

CABINET MEMBER DECISION

26 NOVEMBER 2021

FINANCIAL ASSISTANCE TO CARE LEAVERS POLICY AND POLICY FOR SPECIAL GUARDIANSHIP FINANCIAL SUPPORT

Relevant Cabinet Member

Andy Roberts, The Cabinet Member with Responsibility for Children and Families

Relevant Chief Officer

Tina Russell, Chief Executive Worcestershire Children First and Director of Childrens Services

Recommendation

1. The Cabinet Member with Responsibility for Children and Families is recommended to:

(a) Approve the newly created policy Financial Assistance to Care Leavers, set out in Appendix 1

(b) Approve the newly created policy Special Guardianship Financial Support, set out in Appendix 2

Background

2. The Children (Leaving Care) Act 2000 made amendments to the Children Act 1989 and was implemented on 1 October 2001. It places a duty upon the Local Authority to provide services to all eligible, relevant, and former relevant young people, which includes financial assistance.

3. The Local Authority has a duty to “keep in touch” with all Care Leavers up until the age of 21, or 25 if the young person is pursuing a course of education. For Care Leavers aged 22-25 the duties introduced through the Children and Social Work Act 2017 – to assess Care Leavers needs and, develop and keep under review a Pathway plan – only apply where the young person requests continued support.

4. Worcestershire Children First has developed the Care Leavers Local Offer – information on what support care leavers are entitled to – Appendix 3. The Care Leavers Local Offer includes information on money and finances.

5. A single policy on how Worcestershire Children First provides financial assistance to Care Leavers has been developed to expand upon the information within the Care Leavers Local Offer, to ensure requests for financial support are treated consistently and within the policy guidelines. The policy sets out:

- Which young people are entitled to financial assistance.
- How the Local Authority will meet its duties in respect of accommodation and maintenance costs.

- Provide details of the financial arrangements and payment mechanisms.
- The policy utilises a format and language which is accessible to care leavers.

6. Worcestershire County Council Legal team and Worcestershire Children First Finance team have been sighted on the Financial Assistance for Care Leavers policy during its development.

7. The Kinship Strategy, approved by Cabinet in June 2012, (Appendix 4) and the Family and Friends Policy 2011, (Appendix 5) seeks to promote permanence for children and young people.

8. The Chief Executive of Worcestershire Children First has agreed The Special Guardianship Financial Support policy underpins the Kinship Strategy 2012. Section 11 of the Kinship Strategy references financial assistance. The Special Guardianship Financial Support policy sets out the parameters of financial support for Special Guardianship Carers.

9. A consultation was undertaken for the Kinship Strategy between April 2012 and June 2012. A further consultation has not been undertaken for the development of the Special Guardianship Financial Support policy as The Chief Executive of Worcestershire Children First has agreed it aligns to the Kinship Strategy 2012.

10. When children are received into care of the Local Authority, their placement experience is key to their overall outcomes as a Looked After Child and or Care Leaver. Our aim is to give Children and Young People the best placements for them to thrive in a loving, stable, and secure environments and, where possible, for those children to return to or remain within their own families.

11. Permanence should always be the plan for a child's upbringing, and it underpins all our interventions with children, their families and their carer's. The route to permanent care arrangements will be different for each individual child and WCF are committed in ensuring the range of options available are well considered and well supported to marry an individual child's needs with their wishes being understood and considered. Special Guardianship is one of the primary routes to permanency.

12. Worcestershire Children First are seeking to increase permanency for children in care via Special Guardianship Orders. A Special Guardian is usually someone with a close relationship to the child, such as a family member, former foster carer or family friend. They need to apply to the court to be appointed as a Special Guardian, which will consider their suitability and ability to meet the child's needs, based on a Special Guardianship Assessment completed by the Local Authority.

13. Special Guardianship can offer a child the security, safety, and the stability they need and deserve, supporting children to remain with their extended families and friends, as a better alternative of growing up in the care of the Local Authority. Since 2010 there has been a rise in the percentage of Special Guardianship Orders (SGO) within family care proceedings and a decline in Placement Orders and adoption.

14. Special Guardianship is a way to provide children and young people with a secure family life, providing legal security for children who cannot be cared for by their birthparents and is an alternative to other Orders and Arrangements such as Adoption, Long-Term Fostering or a Child Arrangement Order.

15. A Special Guardianship Order places a child or young person with someone permanently and gives this person (the Special Guardian) parental responsibility for the child. This Order lasts until the child is 18 and shares the legal responsibility for the child with the child's birth parents, allowing the Special Guardian to make day-to-day decisions about the child's care including where they live and go to school.

16. If the child was Looked After before the Special Guardianship Order was granted, they will no longer be the responsibility of the Local Authority.

