ABSTRACT

This report informs Social Work and Health Committee of the issues associated with the implementation of the Scottish Government and COSLA strategy document “Getting it right for every child in kinship and foster care”. This includes the requirement that all local authorities should have a kinship care scheme.

The development of a kinship care scheme is both a Scottish Government manifesto pledge and is referenced within the Concordat. The Scottish Government have committed £4 million nationally to the development of these services. This includes £80,000 of funding to Angus Council.

A copy of the “Getting it right for every child in kinship and foster care” strategy document is available for consultation in the members lounge.

1 RECOMMENDATIONS

It is recommended that the Social Work and Health Committee:-

i) notes the content of this report;

ii) instructs the Director of Social Work and Health to develop and operate an interim kinship care scheme based on the recommendations in this report and that reflects any interim recommendations and guidance from the Scottish Government and the national Reference Group;

iii) instructs the Director of Social Work and Health to provide an update report on the issues identified from this strategy document following the issue of final regulation and guidance.

2 INTRODUCTION

The strategy document, “Getting it right for every child in kinship and foster care” sets out the areas that the Scottish Government and COSLA want to see developed to take fostering and kinship care services forward. The aim is to develop services that provide secure and nurturing experiences for children who have to be looked after away from their parents.

As part of these developments, the Government and COSLA have asked The Fostering Network and the British Association for Adoption and Fostering to co-lead a Reference Group of stakeholders with responsibilities for and interest in foster and kinship care.

The Reference Group has split the work into five task areas. These are:
1. Kinship Care
This group will develop guidelines for assessing and approving kinship carers and will look at initial proposals for their training. It will also look at models of practice for kinship carers who do not require approval.

2. Assessment and Approval of Foster Carers
This group will review current assessment and approval processes as well as explore skills needed by social workers undertaking assessment.

3. Recruitment of Foster Carers
This group will look at how to achieve effective recruitment of carers across Scotland, identifying what works well, new challenges and solutions. This will inform national recruitment initiatives.

4. Training for Foster Carers
This group will review training needs and current provision, particularly the training for implementation of permanence orders and other changes in the Adoption and Children (Scotland) Act 2007.

5. Organisational arrangements supporting decision making process for children’s permanent care
This group will explore different organisational arrangements and decision making process and will make proposals about what works best to deliver good decisions for a child’s future.

To assist in the development of the strategy the Reference Group is planning a number of policy consultation events over the coming months.

3 THE DEVELOPMENT OF A KINSHIP CARE SCHEME IN ANGUS
A key element of the strategy is that all “Looked After Children” and young people who are staying with a relative or close friend will be entitled to support including financial support. The strategy document defines kinship carers as:

“a relative or close friend who cares for a child or young person where:

- the local authority places the child or young person with the relative; or
- an order by the court or children’s hearing requires the child or young person to live with them”.

On 21st February 2008 Angus Council had 42 children who met the Scottish Governments definition of a kinship carer. This includes placements made by both the Children’s Hearing and Sheriff Court (for example, Supervision Requirements issued under section 70 of the Children (Scot) Act 1995, warrants issued under sections 45, 66, 67 and 68 of the said Act and Child Protection Orders made and continued under sections 57, 59 and 60 of the said Act) and by Angus Council on a voluntary basis with the agreement of the child’s parents under section 25 of the said Act (See Table 1).

In the Concordat published on the 11 November 2007 the Scottish Government and COSLA agreed that allowances should be paid to all kinship carers who have been approved as carers of looked after children and to treat them on an equal basis to foster carers.

The strategy states that if the carer is approved (i.e. have been through an assessment process broadly equivalent to a foster carer) and if a kinship care agreement has been established for a looked after child an allowance will be paid as it is for every looked after child in foster care.
The Scottish Government intend to ensure consistent and fair financial support for kinship and foster carers by promoting consistent financial support for foster carers and parity of financial support for kinship carers of looked after children.

Citizens’ Advice Scotland is being funded for three years to provide legal and financial advice to kinship carers caring for children who are not “looked after and accommodated” by a Council. The reference group will consider what support and services should be available to this wider group through the year.

4 MAIN COMMENTS

Allowances
Ministers took powers to make regulation with regard to standardised allowances during the passage of the Adoption and Children (Scotland) Act 2007 although they have no immediate plans to use these. They do however support the introduction of a minimum allowance based upon the Foster Care Network’s (FCN) recommendations of allowances. Currently Angus fostering allowances are significantly less than the FCN allowance however the rates recommended do not include additional fees and allowances paid by Angus to foster carers (See Table 2).

Support
The Scottish Government recognise that both Foster and Kinship Carers need support. In Angus any Kinship Care scheme will require to include:

1. The training, assessment and support of kinship carers. The Scottish Government are currently consulting on these key processes mirroring those for foster carers but with a “lighter touch”. The Kinship Care task group will be taking forward these issues and should report recommendations by the summer. In the meantime the proposed interim Angus strategy does not intend to submit these assessments to the Fostering Panel in recognition of this “light touch” approach. Instead it is proposed that kinship carer assessments go to a Service Manager for authorisation.

