and advice reasonably required by that child for the purpose of	

an order for residence or guardianship in force to 16	<u>facilitating a transition</u> following a placement under an order and	We would generally not make any payments to a young person but to their carer
	(ii) <u>where the local authority considers it appropriate, an allowance</u>	
<u>An eligible child (up to 18) who has a guardian</u>	(i) Such information and advice reasonably required by that child for the purpose of <u>facilitating the placement</u> with the guardian	We would generally not make any payments to a young person but to their carer
	and	
	(ii) <u>where the local authority considers it appropriate, an allowance</u>	

## 7 Carers not qualifying for parity or kinship care assistance (Other carers with a residence order)

A few informal kinship carers may decide to apply for a kinship care order or already have a residence order. Some of these carers will be known by us and some of them will not. If Children’s Services were not involved in the placing of the child with those carers, and the child is not at risk of becoming looked after (because a parent could suitably resume care of the child), there is no entitlement to either parity payments or kinship care assistance, despite the existence of a residence or kinship care order.

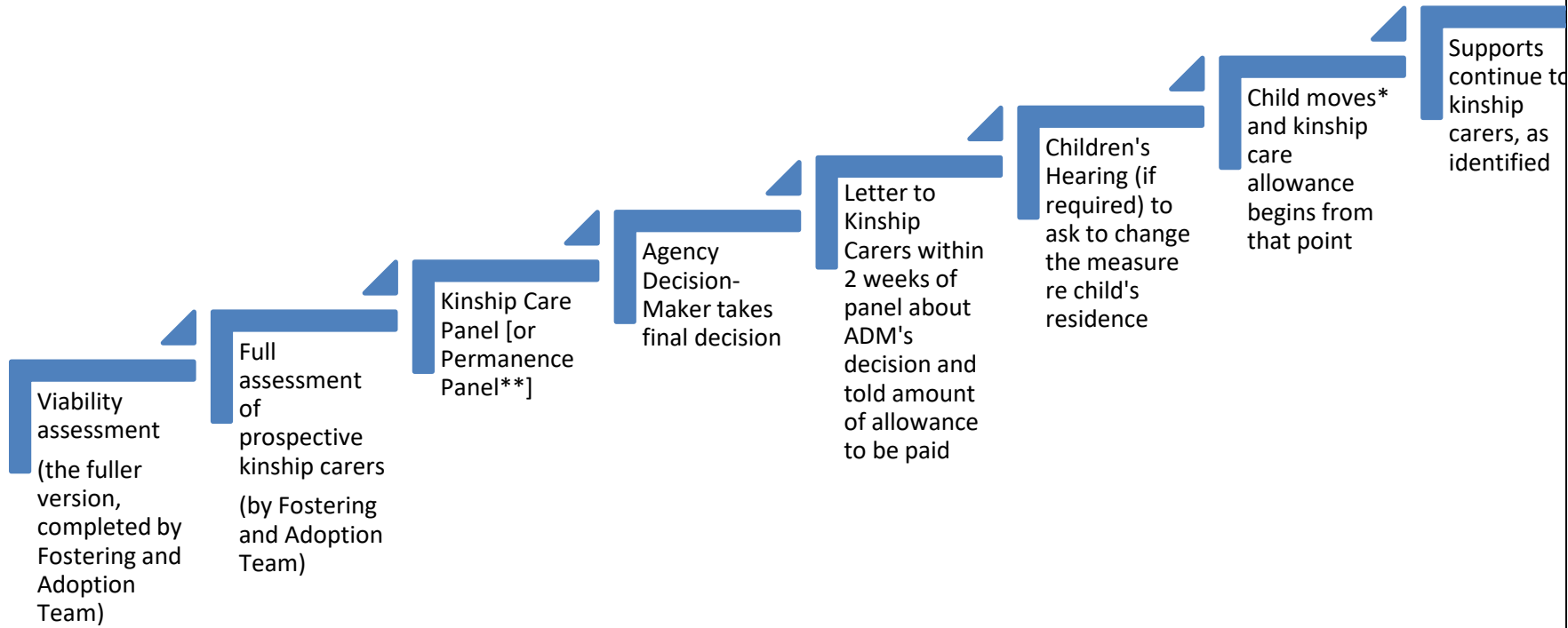
## 8 Assessment of carers for permanence

At some point, the Looked After Child Review may decide that a child cannot return home and needs a permanent placement. In these circumstances, the original kinship carers may decide to offer a permanent home to the child. Where the Looked After Review has taken that decision for permanence, we need to decide whether the carers need to be reassessed to act as permanent carers. This would most likely apply where the child is ten or under, and where the original assessment was more than three months old. In rare occasions when adoption is being considered, we will carry out an adoption assessment and present it to the Adoption and Permanent Care Panel. If the carers are seeking to secure the placement using a s11 residence order, the same worker (most likely from the Kinship Service) will update their original assessment and present it to the Kinship Care Panel.

Whichever route is being followed, the assessment will generally be done by a member of the Kinship Service. Once a Looked After Review has decided to pursue a permanence plan, there will be a planning meeting to consider what needs to be done, by whom and by when.

Author	Group Service Manager, Children’s Services
Date	December 2016
Revised	June 2021 by Service Manager / ADM for Kinship Care
Review Date	June 2023

**Appendix 1: Planned move to kinship carers - legally we must assess fully **before** placement**

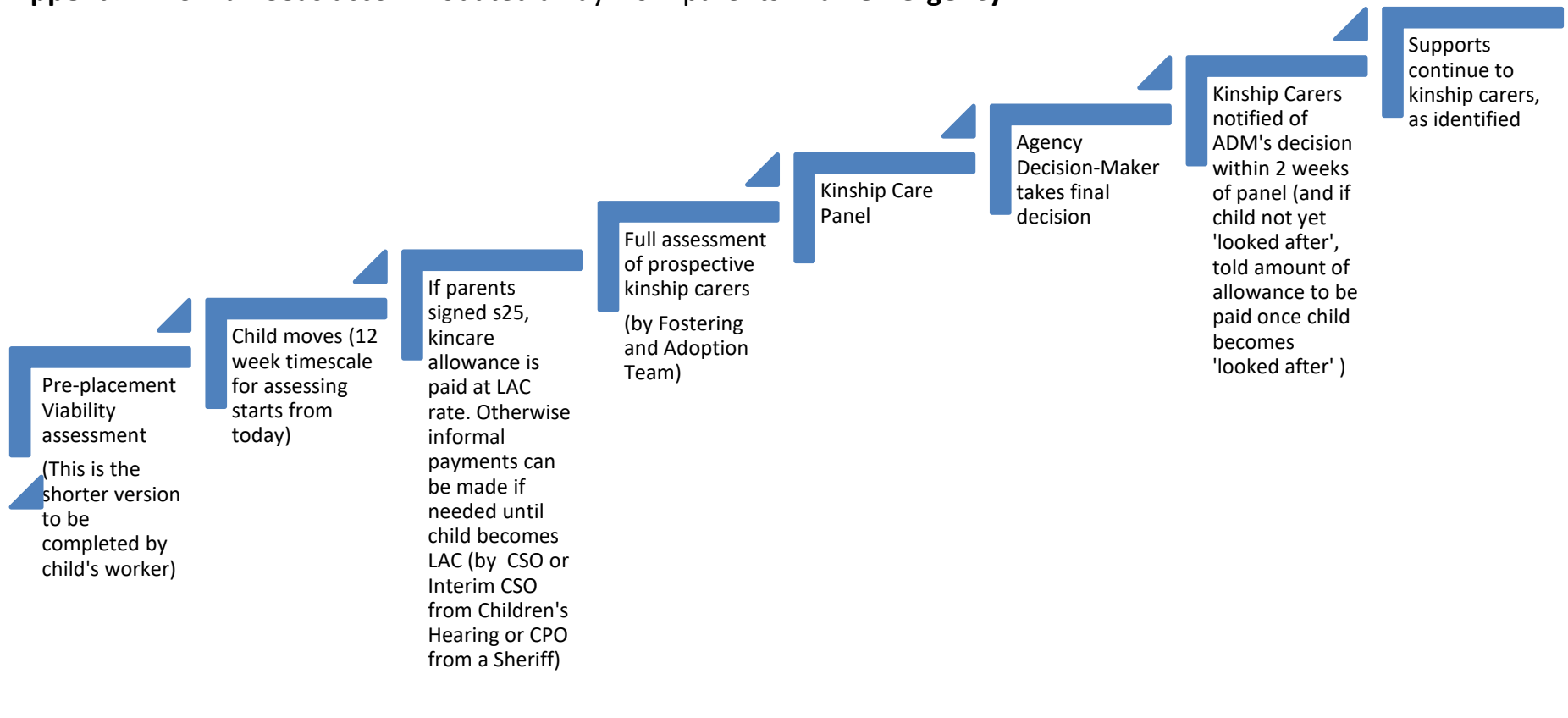


Note:

\*If the placement is made before the ADM decision, it will not be legal, unless it is because an emergency has arisen in the interim. (However, our requirement to attend a Kinship Care Panel is not a legal requirement.)

\*\*Where permanence away from home has been agreed, and potential kinship carers put themselves forward at this stage when adoption was being considered, or there are competing claims by different family members, the assessment will be taken to the Permanence Panel for consideration following registration of the child.

## Appendix 2: Child needs accommodated away from parents in an emergency



### Notes:

If child becomes a looked after child on becoming accommodated in an emergency with kinship carers, these steps must be taken or the placement is not legal:

- An emergency agreement signed by kinship carers
- A decision at the subsequent 3 day review of the placement whether the kinship carers are the best placement for the child
- A decision at the six week review of the placement whether the kinship carers are the best placement for the child
- A decision by the ADM following the Kinship Care Panel within 12 weeks of the start of the placement



A pre-placement viability assessment must be undertaken using the standard template and the process followed as above. If it is completely impossible to carry out a full pre-placement viability assessment, these are the absolute minimum checks that should be undertaken before placement. The pre-placement viability assessment must then be pursued as quickly as possible so that the child is not left for any longer than necessary in a placement that will not meet their needs. These emergency clearance tasks are taken from Annexe 1 of [Assessment and Support for Kinship Carers of Looked After Children - Guidance to Local Authorities](#)

- The records of the local authority to identify any previous contacts with the carers
- The records from the local authority where the carers live if this is different from the local authority with responsibility for the child
- The local child protection /family protection unit officers for the area where the carers reside to identify if they know of any immediate risks to the child in being placed with these kinship carers. Questions should be asked about any domestic violence referrals as well.
- The family's GP or HV where there are any health issues for the child or kinship carer including any serious conditions requiring treatment \*\*
- The conditions of the house where the child is going stay and the sleeping arrangements for the child. The house must be visited and the worker must be satisfied that there is adequate accommodation for the child at least for a short period.
- The safety of the house should also be discussed and any immediate risks identified and how they will be managed

\*\* It is unlikely that health information will be readily available but if the child or carers have any significant health problems then the GP or HV or community pediatrician should be approached\*\*