

EAST AYRSHIRE COUNCIL

CABINET: 3 JUNE 2009

KINSHIP CARE

Report by Executive Director of Educational & Social Services

1. PURPOSE

- 1.1 To seek approval of the implementation arrangements in East Ayrshire of national policy relating to kinship carers.

2. BACKGROUND

- 2.1 In 2007, the Scottish Government and COSLA published a strategy entitled "Getting it Right for Every Child in Kinship and Foster Care". The strategy outlines proposals to facilitate the delivery of flexible, child-centred care options for children and young people who are unable to remain living with their birth parents due to concerns about their care and/or protection. There is a strong focus on supporting family and friends to care for children in such circumstances.

- 2.2 Kinship carers are defined 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.

- 2.3 Within the guidance, kinship care is applicable where a relative or friend cares for a child or young person under the following legislation:

- Section 25 (voluntarily accommodated) or section 86 (local authority holds parental responsibilities) of the Children (Scotland) Act 1995 or;
- Section 70 of the Children (Scotland) Act 1995 made by a children's hearing (where a supervision order with a condition of residence has been made).

3. NATIONAL POLICY AND GUIDANCE

- 3.1 The implementation of kinship care is set out as one of the concordat commitments, and the intention to develop financial support arrangements for kinship carers is outlined in the East Ayrshire single outcome agreement. Local authorities require to decide how to implement this policy at local level. The key elements include:

- information, advice and support be provided to all kinship carers. This could, for example, include short breaks.
- allowances to be paid to kinship carers which should equate to allowances paid to foster carers (minus child benefit), based on The Fostering Network's recommended rated allowances (a voluntary organisation which supports and promotes the work of foster carers).
- local authorities are to formalise assessment and approval processes for kinship carers. This is not currently in place for link carers. It is proposed that these arrangements will be similar to current processes for fostering and adoptive carers, including formal approval arrangements. Enhanced monitoring arrangements will also be required to be established.

3.2 Benchmarking across local authorities has highlighted a wide range of approaches to the implementation of kinship care payments. Some areas have not decided as yet how to implement, some are introducing flat rate schemes and others are basing their scheme on payments to foster carers.

4. PROPOSALS: IMPLEMENTATION IN EAST AYRSHIRE

4.1 In 2008, an independent consultant was commissioned to undertake a needs assessment in respect of kinship care. This highlighted the need for information, advice, short breaks, counselling and support for children. These supports require to be made available, in addition to the payment of allowances.

4.2 At present there are 95 children being supported by link carers, and there has been a year on year increase in numbers (an average 12 additional children each year).

4.3 Current link carers are provided with an allowance. The rates are set out in appendix 1, along with current foster care allowances (based on The Fostering Networks' recommended rate). The full year cost of these placements is £417,150, reflecting an increase of £128,850 between 2008/09 and 2009/10.

4.4 In applying the new criteria, based on legislation outlined at section 2.3, the carers of an additional 58 children are eligible for support. If the current link carers scheme continues the costs would be an additional £275,188 per annum at link carer rates, and £1,098,642 at foster carer rates (see appendix 1).

4.5 An options paper was considered by the Corporate Management Team on Wednesday 22 April 2009. It proposed that a new kinship care scheme is put into place to support kinship carers from 1 April 2010. This will include the provision of information and the payment of allowances at a flat rate of £55.00 per week. The existing link carers scheme will cease to exist, but payments made to existing link carers will be transitionally protected, but will be subject of ongoing review. Detailed criteria will be developed to assist officers in

making transparent and equitable decisions. Table 3 in Appendix 1 highlights the proposed financial commitment of £596,004 which includes the additional concordat commitment of £270,900 in 2010/11.