2. The management of the kinship payments through the Carepay system will involve a significant level of additional work. Resources will be required to help facilitate these payments.

5 KEY ISSUES

Elected members should note that there is still a lack of clarity from the Scottish Government regarding their expectations from any Kinship Care scheme. It is anticipated that future detailed guidance will be issued arising out of the work of the national Reference Group. However there is an expectation nationally and amongst carers that local areas will have in place Kinship Care Schemes for early 2008/09. Significantly there is a lack of clarity nationally around which kinship carers will get allowances and who will get advice from Citizens Advice Scotland.

It is also clear that there is a funding gap between the resources made available to Angus to implement a Kinship Care Scheme and the likely cost of such a scheme. This gap in funding appears to be mirrored across Scotland. It also considered likely that the numbers of kinship carers for accommodated children will rise in the future.

6 PROPOSAL

Given the concordat agreement and the expectations of carers that local authorities will develop a Kinship Care Scheme it is proposed that an interim scheme is introduced in Angus from 1 July 2008 where kinship carers will be paid the same basic allowance as Angus Council foster carers pending further guidance from the Scottish Government.

As kinship carers are eligible for child benefit and possibly Tax Credits it is proposed that such benefits be deducted from the allowance paid. It is also proposed that
kinship carers should not be paid a fee for caring over and above the basic fostering allowance.

7 FINANCIAL IMPLICATIONS

The funding of £80,000 provided by the Scottish Government to Angus is sufficient to allow around 18 Kinship Carers to receive allowances for a full year. As noted previously as at 21st February Angus Council was in contact with 42 potential Kinship placements. However it is not known how many kinship care placements will be required in the future or the exact cost of such placements given that some carers will be entitled to claim some benefits. It is also considered that some of the current placements may not wish to undergo the assessment process in order to be approved as a kinship carer. Elected members should also be aware of the current work ongoing within social work and health to review and redesign children’s services with a view to supporting more children and young people to remain living at home and thus reduce the number of placements required in the future. However there is likely to be a funding gap in 2008/09 that will require to be met from within the existing revenue budget for children’s services. Any projected funding gap thereafter will require to be fed into future budget setting processes.

8 HUMAN RIGHTS IMPLICATIONS

There are no Human Rights implications arising as a result of the recommendations contained in this report.

9 CONSULTATION

The Chief Executive, the Director of Corporate Services, the Head of Finance and the Head of Law and Administration have been consulted in the preparation of this report.

10 CONCLUSION

The Scottish Government have recognised that the “Getting it right for every child in kinship and foster care” strategy document is confusing and has some potentially conflicting information. To assist in its implementation a national Reference Group with 5 associated task groups has been established to address a number of identified issues and provide more detailed guidance.

Pending further guidance from the Scottish Government it is proposed to implement an interim Kinship Care Scheme in Angus. This will allow Social Work and Health to respond positively and in line with the Concordat Agreement to requests for support, from kinship carers. It will ensure the department is able to support kinship carers until additional guidance is issued by the Scottish Government.

R Peat
Director of Social Work and Health

NOTE: No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above report.
## Appendix 1: Statistical Tables

### Table 1: Legal Status of Children in Kinship Care under New Scheme
(As 21st February 2008)

<table>
<thead>
<tr>
<th></th>
<th>Age 0-4</th>
<th>Age 5-10</th>
<th>Age 11-15</th>
<th>Age 16+</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 70</td>
<td>12</td>
<td>14</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>Section 25</td>
<td>4</td>
<td>2</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Section 86</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>CPO/Warrant</td>
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<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total No. of Kinship Placements</strong></td>
<td><strong>17</strong></td>
<td><strong>17</strong></td>
<td><strong>3</strong></td>
<td><strong>5</strong></td>
</tr>
</tbody>
</table>

### Table 2: Possible Rate of Kinship Care Allowance per Week 2008-09

<table>
<thead>
<tr>
<th>2008-09</th>
<th>Fostering Care Network</th>
<th>Angus Council Fostering Allowance (52 week rate paid over 56 weeks)</th>
<th>Proposed Angus Kinship Care Allowance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age 0-4</td>
<td>£118.60</td>
<td>£77.22</td>
<td>£77.22*</td>
</tr>
<tr>
<td>Age 5-10</td>
<td>£135.10</td>
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<td>£96.65*</td>
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<td>Age 11-15</td>
<td>£168.18</td>
<td>£119.22</td>
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<tr>
<td>Age 16+</td>
<td>£204.55</td>
<td>£154.26</td>
<td>£154.26*</td>
</tr>
</tbody>
</table>

Notes:

1. Child benefit and any Tax Credit will be deducted from the allowance paid to kinship carers.

2. Whilst Angus Councils basic foster care allowance is below the Fostering Care Network rate it is difficult to make direct comparison due to the fact foster carers in Angus are also paid a fee for undertaking the caring role, as well as additional allowances for birthdays, Christmas etc. The average paid to foster carers in Angus during 2007/2008 per child per week was £194.46. This includes all fees, allowances and other expenses. This figure is indicative and further work is ongoing to more accurately compare the rates and allowances payable in Angus to those recommended by the Fostering Care Network.