



Department
for Education

Kinship Care:

Statutory guidance for local authorities

October 2024

Contents

| | |
|---|----|
| Summary | 3 |
| About this guidance | 3 |
| Expiry or review date | 3 |
| Legislation this guidance refers to | 3 |
| Who this guidance is for | 4 |
| Chapter 1: Introduction | 6 |
| Aims of this guidance | 6 |
| The role of kinship care | 7 |
| Kinship definition | 7 |
| Principles that underpin practice | 9 |
| The broader policy context | 12 |
| National Kinship Care Ambassador | 12 |
| Chapter 2: The Legal Context: Types of Arrangements and Processes | 14 |
| Informal kinship arrangements | 14 |
| Private fostering arrangements | 15 |
| Child Arrangements Orders and Special Guardianship Orders | 16 |
| Looked after child: Identification and Assessment | 17 |
| Looked after child: Approval of Kinship Carers as Foster Carers | 20 |
| Adoption | 31 |
| Legal requirements | 32 |
| Chapter 3: The Local Kinship Offer | 36 |
| The context of the kinship local offer | 36 |
| Governance of the kinship local offer | 37 |
| Types of support to be included in the kinship local offer | 40 |
| Types of arrangements that should be covered by the kinship local offer | 47 |
| Annex A: Glossary of other definitions | 50 |
| Annex B: Different types of kinship arrangements | 52 |
| Annex C: Helpful Information and contacts | 57 |

Summary

About this guidance

This guidance sets out a framework for the provision of support to kinship families, and how family networks can be engaged to support the needs of children throughout the children's social care system, including those who are unable to live with their parents. In particular it provides guidance on the implementation of the duties in the Children Act 1989 in respect of children and young people who, because they are unable to live with their parents, are being brought up by members of their extended families, friends or other people who are connected with them.

This guidance will come into effect and be applicable upon publication.

This guidance was previously known as Family and Friends Care statutory guidance. This guidance does not place any new statutory requirements on local authorities. It repositions previous guidance into a clear framework supported by updated factual information and legal guidance.

Expiry or review date

This guidance will be kept under review and updated versions will be published if necessary.

Legislation this guidance refers to

This guidance applies in relation to England only. It is issued under section 7 of the Local Authority Social Services Act 1970 which requires local authorities in exercising their social services functions to act under the general guidance of the Secretary of State. Such guidance should be complied with by local authorities when exercising these functions, unless local circumstances indicate exceptional reasons that justify a variation. Local authorities and health partners/agencies in England must have regard to it when exercising their functions under section 10 of the Children Act 2004.

This guidance should be read in conjunction with the following Acts and statutory guidance relevant to kinship carers and children in kinship arrangements in specific situations, which must be followed where applicable:

- Adoption statutory guidance 2013
- Assessment and approval of foster carers: Amendments to the Children Act 1989 Guidance and Regulations 2013

- Care Planning, Placement and Case Review (England) Regulations 2010
- Children Act 1989
- Children Act 1989: fostering services: Volume 4 statutory guidance on fostering services for looked-after children 2011
- Children and Families Act 2014
- Children’s Social Care National Framework statutory guidance 2023
- Court orders and pre-proceedings for local authorities, 2014
- Domestic Abuse Act 2021
- Fostering Services (England) Regulations 2011
- Fostering Services: National Minimum Standards 2011
- Replacement Children Act 1989 - Guidance on Private Fostering 2005
- Special guardianship guidance 2017
- Special Guardianship Regulations 2005
- Working Together to Safeguard Children statutory guidance 2023

Who this guidance is for

This guidance is written for those who work in and with local authority children’s social care and contains information that may be useful to children, young people and families in kinship care arrangements. This includes those listed in the Children’s Social Care National Framework,¹ as well as those with a specific interest in kinship care, including:

- Directors of Children’s Services
- Lead members for children’s services in local authorities
- Managers of services for children in need and looked after children
- Social workers and staff working with kinship families

It will also be relevant to:

- Children living with kinship carers
- Kinship carers
- Local authorities’ relevant agencies

¹ [Children's social care national framework \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

- Other providers of services to children in need and looked after children, including private and voluntary sector providers

Chapter 1: Introduction

Aims of this guidance

A key principle of the Children Act 1989 is that children are best looked after within their families, with their parents playing a full part in their lives, unless compulsory intervention in family life is necessary.

This statutory guidance aims to improve outcomes for children and young people who, because they are unable to live with their parents, are being brought up by members of their extended families, friends or other people who are connected to them. This is referred to as kinship care. The arrangement may be temporary or longer term. The guidance also outlines how family networks can be engaged to support the needs of children throughout the children's social care system, including those who are unable to live with their parents. It provides guidance on the implementation of the duties in the Children Act 1989 in respect of such children and young people.

Children and young people who are unable to live with their parents should receive the support that they and their carers need to safeguard and promote their welfare, whether or not they are looked after by the state. This guidance offers a framework for local authorities and partners to assess and provide this support, recognising that each child's situation is unique. It outlines how local authorities and partners should provide services for children and young people in various kinship care arrangements. This includes: informal arrangements, temporary arrangements, private fostering, kinship foster care, child arrangements orders, special guardianship orders, and arrangements leading to adoption.

This guidance sets out a framework for the provision of support for children in kinship care and kinship carers. It requires each local authority to publish a kinship local offer (previously referred to in statutory guidance as the local policy requirement) setting out the support available to kinship children and their carers and the approach towards meeting the needs of this group. The expectations for practice for children and young people supported by their family network and kinship carers are set out in the Children's Social Care National Framework. The Children's Social Care National Framework describes the outcomes that local authorities should achieve in supporting children, young people and families. One of the four outcomes (outcome 2) is that children and young people are supported by their family network. Everyone who works in children's services is expected to recognise and respond to the important role of family networks, and kinship carers in supporting children and young people in all circumstances.

The role of kinship care

Kinship care (sometimes known as family and friends care) is the most prevalent form of alternative care for children worldwide.

Kinship carers play a unique role in enabling children to remain with people they know and trust if they cannot, for whatever reason, live with their parents. These children may or may not be looked after by the local authority, or even known to the local authority.

While many children in kinship care thrive, they can often face additional challenges due to the circumstances and experiences which led to them coming into kinship care. Many carers both want and need support to enable them to meet the needs of the children they care for.

Kinship definition

For the purpose of this guidance, “kinship care” is any situation in which a child is being raised in the care of a friend or family member who is not their parent. The arrangement may be temporary or longer term.

