



# Item No: 14

Meeting Date: Wednesday 19<sup>th</sup> September 2018

## Glasgow City Integration Joint Board

**Report By:** Susanne Millar, Chief Officer Strategy and Operations /  
Chief Social Work Officer

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**KINSHIP SUPPORT AND FINANCIAL ASSUMPTIONS RELATING TO KINSHIP CARE  
ORDERS IN ACCORDANCE WITH CHILDREN AND YOUNG PEOPLE  
(SCOTLAND) ACT 2014**

<b>Purpose of Report:</b>	This report provides an update on kinship care developments in Glasgow and makes a recommendation to increase our financial contribution towards Kinship Care Orders in accordance with our duties under Kinship Care Orders (Sec 11 (1) of the Children (Scot) Act 1995, the Children Young People (Scot) Act 2014 and the Kinship Care Assistance (Scotland) Order 2016.
<b>Background/Engagement:</b>	<p>Kinship care is routinely considered in partnership with key stakeholders including Legal Services, Education, Citizens Advice Bureau, Third Sector and established forums which extend to local kinship groups, Glasgow kinship steering group and Chief Social Work Officers engagement with kinship group chairs.</p> <p>The proposal to increase financial contributions towards Kinship Orders has been endorsed by Glasgow City HSCP Senior Management Team.</p>
<b>Recommendations:</b>	<p>The Integration Joint Board is asked to:</p> <ul style="list-style-type: none"><li>a) note the report;</li><li>b) note the progress made in supporting kinship carers and the children who are placed in their care;</li><li>c) note the impact of Universal Credit on the placing of children in kinship care arrangements and consider the financial gains in obtaining a Kinship Order; and</li><li>d) approve the recommendation to increase financial contribution towards a Kinship Order from £500 to £1500 in</li></ul>

	the event that the carer is not entitled to legal aid and meets the eligibility criteria.
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**Relevance to Integration Joint Board Strategic Plan:**

Helping families to help themselves and achieving step change for city of Glasgow and securing outcomes for young people who are LAAC. GIRFEC compliant SAFE: protected from abuse and neglect and harm. NURTURED live within a supportive family setting or care setting ensuring a positive and rewarding childhood experience.
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**Implications for Health and Social Care Partnership:**

<b>Reference to National Health &amp; Wellbeing Outcome:</b>	<p><b>Outcome 4.</b> Health and social care services are centered on helping to maintain or improve the quality of life of people who use those services.</p> <p><b>Outcome 9.</b> Resources are used effectively and efficiently in the provision of health and social care services.</p>
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<b>Personnel:</b>	No Implication
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<b>Carers:</b>	Supporting carers and securing placement stability through a legal order.
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<b>Provider Organisations:</b>	Continual support from third sector in keeping with family support agenda
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<b>Equalities:</b>	Safeguarding long term best interests of children and young people through the process of permanence planning in kinship.
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<b>Financial:</b>	Costs associated with kinship care off set against alternative forms of care.
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<b>Legal:</b>	Requirement to adhere to CYP (Scot) Act 2014.
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<b>Economic Impact:</b>	Reducing child poverty and mitigating impact of Universal Credit by improving life chances of LAAC children.
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<b>Sustainability:</b>	No implications
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<b>Sustainable Procurement and Article 19:</b>	No implications
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<b>Risk Implications:</b>	Risk of legal challenge if not compliant with CYP (Scot) Act 2014.
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<b>Implications for Glasgow City Council:</b>	Legal and reputational implications if not compliant with CYP (Scot) Act 2014
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<b>Implications for NHS Greater Glasgow &amp; Clyde:</b>	As above
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<b>Direction Required to Council, Health Board or Both</b>	Direction to:	
	1. No Direction Required	
	2. Glasgow City Council	✓
	3. NHS Greater Glasgow & Clyde	
	4. Glasgow City Council and NHS Greater Glasgow & Clyde	

## 1. Purpose

- 1.1 To update the Integration Joint Board on kinship care developments in Glasgow and proposed plans for enhancing support.
- 1.2 To update the Integration Joint Board on the requirement to financially assist with the legal costs of obtaining Kinship Care Orders (Sec 11 (1) of the Children (Scotland Act) 1995) and providing kinship care allowances as set out in Part 13 of the Children and Young People (Scotland) Act 2014 and in the Kinship Care Assistance (Scotland) Order 2016.
- 1.3 To advise on the potential financial impact on existing budget pressures specifically in relation to kinship care.
- 1.4 To advise on the gains from securing Kinship Orders.