- 4.6 Implementation of the new kinship care allowance scheme needs to be supported with the development of services to provide information, support and short breaks to carers. Additional staffing will be required to undertake assessment and approval arrangements. Options are currently being explored and costed, and an implementation plan will be devised, taking account of the resources available. Consideration also needs to be given to the fact that additional placements are likely to be made every year
- 4.7 In implementing the new scheme, the Council recognises the important role played by kinship carers, but notes that their role is very different from foster carers. Payments made within the new scheme will be reviewed regularly, and carers will be subject to new assessment and approval arrangements. Payments will be made on a grant basis, as it should be clear that the Council is not an income maintenance agency. In all circumstances, income maximisation will take place prior to payment to ensure that all benefits are in place, and that the payment of the allowance does not negatively impact of benefit entitlement.

5. FINANCIAL AND LEGAL IMPLICATIONS

- 5.1 As outlined in this report, the national guidance requires that kinship care allowances are paid to kinship carers based on children being looked after within certain parts of the Children (Scotland) Act 1995.
- 5.2 The financial implications are set out in detail at section 4.5. The report highlights that the existing funding will become fully committed over a 3 year period if the assumption of 12 additional carers each year is realised. This will create challenges in resourcing other aspects of the implementation plan.
- 5.3 Payments will be made within section 22 of the Children (Scotland) Act 2005.

6. POLICY AND COMMUNITY PLANNING IMPLICATIONS

- 6.1 The proposed arrangements are consistent with national policy in making arrangements to support kinship carers. The proposal does not comply with the guidance in respect of providing allowances to kinship carers at the same rate as foster carers.

7. RISK IMPLICATIONS

- 7.1 The key risks associated with implementing the proposed change relates to:

- the fact that the existing link carer scheme rates are higher, however it is proposed that these people are transitionally protected and subject to review.
- there will be variations across Scotland in how the scheme is implemented, which may lead to questions about equity between areas. This is a national issue as opposed to a local one for East Ayrshire.

8. RECOMMENDATION:

8.1 It is recommended that Cabinet:

- (i) approve the proposal to introduce a flat rate kinship care payment as set out at section 4.5;
- (ii) note that additional work is taking place to identify the resources required in providing the broader range of supports as explained at section 4.6;
- (iii) approve the implementation arrangements as set out at section 4.7; and
- (iv) otherwise note the contents of this report

Graham R Short
Executive Director of Educational and Social Services

ST/JB
21 May 2009

If you require any further information please contact Susan Taylor, Head of Service: Children & Families & Criminal Justice on 01563 576920.

**IMPLEMENTATION OFFICER : SUSAN TAYLOR, HEAD OF SERVICE :
CHILDREN & FAMILIES & CRIMINAL JUSTICE**

APPENDIX 1

Table 1: Current Link Carer Commitments Based on Existing Placements: 95 Children

Age Range	No of Children & Young People	Rate Per Week 2009/10 £	Total Per Week 2009/10 £	*Total Per Annum 2009/10 £
0 – 4	18	55.00	990.00	55,440.00
5 – 10	39	72.84	2,840.76	159,082.56
11 – 15	38	95.32	3,622.16	202,840.96
16+	0	129.00	0.00	0.00
Grand Total	95			417,363.52

Table 2: Additional Commitments: 58 Children (based on Link Carers allowances)

Age Range	No of Children & Young People	Rate Per Week 2009/10 £	Total Per Week 2009/10 £	*Total Per Annum 2009/10 £
0 – 4	13	55.00	715.00	40,040.00
5 – 10	19	72.84	1,383.96	77,501.76
11 – 15	16	95.32	1,525.12	85,406.72
16+	10	129.00	1,290.00	72,240.00
Grand Total	58			275,188.48

Table 3: Transitional Protection for Link Carers and Introduction of Flat Rate for Kinship Carers

	£K	No. of Children
Current Link Carers Budget 2009/10	417,150	
Concordat Commitment 2010/11	270,900	
Infrastructure, new placements etc	(92,046)	
Total Budget	596,004	
Cost of existing placements (Table 3)	417,364	95
Total Budget (balance)	178,640	58
Equals	£55.00 (payable over 52 weeks)	
Payable to present level of service	165,880	
Unallocated	12,760	
Total	178,640	