The following are all types of kinship care arrangement, however this list is not exhaustive:

- a. Informal kinship care arrangements (not approved foster care) including:
 - i. A private family arrangement in which a close family member who does not hold parental responsibility, raises the child and
 - The local authority has had no major role in making the arrangement for the child; and
 - Where a Family Court has not made an order in respect to the care of the child.
 - ii. Where a child under the age of 16 is being provided with accommodation for less than 28 days by an individual in their own home who is not a close relative
 - iii. Where a 16 or 17 year old is being provided with accommodation by an individual who is not a close relative in their own home

- b. A private fostering arrangement in which someone who is not a close relative² of the child under the age of 16 looks after the child for 28 days or more (as per section 66(1)(a) and (b) of the Children Act 1989)³
- c. Where a 'lives with' Child Arrangements Order⁴ has been granted in respect of the child, in favour of someone who is a friend or family member but is not the child's parent (see glossary regarding who is a parent)
- d. Where a Special Guardianship Order has been granted appointing a friend or family member as the child's special guardian
- e. Where a child is a 'looked after child' by virtue of either an interim or final care order or being accommodated by the local authority (usually under section 20 of the Children Act 1989) and each of the following apply (this may be described as 'kinship foster care' or 'family and friends foster care'):
 - i. The child is being cared for by a friend or family member who is not their parent, and
 - ii. The friend or family member is approved as a local authority foster carer either on a temporary basis or following full assessment
- f. Where an Adoption Order has been granted in respect of the child and, prior to the making of the order, the adopter was a friend or family member

The categories of friends and family that are often kinship carers can include:

- a. a close relative of the child (this includes anyone who is defined as a relative under the Children Act 1989 such 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')
- b. a close relative of the child's half blood brother or sister
- c. someone who was formerly the child's step-parent (they may or may not have parental responsibility for the child)
- d. someone who was previously in a cohabiting relationship with the child's parent and whose relationship with the child was like that of a child of the family
- e. a close friend of the child, or of the child's parent(s)

² In relation to private fostering, "relative" has the meaning given in section 105 of the Children Act 1989. It includes only the following: grandparent, brother, sister, uncle or aunt (whether full blood or half blood or by marriage or civil partnership), and stepparent (a married stepparent, including a civil partner).

³ 16- and 17-year-olds who are disabled will be deemed to be in a private fostering arrangement.

⁴ Pursuant to section 8 of the Children Act 1989.

- f. a close friend of the child's close relative
- g. a person with a prior connection to the child who does not otherwise fall within one of the other categories above (for example, a teacher, youth worker, childminder or former foster carer)

Principles that underpin practice

As set out in the Children's Social Care National Framework, the following principles apply to any work with children and families:

- a. children's welfare is paramount
- b. children's wishes and feelings are sought, heard, and responded to
- c. children's social care works in partnership with whole families
- d. children are raised by their families, with their family networks, or in family environments wherever possible
- e. local authorities work with other agencies to effectively identify and meet the needs of children, young people, and families
- f. local authorities consider the economic and social circumstances which may impact children, young people and families

Working together to safeguard children 2023 also sets out the following 4 principles:

- a. Effective partnership working with parents and carers happens when practitioners build strong, positive, trusting, and co-operative relationships by:
 - i. approaching families and their wider family networks and communities with empathy, respect, compassion, and creativity
 - ii. avoiding reinforcing family shame, suffering, and blaming
 - iii. using strength-based approaches, working with parents and carers to identify what is working well and how their strengths could support them to effect positive change
 - iv. ensuring they work sensitively with parents, carers, and children, to identify and understand the impact of adversity and trauma in their lives. They seek to understand how adversity and trauma might manifest and affect children and parents' engagement and use their expertise to adapt their response with care and compassion
 - v. adapting their responses to meet the diverse needs of parents and carers, including fathers and male carers, and the specific

- challenges being faced, including parents and carers of disabled children, and where harm is outside the home
- vi. ensuring they understand the families' background, ethnicity, religion, financial situation, ability, education, sex, ages and sexual orientation, and potential barriers these create in seeking and accessing help and support
 - vii. being alert and recognising where parents or carers may not be acting in the best interest of the child or where children may be experiencing abuse, neglect, and exploitation as a result of actions by parents, carers, or other individuals in their lives. Practitioners use their skills and expertise to adapt their response to secure engagement
 - viii. being mindful of negative stereotypes when making decisions which might lead to false assumptions
- b. Verbal and non-verbal communication should be respectful, non-blaming, clear, inclusive, and adapted to parents and carers needs. Practitioners should ensure that all materials provided to children, parents, carers, and families are jargon free, developmentally appropriate and in a format that is easily understood. Where appropriate, material provided to children, parents, carers, and families should be made accessible and translated into their first language if necessary. Professional interpreters should be provided where needed. Practitioners should not need to rely on family members or partners for interpretation services, including British Sign Language.
- c. Practitioners empower parents and carers to participate in decision-making to help, support and protect children by:
- i. creating a culture of “no surprises”, for example, making parents and carers aware of who will attend meetings and discussions, if the child will be invited to participate, the format of the meeting or discussion
 - ii. explaining that parents and carers can bring a family member, a friend or supporter to meetings
 - iii. giving parents and carers adequate preparation at every stage, including relevant information, a safe and appropriate environment for participation and suitable access arrangements
 - iv. signposting parents and carers to sources of help and support available locally or through the local authority

- v. helping parents and carers to understand what the issues are and how these impact on the child, what decisions could be made, what changes need to be made, why and how, timescales and possible outcomes
- d. Practitioners involve parents, carers, family networks, and local communities in designing processes that affect them, including those focused on safeguarding children. They value their contributions, expertise and knowledge, reflecting them in service design and continuously seek feedback from parents, carers, family networks, children, and local communities to inform service improvements. Practitioners use feedback from parents and carers to reflect on their own practice

There are also overarching principles set out in this guidance:

- a. Whilst recognising that there are requirements which may go with a particular legal status or situation, it is essential that services are not allocated solely on the basis of the child's legal status
- b. No child should have to become a looked after child, whether by agreement with those holding parental responsibility or by virtue of a court order, for the sole purpose of enabling financial, practical or other support to be provided to the child's carer
- c. In undertaking any assessments, local authorities should seek to establish trusting and supportive relationships with potential or existing kinship carers and be mindful of the emotional impact of assessments
- d. Effective engagement with family networks will consider how resources within the family's wider networks have been engaged for the benefit of the child and empower family networks to come to a decision on how this can be done. Where it is being explored whether a member of the family network could care for the child on a short or longer term basis, their capacity and willingness should be considered
- e. Local authority policies should promote permanence for children. This is the framework of emotional, physical and legal conditions that gives a child a sense of security, continuity, commitment and identity. By seeking to enable those children who cannot live with their parents to remain with members of their extended family or friends, permanence is about providing, where appropriate, a better alternative to growing up in the care of the local authority. For most looked after children, permanence is achieved through a successful return to their birth family, where it has been possible to address the factors which led to the child becoming looked after. Where this is not possible, kinship care will often provide an important alternative route to permanence for the child, particularly where this can be supported by a

child arrangements order, a special guardianship order, or through adoption.

The broader policy context

There are a range of different kinship arrangements that can ensure that children receive the support that they need, and the guidance sets out what is required with regard to each of these in chapter 2. Whilst the decision about the legal arrangement will be based on the specific circumstances of each particular case, local authorities should take into account the principle that children are best looked after within their families unless compulsory intervention in family life is necessary.