## 2. Background

- 2.1 Kinship care describes when a child is looked after by their extended family or close friends if they cannot remain with their birth parents. Under the Looked After Children (Scotland) Regulations 2009, kinship carers are defined as "a person who is related to the child (through blood, marriage or civil partnership) or a person with whom the child has a pre-existing relationship".
- 2.2 Kinship placements may be at the request of the child's parent and be arranged with a member of their family without any intervention from the local authority often referred to as an 'informal' kinship care arrangement. A child who is 'looked after' by a local authority and living with kinship carers following statutory involvement is usually referred as a 'formal' kinship care making a carer eligible for kinship allowance.
- 2.3 Local analyses has highlighted the stability and longevity of kinship placement from a sample of 550 cases with 81% of children having been in placement two years or more and 53% of children having been in placement for four years or more.
- 2.4 Glasgow City HSCP currently supports 1318 children/young people living in formal kinship care arrangements cared by 1017 kinship carers with an annual budget of

£8.1 Million. Whilst this figure demonstrates a sharp increase from 918 (45%) since 2008 more recent figures suggest a fairly static trend with only a small increase.

### **3. Progress**

- 3.1 Retaining children within their existing family network is recognised as a key feature of Glasgow City HSCP Children's Services transformational change strategy. Kinship carers play a vital role in supporting the growth and development of the children /young people however this role must be complimented with continuous support and investment. A summary of commitment towards the development of kinship care in Glasgow can be summarised as follows.
- 3.2 Implementing new financial arrangements which ensure kinship carers are paid a comparable amount of money with foster care since Nov 2015. Kinship carers also qualify for child tax credit and child benefit but foster carers do not. As such the kinship care allowance is calculated by deducting the child benefit and child tax credit entitlement from the corresponding fostering allowance  
Kinship care payments are made weekly and are determined by the four age bands:
  - £137.18 0-4
  - £156.30 5-10
  - £194.54 11-15
  - £236.60 over 16s, the allowance increases when a child moves into a higher age band.
- 3.3 Major investment into Family Group Decision Making (FGDM) as a means enhancing kinship care planning arrangements. FGDM teams are now available in all localities across Glasgow since original pilot in North East commenced in March 2017. Glasgow FGDM team also secured the Social Work Scotland Team of The Year 2018 award acknowledging the commitment to partnership working with families and ensuring improved outcomes for children/young people.
- 3.4 Glasgow has also implemented Extended Family Network Searching (EFNS) adopting genealogy methods as a means of identifying potential kinship support for young people at risk of becoming looked after or supporting rehabilitation plans. During the reporting period of a recent pilot (March 2017-Dec 2017) 118 EFNS were completed. In total, 1929 family members were found who had not been known to Social Work Services previously. This has substantially increased the scope for utilising family members as a means of supporting young people.
- 3.5 Initial investment of 70k into Quarriers kinship care family support pilot program in 2016 has proven to be successful in supporting more than 100 families who do not require the full extent of statutory services providing a neighbourhood approach to supporting kinship arrangements. This budget has now been substantially increased with a recent tender for 300k attracting many third sector parties. A kinship carer selected from a local group also participated in the interview panel ensuring cohesive partnership.
- 3.6 Glasgow are currently engaged in the 'Life Long Links' research trial as one of only two local authorities in Scotland which seeks to proactively engage family members in supporting young people currently looked after and accommodated. This trial is funded by Family Rights Group with a duration of three years focusing on improved family connectedness.