17. The financial loss to Kinship Carers on being appointed as a Special Guardianship Carer has acted as a barrier to this route to permanency for some children. The Special Guardianship Regulations 2005 and the DfES guidance to the regulations, govern the processes by which Local Authorities exercise their discretion in determining requests for special guardianship support services, including Regulation 6 financial support.

18. A single policy on the Worcestershire Children First approach to Special Guardianship Financial Allowances has therefore been developed to set out:

- Legislative background
- Principles
- Conditions of support and cessation of support
- Requests for assistance and assessment
- Non-periodic financial support
- Periodic support
- Appeals

19. Within the Special Guardianship Finance Policy, for the purpose of the means test, the level at which income is disregarded is when household income (not including income specifically for the child), exceeds the level for which an individual in the UK meets the threshold for the higher rate of income tax. This is an amendment from the stated within the Kinship Strategy, to enable the threshold to move in line with any change to the level higher rate income tax is applied.

20. Worcestershire County Council legal team have had oversight of the policy and have confirmed it is a lawful document.

Legal, Financial and HR Implications

21. The Special Guardianship Finance policy attached has been constructed and is in accordance with the appropriate statute, regulations and guidance and specifically: Special Guardianship guidance: Statutory guidance for local authorities on the Special Guardianship Regulations 2005 (as amended by the Special Guardianship (Amendment) Regulations 2016): January 2017. The Director for Children's Services (DCS) confirms that the Special Guardianship Financial Support policy underpins the Kinship Strategy (developed following consultation) which was taken to cabinet in 2012, and that as it is implementing that strategy by way of this policy, there is no need for further consultation.

22. The Financial Assistance to Care Leavers policy (attached) has been constructed and is in accordance with the appropriate statute, regulations and guidance and specifically: Children Act 1989; Children (Leaving Care) Act 2000; Children and Social Work Act 2017; Staying Put Guidance, May 2013; Volume 3 of the Children Act Guidance, Chapter 8 and Appendix E. The Director for Children's Services(DCS) confirms that the attached policy is a merely a clarification of the existing policy/protocol and as a result there is no need for consultation.

23. The policy may see an increase in Kinship Carers exploring a move to becoming a Special Guardian. There is no significant financial impact as we already pay for the Kinship packages, so a decrease in these will offset by an increase in Special Guardian of a similar level will have net nil effect and is including within the current budget.

Joint Equality, Public Health, Data Protection and Sustainability Impact Assessments

A **joint impact assessment (JIA)** screening (and any full impact assessments – if screening indicates that they are required) **must** have been completed before the cabinet member decision report is submitted.

A. The JIA screening did not identify any potential considerations requiring further assessment during implementation.

B. Finance Assistance for Care Leavers: The JIA screening has been carried out in respect of these recommendations. It identified that further impact analysis will be required in respect of: Equality & Public Health Impact Assessment

B. Special Guardianship Financial Support: The JIA screening has been carried out in respect of these recommendations. It identified that further impact analysis will be required in respect of: Data Protection Full Impact Assessment and Equality & Public Health Full Impact Assessment

C. Finance Assistance for Care Leavers: A full Equality and Public Health, Impact Assessment has been carried out in respect of the recommendations.

This identified no potential negative impact.

C. Special Guardianship Financial Support: A full Equality and Public Health & Data Protection Impact Assessment has been carried out in respect of the recommendations.

This identified no potential negative impact.

Supporting Information

- Appendix 1 Financial Assistance to Care Leavers policy
- Appendix 2 Special Guardianship Financial Support policy
- Appendix 3 Care Leavers Local Offer
- Appendix 4 Kinship Strategy 2012
- Appendix 5 Family & Friends Policy 2011
- Appendix 6 Joint Impact Assessment Financial Assistance to Care Leavers
- Appendix 7 Full Equality and Public Health Impact Assessment for Financial Assistance to Care Leavers
- Appendix 8 Joint Impact Assessment Special Guardianship Financial Support
- Appendix 9 Full Equality and Public Health Impact Assessment for Special Guardianship Financial Support

- Appendix 10 Full Data Protection Impact Assessment for Special Guardianship Financial Support

Contact Points

Specific Contact Points for this report

Name, Justine Bishop, Placements and Sufficiency Group Manager, Worcestershire Children First

Tel: 01905 845288

Email: jbishop4@worcschildrenfirst.org.uk

Name: Maria White, Assistant Director, Safeguarding Services, Worcestershire Children First

Tele: 01905846009

Email mwhite2@worcschildrenfirst.org.uk

Background Papers

In the opinion of the proper officer (in this case the Chief Executive Worcestershire Children First & Director of Childrens Services) the following are the background papers relating to the subject matter of this report:

[Children \(Leaving Care\) Act 2000 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

[Special guardianship guidance: Statutory guidance \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk)