

Connected Person(s) Policy



**achieving
for children**

Applies to	Operational Area 1 and 2 Royal Borough of Kingston upon Thames London Borough of Richmond
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1. Introduction

Sometimes, children who cannot live with their parents are cared for by relatives or family friends referred to as connected persons. Achieving for Children (AfC) recognises that being cared for by someone the child already knows is best for them and that is why we want to promote these family and friends care arrangements. There is also recognition that connected persons may wish early on or during their caring role to become a special guardian. Special Guardianship offers a further option for children needing permanent care outside their birth family. It can offer greater security without absolute severance from the birth family as in adoption. As Special Guardians, they will have parental responsibility for the child which, while it is still shared with the parents, can be exercised with greater autonomy.

This policy statement sets out how AfC will assess and support connected persons who wish to remain as AfC foster carers or become special guardian/s. AfC has streamlined the assessment process so as to avoid duplication of assessments. The combined connected persons/special guardianship assessment satisfies the requirements of the fostering regulations and the court for the purposes of a special guardianship assessment (see appendix 1-AfC combined connected persons and special guardianship assessment). Please note, AfC also has a specific Special Guardianship Policy that sets out in more details the Special Guardianship process.

2. Values, principles and objectives

Consideration of children's welfare and best interests will always be at the centre of the work we do. It is an underlying principle that children should be enabled to live within their families unless this is not consistent with their welfare. We will therefore work to maintain children within their own families, and facilitate services to support any such arrangements, wherever this is consistent with the child's safety and well-being. This principle applies to all children in need, including those who are looked after by AfC.

Where a child cannot live within his or her immediate family and AfC is considering the need to look after the child, we will make efforts to identify potential carers within the child's network of family or friends who are able and willing to care for the child.

We will provide support for any such arrangements based on the assessed needs of the child, not simply on his or her legal status, and will seek to ensure that family and friends carers are provided with support to ensure that children do not become looked after, or do not have to remain looked after longer than is needed.

3. Legal Status

If a child cannot live with their parent(s) AfC will always, if it is felt to be in the child's best interests, seek to place them with a connected person.

Before a child is looked after by AfC every effort will be made to support the parent, or those with Parental Responsibility, to continue to care for the child or young person. Whatever the reason the

child is no longer able to live with their parent(s) they will, even if moving to people that they know and trust, find leaving home unsettling.

A child who is placed by AfC with a connected person, will be a Looked After Child.

A Looked After Child can only be placed with a connected person if that person(s) has been approved as a foster carer under the Fostering Services (England) Regulations 2011 or granted temporary approval under the Care Planning, Placement and Case Review (England) Regulations 2010.

Prior to a child being placed with a 'connected persons' carer a Family Group Conference (FGC) may be held to bring together all those who are involved with a child to discuss and plan for the child's future.

4. Different situations whereby children may be living with family and friends carers

4.1 Informal family and friends care arrangements

Where a child cannot be cared for within his or her immediate family, the family may make their own arrangements to care for the child within the family and friends network as defined in the Children Act 1989.

The local authority does not have a duty to assess any such informal family and friends care arrangements, unless it appears to the authority that services may be necessary to safeguard or promote the welfare of a Child in Need. In such cases, the local authority has a responsibility under Section 17 of the Children Act 1989 to assess the child's needs and provide services to meet any assessed needs of the child. Following assessment, a Child in Need Plan will be drawn up and a package of support will be identified. This can comprise a variety of different types of services and support.

4.2 Private fostering arrangements

A privately fostered child is a child under 16 (or 18 if disabled) who is cared for by an adult who is not a parent or close relative, where the child is to be cared for in that home for 28 days or more. Close relative is defined as 'a grandparent, brother, sister, uncle or aunt (whether of the full blood or half blood or by marriage or civil partnership) or step-parent.'

These are private arrangements agreed between the child's parents and the carer to look after the child for a time that is agreed with the child's parent.

The Local Authority has a legal duty to visit the privately fostered child and assess and then monitor the care arrangements to make sure that the child is safe and well cared for. This is carried out by a social worker based in the Fostering Service

The child is not a Looked After Child and the responsibility to financially maintain the child remains with the parent. The person caring for the child can apply for Child Benefit or Child Tax Credit.

4.3 Looked after children family and friends care arrangements

Whenever a child needs to be looked after by AfC, Children's Services will first try to identify a relative or family friend who is able to care for them. If the arrangement is likely to continue past 16 weeks, the law states that the carer must be formally assessed and approved as an AfC connected persons carer.

This means that the carer will need to meet certain requirements and standards expected of foster carers, but the service will provide training and support for carers to help them achieve this. The service will also provide on-going training and support that takes into account the particular needs and circumstances of family and friends carers.

4.4 Immediate/Emergency placement by AfC with a connected person

A relative or friend who is caring, or has been asked to care, for a Looked After child must be approved as a connected persons foster carer. AfC may be involved in placing the child because the parent feels unable to care for the child and has asked for them to be accommodated under Section 20 of the Children Act 1989 or the Social Work Team feels the parent is unsuitable to care for the child and has initiated care proceedings under Section 31 of the Children Act 1989.

Any relative, friend or connected person with whom a child is to be immediately placed has to be considered for temporary approval as a foster carer under Regulation 24 of the Care Planning, Placement and Case Review (England) Regulations 2010. Prior to the child being placed a viability assessment should be undertaken (see appendix 2- AfC viability assessment) using the format outlined in Schedule 4 of the 2010 regulations.

Temporary approval under Regulation 24 of the 2010 regulations is given by an Associate Director, within Children's Services and is valid for 16 weeks only. If it is felt that a placement will be needed for longer than 16 weeks, then during this period a full Connected persons assessment is carried out under Regulation 26 of the Fostering Services (England) Regulations 2011. If this assessment is not concluded before the temporary approval expires, an extension of up to 8 weeks can be given by the Agency Decision Maker.

At any time during the 16 weeks, or further 8 weeks if an extension is made, AfC can make a decision not to progress with the assessment during stage 1 of the assessment process solely on the basis of the information collected. During stage 2, if information comes to light indicating that the applicant is unlikely to be suitable to foster, the assessment will be terminated; and the child/ren will be removed from the placement.

In an emergency AfC may place a Looked After Child in a foster placement whilst they make enquiries as to whether there are any relatives or friends who could care for the child.

If there is a relative or friend who is a potential carer AfC may make a decision to undertake a preliminary assessment. This requires the family member/friend to work with the placing social worker to complete a report that considers their suitability to care for the child. If the outcome is

positive the child may be placed immediately or a full Connected persons fostering assessment will be carried out by the Fostering Service whilst the child remains cared for by an AfC foster carer.

5. Continuing to care for a child as a connected person's carer

5.1 Assessment for full approval as a connected person's foster carer

If a decision is made as part of the child's Care Plan that they are to remain in the care of a temporarily approved connected persons foster carer then a full assessment under the Fostering Services (England) Regulations 2011 must be carried out.

The assessment will be the same as for any other carer regardless of whether or not the applicant is related or known to the child. However, the relationship the proposed carer may already have with the child is taken into account and the assessment focuses on the specific needs of the particular child or children only, not the ability of the carer to meet the needs of any child who needs to be looked after. (See appendix 2).

There is also greater flexibility in respect of the nature of the home, for example there could be room sharing with the connected persons own children (if suitable).

All connected persons carers are considered on their ability to meet the individual needs of the child related or known to them, but following approval Connected persons carers are expected to fulfil all of the requirements of the National Minimum Standards for Foster Care.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/192705/NMS_Fostering_Services.pdf

In circumstances where a child is not already in placement and the Local Authority feels the applicant is not suitable to become an approved foster carer the assessing Social Worker will advise the applicant that his/her recommendation to the Fostering Panel will be not to approve. At this stage an applicant, as at any time during the assessment, may choose to withdraw.

If a connected persons carer, who has temporary approval under Regulation 24 of the Care Planning, Placement and Case Review (England) Regulations 2010, is felt to be unsuitable to continue to care for a child placed with them, AfC may terminate the placement before completion of the full assessment process.

5.2 Presentation to the Fostering Panel

On completion of the full assessment, whether or not a child is already in placement with the connected person's foster carer, a report is presented to the Fostering Panel. This report is called AfC's combined connected persons and special guardianship assessment report (Appendix 2). A copy of the final report will be shared prior to attending Panel so that any inaccuracies can be amended, and any differences of opinion can be recorded. It is not always possible to show carers all of the report as some information, such as third party information may have to be withheld. However, the recommendation of the assessing Social Worker will always be discussed with them before the Panel meeting.

A letter/e-mail will be sent out giving details of the time and venue of the Fostering Panel and all carers and applicants are expected to attend. The assessment will have considered all aspects of the carer's past and present lifestyle, their attitudes and beliefs, ability to work with the AfC and promote contact between the child and family members. The ability to care for the child, meet their needs and understand the impact of past experiences on the child's behaviour and development will have been fully explored, as will the ability to keep a child safe and care for them to a consistently high standard in a warm and loving family environment.

Those attending Panel may bring a friend or family member with them who will act as a supporter. The supporter may speak on behalf of those who have been assessed at the discretion of the Panel Chair and Panel Adviser. It is important to tell the assessing Social Worker if a supporter is attending, as there may be occasions when it is not considered appropriate for them to be present. Applicants and carers need to be aware that the Panel may refer to information in the report that is of a personal and confidential nature, which carers may not wish to share with their supporter.

6. Roles and responsibilities

6.1 The role of the Agency Decision Maker (ADM)

The Panel acts independently of the Fostering Service and can only make a recommendation. This is forwarded, with the assessment report and a copy of the minutes of the meeting to the Agency Decision Maker. The Agency Decision Maker must make a decision within 7 working days of receiving a final copy of the minutes of the meeting. The decision will be verbally communicated to applicants within 2 working days and a letter confirming the decision will be sent out within 5 working days.

Where the agency decision-maker, having taken into account any recommendation of a fostering panel and/or of a review of approval, is of the opinion that the person is unsuitable (or is no longer suitable) to foster they must issue a 'qualifying determination' stating their intention.

The notification will state the decision maker's reasons, and a copy of the relevant panel minutes will be supplied. The same timescales for notification apply as if the ADM were making a decision following panel. The notification of the qualifying determination will advise the applicant that they may, within 28 days of the date of the written notice, either submit written representations to the ADM, or apply to the Secretary of State for a review by an independent review panel of the qualifying determination, but that they may not do both.

The IRM is an independent body, which will hold a Panel meeting to review all of the information presented to the original panel. Details on how to contact the Independent Review Mechanism will be included in the letter from the Agency Decision Maker. Although the IRM cannot change the decision made by the Local Authority they can recommend that it is reconsidered. The outcome of the IRM is sent to AfC and the Agency Decision Maker will make a final decision, taking into account the recommendation of the Independent Review Mechanism.

If the recommendation made by the Panel, and agreed by the Agency Decision Maker, is to defer until further information is available, a timescale for a return to Panel will be set. Once the

information is available a date will be arranged and applicants will be invited to attend the Panel. Any additional reports will be shared with applicants unless they contain confidential information.

Applicants who are approved will be approved for named children only and will not be eligible to care for any other child.

6.2 Notification of the placement

The child's social worker must notify all those involved with the child that the placement has been made and an initial Looked After Child review should be arranged to take place within 20 working days of the placement starting.

Prior to, or within 5 working days of making the placement a Placement Plan should be drawn up. The information to be recorded in the Placement Plan is specified in Schedule 2 of the 2010 Regulations. Carers need to have as much information as needed to care for the child. Where a Placement Plan is not available, the carer must be told of any behaviour that has been a cause of concern in the past or will put their home or family at risk. The carer will be given advice and support to put a safer caring policy into place in order to protect the child and other members of the family.

6.3 The role of the Fostering Service

Approved carers will be allocated a Supervising Social Worker (SSW) who will support and advise them. This worker is in addition to the Social Worker for the child or children who are in placement or who will be placed once the applicant is approved. When a carer is approved they will be advised to join the Fostering Network (<https://www.thefosteringnetwork.org.uk>). This is a voluntary agencies, which provides free advice on all matters relating to fostering, including information on finances, benefits and tax. Fostering Network members can also access a help line and legal advice as well as training and support. Carers will also be given a copy of AfC's Foster Carer's Handbook, which gives information on all aspects of caring for a Looked After Child.

Although the assessment will have been completed there will continue to be a number of meetings and appointments that carers will need to attend. There may also be court proceedings that involve an assessment of the children, and their parents by expert professionals. Professionals, such as the Children's Guardian who is appointed to make sure the children's views and best interests are represented within the proceedings, will want to talk to carers to gain an understanding of the day to day behaviour of the children they care for.

All foster carers are eligible for universal services from statutory agencies such as Health and Education, and these services are provided free of charge to everyone. Connected persons carers will be helped to access any services or support that is required for either the carers or the child placed with them.

6.4 The role of the connected person's carers

Once approved, connected persons foster carers are expected to care for the child placed with them to the same professional standards as a foster carer caring for a child who is not related or known to them. The expectations of carers are outlined in the Foster Care agreement which carers sign shortly after their approval is confirmed. A significant feature of connected person's foster care are the changes that take place in family dynamics and relationships. By taking on the day to day care of a child who is related or known, carers have to make a decision to prioritise their relationship with the child over that of the parent, who may be a son or daughter, sister, brother, niece, nephew or close friend. It can be difficult for parents to understand the change of role and, as a carer, it can feel as if there is a conflict of loyalty between meeting the expectations of the parent(s) and the needs of the child. This change in family dynamics is made more complicated when the connected person wishes to become the special guardian for the child/ren. AfC may support a care plan where the connected person becomes the special guardian. Some children will require this level of permanence so that that their carer can act exclusively on their best interest.

A Special Guardianship Order appoints a person/s as a child's special guardian. The child's welfare is paramount and the welfare checklist in Children Act 1989 applies. The guidance states that it will:-

- Give the carer exclusive exercise of parental responsibility which gives clear responsibility for all aspects of caring for the child and for taking the decisions to do with their upbringing. The child will no longer be looked after by a local authority.
- Provide a firm foundation on which to build a lifelong permanent relationship between the child and their carer.
- Be legally secure.
- Preserve the basic link between the child and their birth family.
- Be accompanied by access to a full range of support services including, where appropriate, financial support.

7. Assessment for court

In many instances connected persons wish to become the special guardian for the child. AfC has streamlined this assessment to avoid the prospective guardian being assessed twice and by different social workers. To avoid this unnecessary intrusion AfC's connected person' assessment report can be used as the special guardianship report as well. This dual purpose report considers:-

- The developmental needs of the child.
- The parenting capacity of the special guardian or prospective special guardian.
- The family and environmental factors which have shaped the life of the child.

- What the life of the child might be like with the special guardian.
- Any previous assessment undertaken in respect of the child or the special guardian or prospective special guardian.
- The needs of the special guardian or prospective special guardian and their family
- An assessment of the support services necessary to meet the needs of the child and prospective special guardian.

8. Timescales

The guidance does not specify a timescale to produce the assessment, however, the following factors determine the timescale for production of the special guardianship assessment report:

- As the applicant has to give three months' notice of their intention to apply for an order it is implicit that the expectation is that the local authority will complete its report within that timescale.
- If the case is already in proceedings the court may set timescales which should be based on the principle of the minimum delay for the child.

9. Statutory checks and references

The same checks should be carried out of the prospective special guardian as if they were applying to become a foster carer. This includes an enhanced DBS check for the prospective special guardian and other household members aged 18 years.

10. What are Special Guardianship support services?

Special Guardianship Support may be any of the following:

- Financial Support. When an approved connected person becomes a special guardian they will continue to receive the fostering allowance for two years post the making of the SG order. The allowance is means tested thereafter.
- Support groups for children subject to Special Guardianship Order, special guardians and parents of child.
- Therapeutic services for the child.
- Any other support service which would ensure the continuing relationship between the child and his special guardian e.g. respite care, training.
- Counselling advice and information.