- 3.7 Glasgow City HSCP continue to support locally established kinship care groups via Integrated Grant funding of 50k per year assisting groups to facilitate local events, activities and trips for carers and children.
- 3.8 Following extensive engagement and planning with key kinship partners, business development and legal services Glasgow has implemented a kinship carers website hosting 'frequently asked questions' and access to the broad range of support available within Your Support Your Way and Glasgow Connect websites..
- 3.9 Large scale annual kinship care events have been in operation since 2015 which focus on themes identified by kinship carers including third sector kinship support, Education Psychology Services and more recently connected the role of kinship with Glasgow's recovery agenda.
- 3.10 Homework clubs are now well established across the city and reflected positively in the Joint Care Inspection of Children's Services in Glasgow May 2017. There are now plans to extend this in partnership with Voluntary Teacher's Organisation (VTO), MCR pathways and locally placed third sector kinship support services.
- 3.11 Glasgow City HSCP Children's Services continue to financially support Notre Dame Centre in its provision of support to kinship carers and young people in their care. This service is extremely well received by kinship carers and provides an intensive approach to counselling and play therapy. Plans are currently under way looking at a joint protocol arrangement with education services.
- 3.12 Formal implementation of Comprehensive Health Assessments (CHA) for all looked after children including those in kinship care placements in response to Scottish Government CEL 16 Specialist Children's Services Community Paediatric Framework (2012). The objectives of the CHA are to:
- a) Provide an opportunity to collate and analyse the child/young person's health history including antenatal, birth, neonatal, past medical and family history.
  - b) To identify unrecognised/unmet health needs, ascertain if the child/young person has missed or has any outstanding appointments, and to plan appropriate action.
  - c) To comprehensively assess the child/young person current physical, developmental and emotional health needs.

#### **4. Kinship Care Financial Support**

- 4.1 In March 2017 Glasgow City HSCP SMT agreed to make a financial contribution of £500 towards Kinship Care Orders.
- 4.2 Under Glasgow City Council's existing policy kinship carers entitled to payment and support are those caring for children who are subject to the following legislation:
- S.25 of the Children (Scotland) Act 1995
  - Compulsory Supervision Order Children's Hearings (Scotland) Act 2011
  - Residence Order under S.11 of the Children (Scotland) Act 1995 where a child was previously 'looked after' by the local authority

- Permanence Order S.80 Adoption and Children (Scotland) Act 2007

- 4.3 The introduction of Part 13 of the CYP Act 2014 places a duty on local authorities to make kinship payments to qualifying kinship carers (caring for an eligible child) once a Kinship Care Order is in place, but also to provide financial support toward the cost of a Kinship Care Order being obtained. An eligible child is a child who is at risk of becoming looked after or who was previously looked after. A qualifying kinship carer is one who is related to the child or who is a friend or acquaintance of a person related to the child.
- 4.4 In the event that a Kinship Care Order is obtained then the carer is automatically entitled to kinship payments regardless of social work recommendation, if the child is an eligible child i.e. at risk of becoming looked after or previously looked after. The criteria for 'at risk' children is based on GIRFEC wellbeing indicators and is currently reviewed by existing service managers responsible for kinship care in order to ensure parity across the organization. To date there has been no kinship care placements deemed formal as a consequence of being 'at risk'.
- 4.5 In accordance with the CYP (Scot) Act 2014 a kinship carer is entitled to a financial contribution towards the legal costs associated with obtaining a kinship order.
- 4.6 Glasgow have no means of identifying the volume of 'informal' kinship placements i.e. no Social Work involvement who are entitled to apply for a kinship order.
- 4.7 The 2014 Act also requires that the local authority provides information and advice to those applying for, or who are considering applying for, a kinship care order.

## **5 Kinship Order Costs**

- 5.1 The legal costs of a non-contested Kinship Care Order can range between £2,000 and £5,000 whilst a contested order can cost up to £10,000 or beyond depending on the volume, length and complexity of Court Hearings involved.
- 5.2 The current arrangement as agreed by SMT in March 2017 ensures a flat rate of £500 be issued to those eligible to receive a contribution towards legal costs in obtaining a Kinship Care Order. Consultation with Welfare Rights Services and Glasgow Legal Services identified a potential system of a flat rate fee with an additional means tested element based on eligibility for tax credits/universal credit which requires to be further explored. Legal advice indicates that a system of financial assistance does require to now be in place to meet legislative requirements. The local authority is given a discretion as to how it chooses to meet its legal requirement to provide financial support however the figure of £500 was deemed as a reasonable financial contribution and meets our legal requirement.
- 5.3 The Scottish Government Guidance on Part 13 of the CYP Act 2014 makes it clear that all persons seeking a kinship care order should be encouraged to apply for legal aid. This Guidance advises that a kinship carer would not qualify for legal aid if their disposable income is above £26,239 per annum or their disposable capital is above £13,017. Any qualifying kinship carer, looking after an eligible child, who is refused Legal Aid will be entitled to local authority financial assistance towards the costs of obtaining a Kinship Care Order.

- 5.4 The considerable majority (75%) of kinship carers are not in receipt of salaried income therefore entitling them to legal aid and no cost to the local authority if they chose to pursue a Kinship Care Order.
- 5.5 Qualifying carers, caring for an eligible child, not entitled to legal aid and who wish to pursue a Kinship Care Order can approach the local authority for financial assistance of £500 per child. However based on existing arrangements they must be willing to pay the remainder of costs.
- 5.6 To date Glasgow City HSCP have contributed towards the costs of four Kinship Orders (£2000) since the SMT decision was reached in March 2017. Taking into account the scale of kinship care in Glasgow this demonstrated nominal financial risk to existing budget constraints with the majority of kinship carers obtaining Legal Aid.

## **6 Retrospective Payments**

- 6.1 No retrospective payments will be made towards the costs of obtaining Kinship Care Orders which were granted prior to April 2016. However qualifying carers will be entitled to apply for legal costs contributions for court applications which are ongoing, seeking a Kinship Care Order, but which commenced prior to April 2016.

## **7 Cost Savings**

- 7.1 A Kinship Care Order provides a permanence planning route, and in many cases results in removal of the child from the Children's Hearing system, thereby reducing the burden on existing resources. Once removed from the Children's Hearing system, with a Kinship Care Order in place, a child is no longer looked after, and the extensive duties and responsibilities towards that child held by the local authority are considerably impacted upon.

## **8. Universal Credit**

- 8.1 Carers for LAAC children have no means of securing Universal Credit for that child. Securing a Kinship Care Order entitles the child to Universal Credit and reduces weekly kinship payments made by the local authority.
- 8.2 Consultation with Welfare Rights have provided the following typical scenarios which help illustrate the significant financial gains in obtaining a Kinship Order which adds considerable weight behind the need for increasing the existing £500 contribution to £1500 for those who meet the eligibility criteria and are not entitled to Legal Aid.

### **Example a: - A carer with 2 kinship children (No children of their own)**

Carer is currently getting £117.40/w – full tax credit for two children. However a new kinship carer claiming after Universal Credit rolled out would not be eligible for the equivalent child element. A residence order would end the looked after status and open up UC entitlement which would therefore save HSCP £463.34/month = £5,560.08 per year

### **Example b: - A carer with 1 kinship child (No children of their own)**

Carer is currently getting £63.94/w – full tax credit for one child.

However a new kinship carer claiming after Universal Credit is rolled out would not be eligible for the equivalent child element. A residence order would end the looked after status and open up UC entitlement which would therefore save HSCP £231.67 per month = £2780.04 per year.

## **9. Recommendations**

9.1 The Integration Joint Board is asked to:

- a) note the report;
- b) note the progress made in supporting kinship carers and the children who are placed in their care;
- c) note the impact of Universal Credit on the placing of children in kinship care arrangements and consider the financial gains in obtaining a Kinship Order; and
- d) approve the recommendation to increase financial contribution towards a Kinship Order from £500 to £1500 in the event that the carer is not entitled to legal aid and meets the eligibility criteria.



## DIRECTION FROM THE GLASGOW CITY INTEGRATION JOINT BOARD

1	Reference number	190918-14-a
2	Date direction issued by Integration Joint Board	19 September 2018
3	Date from which direction takes effect	19 September 2018
4	Direction to:	Glasgow City Council only
5	Does this direction supersede, amend or cancel a previous direction – if yes, include the reference number(s)	No
6	Functions covered by direction	Kinship care
7	Full text of direction	Glasgow City Council is directed to implement the recommendations of this report, specifically to increase the financial contribution towards a Kinship Order to £1,500 where the carer is not entitled to legal aid and meets the eligibility criteria
8	Budget allocated by Integration Joint Board to carry out direction	Within existing resources, as advised by the Chief Officer: Finance and Resources.
9	Performance monitoring arrangements	In line with the agreed Performance Management Framework of the Glasgow City Integration Joint Board and the Glasgow City Health and Social Care Partnership.
10	Date direction will be reviewed	September 2019