Kinship care (family and friends care)

Kinship Care is an arrangement whereby a child who cannot be cared for by their parent(s) goes to live with a relative or a family friend. This could be an “informal” or a “formal” arrangement and the level of support a kinship carer might receive from social services will be different depending on which type of arrangement it is.

The key to understanding the difference between a formal or informal Kinship care arrangement is usually based on the care status of the child or what involvement the local authority has with the child and their birth family before the child goes to live with family member. The involvement of the local authority prior to this arrangement will affect the ongoing support available to the carer of the child including any financial or practical support that will be provided by the local authority.

An informal Kinship care arrangement can be made directly between the parent(s) (or the person who holds Parental Responsibility) and the informal Kinship carer. This arrangement can be made when there are no care orders in place for the child by the local authority. If the arrangement is to continue beyond a period of 28 days, the local authority should be informed and a short assessment of the arrangement will be undertaken by the local authority. There is no entitlement to financial support from the local authority and the informal kinship carers are not assessed as foster carers. Birth parents remain financially responsible for their children and any arrangements to contribute financially is the responsibility of the parent/s and the person/s caring for their child.

As an informal kinship carer, you may also be able to claim child benefit but you will need to talk to the parents of the child you are caring for and notify the department for work and pensions benefits office.

Many family members can see the distress in certain situations and will step in to provide accommodation for a relative to stop the child entering into the care system and unknowingly enter into an informal kinship care arrangement. Often this can lead to the family...
member not being able to sustain the arrangement financially.

However, anyone can contact social services if they have concerns about a child, or believe that a child may be a 'Child in Need' under section 17 Children Act 1989 or if you require additional support in caring for a child. An assessment can be requested where more than advice or information is required and it appears you might need services to assist you and the child you provide care for. You are entitled to ask for an assessment if a child or children in your family appear to be in need and a plan of support including financial assistance can be put in place either as a single payment or regular payments but it is at the discretion of the local authority.

In some situations, it may appear that children’s services are involved and you may be approached to care for a particular child but if the child has not been taken into care then the local authority does not have a duty to financially support the placement.

It would be advisable to seek legal advice if you are in a position where Children’s Services placed a child with you but they have later identified the arrangement to be an informal arrangement.

Within a formal Kinship carer arrangement, the local authority has officially approached the family member (or family friend) to take care of the child with the intention of assessing and approving the family member as a Kinship foster carer (or family and friends carer) for the child. Children’s Services may have determined that the child was at risk of harm living with the parent(s) and therefore placed the child in

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connected person) and ask them to care for the child and vice versa - family members or connected persons can also approach the Local Authority and ask to be assessed to care for a specific child or children. Sometimes the child will already be in foster care or placed with an unrelated foster carer while the appropriate assessments are conducted.

Once you are identified as a potential carer for a specific child the Local Authority will arrange for a social worker to look around the home and check for appropriate space and discuss your motivation to foster. You will enter a set procedure of assessment.

There are two stages of the assessment and at stage 1 checks are undertaken; DBS, medicals and references. If this stage is passed successfully stage 2 is undertaken which involves a long series of in-depth questions about skills, experience, family history, family dynamics, parenting etc. The whole process can take anywhere between 6-8 months from start to finish.

Once approved formal kinship foster carers will receive a fostering allowance to help support the child. The financial support should be equal to the allowances and fees provided to other foster carers within that local authority.

Legislation, National Minimum Standards, Fostering Regulations 2011 and Statutory Guidance for Local Authorities, all reinforce that Kinship Carers are entitled to the same support as unrelated foster carers, and payments must be calculated on the same basis.

**National Minimum Standard 28:7 outlines:**

Criteria for calculating fees and allowances are applied equally to all foster carers, whether the foster carer is

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related to the child or unrelated, or the placement is short or long-term.

Fostering allowances to foster carers must be sufficient to meet the cost to the carer of caring for the child and should be at least the minimum set annually by the Department for Education. Furthermore, any variations should relate to the child’s needs, the skills of the carer or some other relevant factor that is used as criteria for all of the service’s foster carers.

There have been examples in recent years where following judicial review, the court of appeal has ruled that the identified Local Authority’s policy on payments to kinship carers was deemed unlawful and in breach of statutory guidance (e.g. Manchester 2001 and the London Borough of Tower Hamlets 2013).

In line with legislation, Local Authorities are obliged to seek out family and connected persons who are willing and able to care for children who have been received into Local Authority care. It does not mean that Local Authorities have to pay all carers the same amount but any difference in allowances has to take into account the needs of the individual child and not the status of the carer.

If the local authority operates a ‘payment for skills’ scheme they could pay Kinship carers at a lower rate if they feel that they do not have the same skills as a professional foster carer but they are required to pay the same rate at least as their “standard” foster carers. Local authorities cannot legally discriminate because foster carers are related to the child. If your Local Authority confirms that having skills training would still not qualify you for the additional allowance for ‘experienced carers’ then there should be grounds for challenging their policy.

If your Local Authority’s policy appears to be discriminatory against you as a formal kinship carer you may wish to consider seeking further legal advice.