Local authorities should also give due consideration to providing support without the child becoming looked after. For kinship carers to provide appropriate care to children, they may require access to support services. Local authorities should make information about relevant support services available and accessible through the local authority's kinship local offer; further detail is set out in chapter 3.

Local authorities and their partners should consider the needs of children in kinship care when they are targeting their early help services, and reflect these needs in the Joint Strategic Needs Assessment, which is an assessment of the health and wellbeing of the local community.

A range of agencies providing family support and early intervention services should be aware of, and sensitive to, the needs of children who are living with kinship carers. In view of the fact that carers will come from a wide range of circumstances and include grandparents, older siblings and family friends, services such as family hubs will need to be confident that they are accessible and welcoming to all generations and offer a comfortable environment for people of all ages and with a variety of relationships to the child.

Providers of services should be aware that many children in kinship care have experienced trauma and adversities as a result of experiences which led to them coming into kinship care. Specialist services such as Child and Adolescent Mental Health Services (CAMHS) and services for children with special educational needs and disabilities should be sensitive to the particular needs of children living with kinship carers.

National Kinship Care Ambassador

The National Kinship Care Ambassador will advocate for kinship children and their carers, and work directly with local authorities to help them improve services, whilst

sharing good practice across areas. The National Kinship Care Ambassador will speak directly to kinship children and carers, utilising existing forums, working with Directors of Children's Services and other professionals on how they could best improve the experiences of kinship families, ensuring that kinship children and their carers remain at the heart of services and policy making.

The Ambassador's role will involve working in partnership with local authorities by:

- a. Offering bespoke advice, support and challenge to local authorities by sharing best practice and empowering local authorities to improve priority practice areas.
- b. Assessing and providing feedback on local authorities' kinship care systems in a critical friend capacity. This will be achieved by undertaking visits and meeting with leaders, managers and frontline staff to develop a view on the strength of kinship services in an area.
- c. Identifying local key strengths and areas for improvement in a given local authority, helping to develop robust and realistic plans for national improvement.

While the Ambassador will strive to support all local authorities, their capacity is limited, and the extent of support may vary.

Chapter 2: The Legal Context: Types of Arrangements and Processes

Informal kinship arrangements

If the carer(s) is a relative of the child as defined by section 105 of the Children Act 1989 or have parental responsibility for the child, there is no requirement to notify the local authority of the arrangement. Most such arrangements remain entirely private without the need for the involvement of children's social care services, although where a child is assessed as being in need support may be provided under section 17 of the Children Act 1989.

Whilst parents retain their responsibilities for the maintenance of their children placed with informal kinship carers, those carers may experience significant financial difficulties as a result of taking on the care of a child or children. The financial impact of taking on the care of one or more children can be considerable, particularly if this was not planned for.

There will be some children in informal kinship arrangements whose needs meet the threshold for section 17 support. Where support services are identified as necessary to meet the child's needs or to prevent the need for a child to enter local authority care, these should not be withheld merely because the child is living with a carer under an informal arrangement rather than in a formal arrangement.

Some informal kinship arrangements can be supported under section 17 of the Children Act 1989. Effective implementation of the local authority's duty under section 17 of the Children Act 1989 will ensure that wherever possible children's needs are met through the best use of resources designed to safeguard and promote their welfare. This will help ensure that children do not become looked after by the local authority unless to do so is the most appropriate way to ensure that their welfare is safeguarded and promoted.

The local authority does not have a duty to assess informal kinship 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 their area. In such circumstances the Framework for the Assessment of Children in Need and their Families (the Assessment Framework) provides a suitable model by which local authorities can satisfy themselves that informal kinship arrangements are appropriate to meet the needs of individual children. Authorities should provide information for parents and carers about the stages of the assessment process, likely timescales and the contact points for enquiries.

In assessing the suitability of a kinship carer, local authorities will need to consider what support might be required to enable the arrangement to be successful. Family members

and friends caring for a child, whether the child is in care, returning from care, or would otherwise be in care, should be provided with support that enables them to safeguard and promote the welfare of the child.

In working with children in need at risk of becoming looked after, the local authority should consider whether other extended family members are able and willing to care for the child, either temporarily or long-term. Where a child is deemed to be a Child in Need, local authorities must seek to provide any necessary support services without the child becoming looked after unless the child meets the criteria at section 20(1) or section 20(3) of the Children Act 1989 and requires accommodation. Decisions by a local authority that a child should become looked after, or cease to be looked after, must be based on an assessment of the child's needs and circumstances. The views of the child's parents, any other person holding parental responsibility, and anyone else caring for the child should be taken into account within the assessment.

Before applying for a care order under section 31 of the Children Act 1989, voluntary arrangements to provide services to children and families, including consideration of alternative carers, should always be fully explored. Children Act 1989 guidance on court orders⁵ recommends that a local authority should take steps as soon as possible, through a family group conference or other method of family group decision making, to explore whether care for the child can be safely provided by a relative or friend. This should also assess the suitability of these arrangements and the most appropriate legal status for them.

Private fostering arrangements

Private fostering, as defined in the Children Act 1989, is when:

- a. The carers of a child under the age of 16 (or 18 if disabled) do not have parental responsibility for the child and are not the child's grandparent, brother, sister, uncle or aunt (whether full blood or half blood or by marriage or civil partnership) or step-parent.
- b. The arrangement continues for 28 days or more or is intended to do so.

In these cases the provisions in that Act and in the Children (Private Arrangements for Fostering) Regulations 2005 will apply.

⁵ [Children Act 1989: Court Orders](#)

The young person will cease to be privately fostered at the age of 16 (or 18 if disabled) but if the living arrangements continue then this statutory guidance will continue to apply as the arrangement will revert to that of informal kinship care.

A child who is privately fostered may also be assessed as a child in need, and be provided with support under section 17 of the 1989 Act.

Child Arrangements Orders and Special Guardianship Orders

Where a relative, friend or other connected person proposes to make a long-term commitment to caring for a child, they may apply for a child arrangements order or a special guardianship order. The effect of either such order will be to give the person in whose favour the order is made parental responsibility for the child. To support the stable placement of children within their families, relatives can apply for a child arrangements order or special guardianship order without the permission of the court after caring for the child for one year.

A special guardian may exercise parental responsibility to the exclusion of all others with parental responsibility (although there are things the special guardian cannot consent to, including the adoption of the child, causing the child to be known by a new surname or removing the child from the UK for a period of three months or more). A special guardian is responsible for all aspects of caring for the child or young person and for taking decisions to do with their upbringing.

A person with a child arrangements order is responsible for making decisions about the child's day-to-day care and upbringing, though they share parental responsibility with others who have it. Unlike special guardians, they cannot make decisions to the exclusion of others with parental responsibility. However, they can make routine decisions without needing permission from others.

If a child was looked after immediately prior to the making of a special guardianship order, the child, special guardian or parent has a right to receive an assessment by the local authority for support services, which may include financial support. The special guardianship statutory guidance⁶ makes it clear that it is important that children who were not looked after should not be unfairly disadvantaged by this approach, as in many cases the only reason that the child was not looked after is that a relative has stepped in quickly to take on responsibility for the child when the parent could no longer do so. In the case of a special guardian who was previously the child's foster carer, financial support may include not only an allowance but also an element in lieu of a fostering fee

⁶ [Special Guardianship Statutory Guidance, 2017](#)

for up to two years, or longer if the authority considers this to be appropriate. In its calculation of any ongoing special guardianship financial support, the local authority should have regard to the fostering allowance that would have been paid if the child was fostered.

There is no similar right to an assessment for support for people who have been granted a child arrangements order, but local authorities have the power to pay a child arrangements order allowance where this is the most appropriate way to safeguard and promote the child's welfare.⁷

Children who were looked after by a local authority immediately before the making of a special guardianship order may qualify for a range of support under the 1989 Act, to support them in making the transition to adulthood. The fear of losing support should not be allowed to become an obstacle to kinship carers taking over responsibility for the long term care of a looked after child through applying for a child arrangements order or special guardianship order.

Where a person intends to apply for a special guardianship order, or in the case of a non-agency adopter and adoption order, they must give notice to the local authority who will investigate and prepare a report for the courts. Further information is found in the Special Guardianship statutory guidance.

Looked after child: Identification and Assessment

The provision of accommodation under section 20

Section 20(1) of the 1989 Act provides that every local authority must provide accommodation for any child in need within their area who appears to them to require accommodation as a result of:

- a. there being no person with parental responsibility for the child
- b. their being lost or having been abandoned or
- c. the person who has been caring for them being prevented (whether or not permanently, and for whatever reason) from providing them with suitable accommodation or care

When a local authority is considering whether a child cared for by a kinship carer "requires accommodation", the criterium described in paragraph 34c will be particularly

⁷ Children Act 1989, Schedule 1, Paragraph 15

relevant. If it appears to the authority that the child does require accommodation, then it must provide that accommodation.

Under section 20(3) the local authority must provide accommodation for any child in need within their area who has reached the age of sixteen and whose welfare the authority consider is likely to be seriously prejudiced if they do not provide them with accommodation.

Whether or not a child who is cared for by a kinship carer should be looked after by the local authority will be a matter to be decided by the local authority on a case by case basis. The key question will be whether the child appears to the local authority to require accommodation for one of the reasons in section 20(1) or section 20(3) of the 1989 Act. It may not always be easy to determine whether a child who is cared for by family or friends requires accommodation for the purposes of section 20(1), section 20(3) or whether that child's needs should be met by providing support under section 17 of the 1989 Act. Where a local authority played a major role in making the arrangements, they are likely using their powers to provide accommodation, so the child will be deemed to be looked after.

Under section 20(4) the local authority may also provide accommodation for any child in their area (even though a person who has parental responsibility for the child is able to provide them with accommodation) if they consider that to do so would safeguard or promote the child's welfare. Short breaks are frequently provided under this provision; however, this is not the only provision under which short breaks are provided.

Before providing accommodation under section 20, the local authority must, so far as is reasonably practicable and consistent with the child's welfare, ascertain and give due consideration to the child's wishes and feelings regarding the provision of accommodation.

Children accommodated voluntarily under section 20 can be removed at any time by a parent, or anyone else with parental responsibility for the child. If the local authority continues to have significant safety and well-being concerns for the child, then they can apply for a care order under Part 4 of the 1989 Act. Further information on this can be found in Children Act 1989 Guidance and Regulations Volume 1: Court Orders⁸.

Where a child is provided with accommodation under section 20, or is subject to a care order, the child is looked after and the duties in Part 3 of the 1989 Act, particularly

⁸ [Children Act 1989: court orders - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/children-act-1989-court-orders)

sections 22 to 22D, and The Care Planning, Placement and Case Review (England) Regulations 2010⁹ will apply.

Accommodation of looked after children

Section 22C(2) to (4) of the Children Act 1989 provides that a local authority must make arrangements for a child who is looked after to live with:

- a. their parents
- b. a person who is not a parent but who has parental responsibility for the child or
- c. in a case where the child is in the care of the local authority and there was a child arrangements order in force with respect to the child immediately before the care order was made, the person in whose favour the child arrangements order was made

The arrangements must be both consistent with the child's welfare and reasonably practicable. They should reflect the principle that state intervention in family life should be to keep children safe and ensure that families have the necessary support to bring up their children. For children subject to a care order, the placement back with their parents must be in accordance with the Care Planning Placement and Case Review (England) Regulations 2010.

Where a local authority is unable to make arrangements under section 22C(2) to (4) then section 22C(5) requires the authority to place the child in the most appropriate placement available. Section 22C(6) to (9) sets out what those placement options are and how the local authority must determine the most appropriate placement. In doing so the authority must "give preference to" a placement with a person who is a relative, friend or other person connected with the child. They must be approved as a local authority foster carer in accordance with the Fostering Services (England) Regulations 2011¹⁰ or temporarily approved as a foster carer under the 2010 Regulations. These regulations, together with the National Minimum Standards (NMS) for Fostering Services, set out requirements in relation to support and supervision of all foster carers including those who are family members, friends or other connected persons.

Ideally all placements will meet all of the placement criteria in section 22C(7) to (9). However, this is unlikely to be the reality and social workers, supervising social workers and other decision makers may find themselves faced with difficult choices. The placement criteria are important because many children benefit by being placed with

⁹ [The Care Planning, Placement and Case Review \(England\) Regulations 2010 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

¹⁰ [The Fostering Services \(England\) Regulations 2011 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

relatives or friends or others connected to them, near their own homes, continuing to attend the same school, living with their siblings and in accommodation that suits any special needs. However, not all these factors are always beneficial for all children, and some will have greater priority than others at different times in children's lives. In weighing up the different options a number of issues need to be considered, the most important of which is how far a placement will meet the assessed needs of a particular child given their previous history and their current circumstances.

The Children Act 1989 reflects the principle that all children, including looked after children, should be cared for within their family network wherever possible. It is also intended that children placed with relatives do not automatically lose their looked after status. Section 22C of the 1989 Act also makes it clear that if a looked after child is placed with a family member, friend or any other person who is connected with the child, then the carer must be approved as a local authority kinship foster parent. Guidance in respect of the assessment of kinship foster carers is included in the following subchapter.

In the case of a child who is provided with accommodation under section 20, the child's looked after status will end when the local authority considers that the child no longer requires accommodation under section 20 of the 1989 Act. In the case of a child subject to a care order, the child will continue to be looked after until the order is discharged or the foster carer is granted an order which gives them parental responsibility for the child.

Looked after child: Approval of Kinship Carers as Foster Carers

The approval process

In order to care for a looked after child, relatives, friends or other persons who are connected with the child must be approved as foster carers under the 2011 Regulations or temporarily approved as foster carers under the 2010 Regulations. The National Minimum Standards (NMS) for Fostering Services¹¹ apply, and standard 30 relates specifically to kinship foster carers. The Statutory Guidance for Fostering Services (2011)¹² provides more detailed information about the assessment and approval of foster carers, and applies in relation to kinship foster carers as it does for other foster carers.

Whilst many of the issues that go with being a kinship carer are likely to be the same whether or not the carers are approved as foster carers, being a kinship foster carer brings with it additional responsibilities and obligations which have to be met. The local

¹¹ [Fostering services: national minimum standards - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

¹² [The Children Act 1989 Guidance and Regulations Volume 4: Fostering Services](#)

authority will be responsible for the child's care plan and for supervising the kinship foster carer. The kinship foster carer will exercise delegated authority in accordance with the care plan and the placement plan. They will also be expected to demonstrate they are meeting the child's needs as set out in the care plan and engage in appropriate learning and development.

Temporary approval of a kinship foster carer

Sometimes there will be an urgent need for a placement for a looked after child, and the most appropriate placement is with a connected person. In these cases, it may not be possible to fulfil all the requirements of the 2011 Regulations in approving the person as a foster carer before placing the child. Regulations 24 and 25 of the 2010 Regulations set out arrangements for the temporary approval of a connected person as a kinship foster carer to allow an immediate placement. The authority must be satisfied that the placement is the most appropriate placement for the child, and it's necessary for the child to be placed there before the full approval process is completed. Further guidance regarding temporary approval as foster carers can be found in *Assessment and approval of foster carers: Amendments to the Children Act 1989 Guidance and Regulations Volume 4: Fostering Services*.¹³

A person approved under the 2010 Regulations is in all respects a local authority kinship foster carer, other than that the approval is made on a temporary basis.

The connected person may be approved as a local authority kinship foster carer for a period not exceeding 16 weeks. This time period has been set to allow sufficient time for a foster carer approval process to be undertaken, including any criminal records checks required.

Before the child is placed with a temporary foster carer, the local authority must assess the suitability of the connected person to care for the child, taking into account the matters set out in Schedule 4 to the 2010 Regulations. This includes the details of any criminal offences committed by the connected person. While it is not a requirement to have a DBS check in place before temporary approval is granted, local authorities should apply for DBS checks for all adults living in the household at the earliest possible opportunity. Local authorities must consider whether, in all the circumstances, the placement will safeguard and promote the child's welfare.

¹³ [Assessment and approval of foster carers: Amendments to the Children Act 1989 Guidance and Regulations Volume 4: Fostering Services July 2013](#)

Regulation 25 of the 2010 Regulations sets out the circumstances in which, exceptionally, the period of temporary approval may be extended with approval from senior officer within the authority. These circumstances are either:

- a. where the approval process has taken longer than anticipated (and in these circumstances the temporary approval may be extended for a further 8 weeks); or
- b. where the connected person has not been approved following the assessment process and seeks a review of the decision through the Independent Review Mechanism (and in those circumstances the temporary approval will continue until the outcome of the review is known).

If these time periods expire and the connected person has not been approved as a foster carer in accordance with the 2011 Regulations, the responsible authority must arrange for an alternative placement and remove the child from the connected person in accordance with regulation 25(6). There is no right to review by the Independent Review Mechanism of a person who is temporarily approved under the 2010 Regulations if the fostering service decides not to undertake a full assessment under the 2011 Regulations and the child's placement is ended.

Whilst many kinship placements are made in an emergency, provisions relating to temporary approval are intended to be used exceptionally and in circumstances which could not easily have been foreseen, when it is not possible to undertake a full foster carer assessment prior to placement. The power will be most useful where it is clearly in the child's interest to be placed with or remain in the care of a familiar figure in reassuring surroundings. Before making such a placement the authority should satisfy itself as to the reasons for the carers coming forward to offer a placement, and that there is no obvious barrier to undertaking a foster carer assessment.

Certain assessment requirements must be met before a child can be placed under these arrangements, as outlined in regulation 24 of the 2010 Regulations. These requirements serve as the minimum standards for evaluating the suitability of the connected person within a potentially short time frame. Every effort must be made to maximise the level and quality of information available to support the decision as to whether the person should be temporarily approved. In particular, the assessment must look at the quality of any existing relationship between the child and the proposed carer. The intention of this provision is that the connected person has an existing relationship with the child. There may be some circumstances where the connected person is known to the child's parents or other person with parental responsibility but is not known to the child. In such circumstances the child should be introduced to the connected person and the proposed accommodation in order for the child's wishes and feelings to be appropriately ascertained.

The home should be visited by the social worker as part of the assessment of the suitability of arrangements. This is to ensure that the physical environment of the home and space available is suitable for the particular child, and to identify the need for additional resources to meet the child's needs, such as special equipment. The home visit will also provide the opportunity to more clearly identify the composition of the household and the nature and quality of the relationships between the residents, as well as their view about the proposed arrangement for the connected person to care for the child.

The child's wishes and feelings about the proposed arrangements must be ascertained, subject to age and understanding and, wherever possible, an opportunity provided for the child to visit the connected person's home before the decision is finalised. The views of the child's parents and others with parental responsibility must also be obtained.

Local authorities should nominate an officer with authority to grant temporary approval of foster carers. This is an important decision, since the authority will have responsibility for any children placed, but a full foster carer assessment will not have been undertaken and there will be no independent view from the fostering panel. It will usually be appropriate for the fostering service decision maker to reserve the authority of granting temporary approvals.

As the connected person will be a local authority foster carer, both the 2010 and the 2011 Regulations will apply. A care plan, including a placement plan, will be required in accordance with the 2010 Regulations. A person temporarily approved as a foster carer under the 2010 Regulations will be entitled to the same support and services as are available to mainstream foster carers, including relevant fostering allowances and any fees for which they meet the criteria set by the particular fostering service. Temporarily approved foster carers should receive the training and support they need to provide an appropriate level of care to the child. As the placement will have been made without the benefit of a full fostering assessment, the visiting requirements are higher than for other foster placements. The visiting requirements for looked after children are set out in regulations 28 and 29 of the 2010 Regulations.

The assessment process

Information about the assessment and approval process for kinship carers who apply to be foster carers for a specific looked after child and details about services for them should be covered in the local authority's kinship local offer (described in detail in chapter 3). This means that those assessed are clear about what is expected of them, how they will be judged, what support will be offered during the assessment process, and the reasons for this. Part 5 of the 2011 Regulations sets out the legal requirements in relation to the assessment, approval, review and termination of approval of foster carers. The

information which must be taken into consideration in assessing the suitability of a person to become a foster carer is set out in Schedule 3 to the Regulations.

Nobody has a right to be a foster carer, but Standard 13 of the NMS for Fostering Services requires that people who express an interest in becoming foster carers are treated fairly, without prejudice, openly and with respect. It requires that they are prepared in a way which addresses, and gives practical techniques to manage, the issues they are likely to encounter and identifies the competencies and strengths they have or need to develop. The assessment process for foster carers should be set out clearly and include:

- a. the qualities, skills or aptitudes being sought or to be achieved
- b. the standards to be applied in the assessment
- c. the stages and content of the selection process and where possible the timescales involved
- d. the information to be given to the applicants

Standard 13 also requires that prospective foster carers should be considered in terms of their capacity to look after children in a safe and responsible way that meets their developmental needs. Appropriate checks and references should be carried out in line with minimum expectations and an explanation given as to the reasons for these checks.

Standard 30 of the NMS clarifies that when a foster carer is being assessed for approval for a specific child or children only, there is no need to consider their suitability to care for other children. In considering whether a relative, friend or other connected person should be approved as a foster carer, account must be taken of the needs, wishes and feelings of the child and the capacity of the carer to meet those particular needs. In order for the placement to be in the child's best interests, the carer will need to have the capacity to meet their needs for the duration of the proposed placement, whether this is short or long term. The assessment should take into account the likely length of the placement, the age of the child and, if appropriate (as may be the case where the carers are older), the capacity of the wider family to contribute to the child's long term care.

When making decisions about kinship foster carers, the fostering panel should not make negative recommendations solely based on prospective kinship foster carers not meeting the NMS for fostering during the assessment. As outlined in *MBC & Ors* [2018] EWFC 42¹⁴, the deciding question should be: 'Is the proposed placement in the child's welfare interests?' If the placement aligns with the child's best interests, then the prospective

¹⁴ [MBC v X & Ors \[2018\] EWFC 42 \(14 June 2018\) \(bailii.org\)](#)

kinship foster carer should still be considered for approval to foster the child, and then they should be supported by the fostering service to attain the standards.

Where it is assessed that the kinship carer could meet the needs but will require some support or services to be able to do so, these should be specified in the assessment report required under regulation 26 of the 2011 Regulations. Subsequently, the report of the foster carer's annual review, required under regulation 28 of the 2011 Regulations, should set out how the support provided assisted the foster carer to meet the child's needs and whether continued or additional support is required. The child's placement plan, required under the 2010 Regulations, will set out in detail how the placement is intended to contribute to meeting the child's needs as set out in the care plan including the child's permanence plan, and should make clear any support or services that the kinship foster carer needs in order to meet the child's needs.

Kinship foster carers will usually bring with them knowledge and experience of the child they are to foster, and in many cases they will have already been providing the child with a home prior to the child becoming looked after. Whether or not the prospective foster carers have direct prior knowledge of the child to be placed, the assessment should focus on the experience and strengths that they bring and the support that they will need to enable them to provide safe care for the specific looked after child. The assessment will need to balance the strengths of the carers due to their position within the family network against any aspects which may make them less suitable. The needs of the child should be kept central to the process, as the assessment will also be a matching process of the child to the carer.

A different approach may be needed to assessing kinship foster carers compared to other foster carer applications. The format used by a local authority for presenting assessment reports to the fostering panel may not be appropriate for kinship assessments if it does not allow for a focus on how the carers will meet the specific needs of the child concerned.

Once a foster carer is approved, they must be notified in writing of this fact and of any terms of the approval. For a kinship foster carer, the terms of approval will often specify that they may foster only a specific named child or children. All foster carers, including those who have been temporarily approved under the 2010 Regulations, must also enter into a foster care agreement covering the matters set out in Schedule 5 to the 2011 Regulations.

If a prospective kinship carer wishes to become a foster carer, they can apply to become one. Local authorities should support prospective kinship carers in setting out possible options to care for children, for example becoming a foster carer or taking out a Special Guardianship or Child Arrangement Order. Regulation 26(1B) and (1C) provide that at any point during stage 1 of the assessment process, if the fostering service's decision

maker decides that the applicant is not suitable to foster, they must write to the applicant informing them of this decision and give full reasons for it.

Specific considerations

A number of matters will require specific consideration in the assessment of kinship carers as foster carers.

Family relationships and safeguarding the child

Many children benefit from placements with kinship carers because these can provide more continuity than placements with previously unknown carers. Living with relatives preserves a child's sense of belonging to a wider family network, a close attachment is more likely to exist already or to develop, and there is also some evidence to suggest that relatives are more likely to persevere with a placement if difficulties arise. However, not all relatives are able to safeguard and promote a child's welfare, and their parenting capacity should be rigorously assessed before approval as kinship foster carers.

Mainstream foster carers are assessed in the knowledge that any children placed with them will be previously unknown to them, and that part of their task as carers will be to build a trusting relationship with the child. For the majority of kinship carers, a significant and possibly trusting relationship already exists with the child. However, the carers may have to negotiate a changed relationship with the child, since parenting requires a more authoritative relationship than being a grandparent, aunt, uncle, sibling or friend in other circumstances. There may also be implications for other children and adults in the extended family which are difficult to manage. There is a greater complexity in the relationship between foster carers and parents when the carers are family members or friends or other connected person. Whilst kinship foster carers are just as likely as mainstream foster carers to safeguard and promote the child's welfare, this is sometimes at the cost of the loss of their relationship with the child's parents, who may be the carers' own child, sibling or friend. Additionally, if parents are felt to be a potential threat, it can be easier to safeguard unrelated carers, by keeping their location secret from the parents.

Kinship foster carers may experience hostility from the parents of the children they are raising, who may blame them for taking the child away from them or for not supporting them against the local authority. This hostility can make managing family time particularly difficult for kinship foster carers. It is sometimes hard for kinship foster carers to accept arrangements for supporting family time which have been set out by the court or the local authority. They may have difficulty understanding the reasons for these or find it hard to stand firm with a parent who does not accept any restrictions set. In certain cases, carers will welcome restrictions being put in place and would like structured and supervised family time to be available. The assessment of a relative or friend to be a child's foster

carer will need to carefully address the carer's ability to manage family time outlined in the care plan, and any support which the local authority needs to provide to enable this.

Some families, friends or connect people live hundreds of miles from the child's home. Whilst the chance of developing a secure attachment with a relative may be of key significance to a younger child, the same may not be true of a teenager who may resent being cut off from peer networks or having to change schools at a critical time. It is important to discuss the priorities of placement with the child concerned and to take account of their wishes and feelings. A good understanding of the child's priorities for placement, needs, wishes and feelings will provide a sound basis for exercising professional judgement and decision-making.

Timing of, and attitude towards, the assessment

Most prospective mainstream foster carers ask to be assessed for approval at a time of their own choosing, when they feel they have the capacity to bring another child into their family. In contrast, kinship carers have to make similar decisions when the need arises. Sometimes this is an immediate response to an emergency, without a significant opportunity to consider the options and to plan ahead for the impact it will have upon them and their family. Many carers have to make life-changing decisions, such as giving up jobs or moving home, in order to respond to the needs of the child.

Whilst mainstream foster carers generally approach making an application to foster in the knowledge that this will involve an intrusive assessment process, kinship foster carers are not usually prepared for this in the same way. As with other foster carer assessments, assessments need to be undertaken in genuine partnership with the assessing social worker. The assessment process may be particularly challenging for potential kinship foster carers, and needs to be undertaken with sensitivity, particularly as there may be time constraints.

Motivation and impact on the family

Kinship foster carers are usually motivated by family loyalty and commitment to the child, with whom in most cases they already have a close and loving relationship and who might otherwise be placed with strangers. This differs from mainstream foster carers, who are typically motivated by a commitment to help vulnerable children. The decision to become a kinship foster carer sometimes causes significant tensions within the family, since it may not be a consensual decision made by the whole household. The assessment process can provide an opportunity for families to fully think through all the implications of their decision, and this may be helpful in overcoming or managing any tensions within the family.

Carers' own feelings

Kinship carers are often deeply affected personally by the events which have led to the need for a child to live away from their parents. They may, for example, be dealing with the death of their own child or a parent, or the deterioration in mental health or drug addiction of a sibling, at the same time as being assessed as foster carers. For most mainstream potential foster carers, major life events might delay their assessment until they have had time to adjust. However, for kinship carers, these events might be the reason they're applying, so social workers and the fostering panel need to approach their case with extra sensitivity.

Accommodation

Sometimes kinship foster carers will find that taking a child or children into their home places undue pressure on their accommodation which would make it unsuitable in the case of another foster carer. Children living with kinship foster carers have the same rights to privacy and suitable sleeping accommodation as other looked after children, but these should be seen as part of the total assessment of suitability, to be balanced against other factors. A child who would be unhappy to share a bedroom with a child unknown to them may not mind sharing with another child who is a relative and who they know well. They may already be living in the carer's home and happy with the overall situation. In approving the foster carer the fostering service will need to be satisfied that there is adequate space to a suitable standard, as set out in Standard 10.6 of the NMS, or if this is not the case set out proposals as to how it will be met in the future. Fostering panels should try to avoid making negative recommendations solely based on the foster carers not having adequate space to a suitable standard during the assessment. The wishes and feelings of the child will be an important factor in helping the social worker to assess the suitability of the accommodation. Housing and social care services should work in partnership to support the housing needs of kinship families.

Location

Most people who apply to a local authority to become foster carers live in the local authority area, and foster children from the local community. In contrast, kinship foster carers may live further afield, and the requirement to place a child near their home should be balanced against other competing needs. Familiar surroundings may be less important than the ability to support family ties, whilst some children may benefit from a fresh start and the chance to develop new relationships and skills.

The requirement that a decision to place a looked after child out of the local authority area must be approved by the responsible authority's nominated officer does not apply if the child is being placed with a foster carer who is approved by the same local authority, or who is a person connected with the child. However all relevant factors, including the

wishes and feelings of the child and parents, must be ascertained and taken into account in making the decision.

In the event that a relative, friend or other person connected with the child who is living outside England and Wales offers to become a foster carer for a looked after child, the responsible authority must take steps to ensure, as far as is practicable, that the requirements imposed on the placement are equivalent to those that would have applied if the child had been placed in England or Wales. The child's care plan must include the arrangements for the supervision of the placement.

Placements of looked after children with kinship carers abroad can happen but are less likely where the child has developed close ties within the UK or links to the family abroad are weak. The overriding priority remains the best interests of the child. Authorities are legally required to ensure that any placement being considered meets and continues to meet the child's needs. Assessments of prospective carers overseas should be culturally relevant and compliant with UK law as well as that of the prospective carer's country.

When the country where the child is to be placed is a Contracting Party to the 1996 Hague Convention an assessment by the authorities in their country (of potential kinship carers) can be requested through the Central Authority for England for the 1996 Hague Convention, the International Child Abduction and Contact Unit (ICACU). ICACU has a Request for Cooperation form that can be used¹⁵ and ICACU can be contacted for information. The ICACU form and guide set out what information should be provided in making the request. There are no time limits in the 1996 Hague Convention, so it is important to decide whether an assessment is needed from another country at an early stage in the case to allow for the time needed to send the request and receive a reply. The time needed for translations to be made must also be taken into account.

Under the 1996 Hague Convention, an order for the placement of the child in another Contracting State can only be made after the relevant local authority in England has consulted the relevant authorities in the potential receiving State, transmitted a report on the child and the reasons for the proposed placement, and received consent to the placement from the competent authority in the receiving State. It is generally the receiving State which decides what categories of kinship care placement come within the requirements of the 1996 Hague Convention. Again, with no time limits in the 1996 Hague Convention, it is important to request consent as early as practicable. If prior consent is not obtained as required under the 1996 Hague Convention, the receiving State is under no obligation to recognise the placement.

¹⁵ icacu-request-for-co-operation-form.docx (live.com) and icacu_request-for-co-operation-guide.docx (live.com)]

Health

The health of the carers will be an important factor to consider in deciding whether a kinship carer is suitable to be approved as a foster carer, especially if one or more is in poorer than average health or significantly older than the average for parents bringing up their own children. Lifestyle issues which may impact on the carer's health should be addressed within the assessment, and these and other health matters need to be balanced with other factors. Specialist advice may be needed, such as from the fostering service's medical adviser. In situations where there is particular concern, it will be important to know about the response of the wider family should the carer become unable to care for the foster child. Family responses may be different to those of mainstream foster carers who do not have a prior commitment to the child, and other relatives may provide support or offer to take over the caring role.

Parenting capacity

Fundamental to the assessment of a potential kinship carer to be a foster carer will be consideration of their capacity to provide a level of parenting to meet the child's particular needs within the requirements of the care plan, including the placement plan. The child's core assessment and care plan will have identified their developmental needs, and the carer's parenting capacity should be assessed in relation to those dimensions. Kinship foster carers must be in a position to meet the child's assessed needs, bearing in mind that those needs will often be greater than for other non-looked after children of a similar age. The circumstances of the child's own parents should be identified and the likely impact on the capacity of the family member or friend to provide adequate care assessed.

The carer's past experiences of parenting will need to be assessed as part of a fuller picture of their capacity to care for the child. It may be that the looked after child's parent has been the only family member to experience difficulties, or these may have been part of a broader pattern within the family. The carers may be able to draw positive learning out of previous difficult experiences and it will be important to understand their level of insight into these.

Criminal convictions

The 2011 Regulations normally prevent anyone from becoming a foster carer if they, or any other member of their household, have been cautioned for or convicted of specified offences committed over the age of 18. However, the fostering service may consider the approval of a kinship foster carer for a particular child (or children) even though they would otherwise have been debarred by these Regulations, if they or a member of their household are related to the child, providing the responsible authority is satisfied that the

child's welfare requires it.¹⁶ Such a decision should only be made when the decision maker is satisfied that approving the applicant is the most appropriate way to safeguard and promote the child's welfare. The reasons for any such decision will need to be fully explained and recorded.

Fostering service expertise

Specialist posts may be a way of developing expertise in fostering services. The designated decision maker for the fostering service will need to have sufficient knowledge and understanding of the particular challenges facing kinship foster carers to inform decision-making about approval as foster carers.

A fostering service must ensure that individual members of its fostering panel collectively have the experience and expertise necessary to effectively discharge the functions of the panel. Fostering panels which consider applications to become kinship foster carers should have an understanding of the nature and requirements of the role of such carers, to ensure that they are able to adequately fulfil their independent quality assurance role and make sound recommendations to the service. The panel members should also receive specific training on kinship care, and have representation from person(s) with either lived or professional experience of kinship care as this will aid the panel's consideration of matters before it.

Independent reviewing officers should also receive training to ensure that they are fully conversant with care planning issues for looked after children living with kinship foster carers.

Adoption

Where a child is already living with a kinship carer it may also be possible for them to apply for an adoption order. This would end the parental responsibility of the birth parents. Local authorities are required to make a range of adoption support services available in their area to meet the needs of people affected by adoption. Adopted children and adopters have the right to be assessed for certain support services, the details of which are set out in the relevant regulations and statutory guidance. These are now normally delivered through Regional Adoption Agencies. Kinship carers should have sufficient information about the consequences of obtaining an adoption order, including their right and entitlements under such arrangements.

¹⁶ [The Fostering Services \(England\) Regulations 2011](#), regulation 26(8)

¹⁷ [Help and support for foster parents in England: Help with the cost of fostering - GOV.UK \(www.gov.uk\)](#)

Requirements for the assessment of people who wish to become adopters are set out in the relevant regulations and statutory guidance.

Legal requirements

Provision of family support services under section 17

Section 17 of the Children Act 1989 imposes a general duty on the local authority to safeguard and promote the welfare of children within their area who are in need. So far as is consistent with that duty, they must also promote the upbringing of such children by their families, in particular by providing a range and level of services appropriate to those children's needs ("family support services"). "Family" in relation to such a child means not only a person who has parental responsibility for the child but also any other person with whom the child has been living.

The definition of a child in need in section 17(10) is broad. A child in need is a child whose vulnerability is such that they are unlikely to reach or maintain a reasonable level of health, or development or their health or development would be significantly impaired, without the provision of services by the local authority, or they are disabled.

The range and level of family support services which may be provided under section 17 is wide. Kinship carers may need practical support, advice, guidance or counselling about how to manage issues such as those arising from managing family time or from caring for children with emotional or behavioural difficulties due to their earlier experiences. Such services may be provided by local authorities to support both formal and informal kinship care arrangements. The 1989 Act does not impose a limit on the amount of support which may be provided under section 17. Section 17(6) sets out that the family support services provided by a local authority may include giving assistance in kind and may also include giving financial assistance to the family. A local authority may provide financial support on a regular basis under section 17. Local authorities providing such financial support to kinship carers will need to be clear that this support is provided under section 17. Under section 17 of the Children Act 1989, local authorities may also provide financial support to members of the family network when a child is living with their parents, where this enables the family network to support the child.

The local authority should have in place clear eligibility criteria in relation to the provision of support services under section 17, including financial support to children living in kinship care.

There are some differences between the entitlement to different forms of support by children in kinship care receiving services under section 17 and by growing up in kinship

foster care (as children looked after). The main differences are summarised in the table below.

Table 1: Entitlement to support by kinship carers and the child/ren in their care, under Children Act 1989 section 17 and for children looked after

| Child in need supported under section 17 | Child looked after growing up in kinship foster care |
|---|---|
| The child is not looked after by the local authority | The child is looked after by the local authority |
| The child will not have a care plan but there may be a child in need plan or child protection plan | The child must have a care plan (including health plan and personal education plan) which will be reviewed by an independent reviewing officer |
| If there is a child in need plan or a child protection plan, a social worker or other worker may visit the child and carers | A social worker will visit the child and carers and oversee the child's welfare |
| The child must be offered access to information about an advocacy service or help to find an advocate, where they make or intend to make representations under section 26 of the 1989 Act | The child must be offered access to information about an advocacy service or help to find an advocate, where they make or intend to make representations under section 26 of the 1989 Act |
| The carers will not usually have a separate social worker | A supervising social worker will be appointed for the foster carers |
| The local authority has discretion to give financial assistance (which can be on the basis of regular payments) but there is no entitlement and family income may be taken into account since the local authority must have regard to the means of the child and parents under section 17 (8) the 1989 Act) | A weekly fostering allowance will be paid at least in line with the National Minimum Allowance ¹⁷ |

¹⁷ [Help and support for foster parents in England: Help with the cost of fostering - GOV.UK \(www.gov.uk\)](https://www.gov.uk/help-and-support-for-foster-parents-in-england/help-with-the-cost-of-fostering)

| Child in need supported under section 17 | Child looked after growing up in kinship foster care |
|---|---|
| Child Benefit and Child Tax Credit may be payable | There is no entitlement to Child Benefit or Child Tax Credit |
| A national programme for the provision of information, support and training is open to all kinship carers | A national programme for the provision of information, support and training is open to all kinship carers |
| There is no entitlement to leaving care support | On leaving care the young person may be eligible for ongoing support under the 1989 Act |
| Any support offered will cease when the child becomes 18, unless criteria are met for support from adult services | All care leavers are entitled to support from a Personal Advisor (PA) to age 25. The PA's role is to help care leavers access support from mainstream services (e.g. housing, health, benefits); and to provide practical/emotional support to help them prepare for/cope with the challenges of living independently. PAs work with the young person to develop a (mandatory) pathway plan, which sets out the support the LA will provide. If the care leaver is aged 16 or 17 the LA must accommodate them. There is a duty on the LA to support care leavers to 'Stay Put' in foster care to age 21, if the young person and former foster carer want it. The LA must provide a leaving care grant (£3000) to enable the young person to furnish their first home. LAs must support care leavers to engage in Education, Employment and Training (EET), including providing a bursary of £2000 if the young person is studying in HE. Care leavers are also a priority group for 16-19 bursary if studying in Further Education (up to £1200 a year paid by the college) and are also entitled to a bursary of £3000 if they take up an apprenticeship. |

Pre-proceedings and care proceedings

During the pre-proceedings stage, the local authority should consider offering family group decision-making, such as family group conferences, to continue to explore potential placements within the family network and to clarify the realistic options available for the child.

In relation to care proceedings, the pre-proceedings checklist for Public Law Outline requires local authorities to submit decision making records, including records of key discussions with the child's family with an application to the court for a care order.¹⁸ During court proceedings, the local authority will need to disclose information about discussions with relevant family and friends that were held throughout the pre-proceedings stage. Statutory guidance in relation to court orders emphasises that consideration of potential alternative carers should always be fully explored before making an application under section 31 of the 1989 Act, provided that this does not jeopardise the child's safety and welfare.

Care leavers

The Children Act (1989) requires local authorities to provide leaving care support to certain young people (i.e. those who have been in care for a minimum of 13 weeks, some of which was after they reached age 16) when they cease to be looked after and are making the transition to adulthood. This applies to children placed by the local authority with kinship foster carers in the same way as it does to all other care leavers. This includes support from a Personal Adviser up to the age of 25, and support to engage in education, employment or training (including a £2,000 bursary if they attend higher education). The responsibilities are set out in the Care Leavers (England) Regulations 2010, the Children Act 1989 (Higher Education Bursary) (England) Regulations 2009 and the relevant statutory guidance.

Children's Social Care National Framework sets out the principles for practice in relation to children in care and care leavers under Outcome 4.

¹⁸ [Family Procedure Rules, direction 12A](#)

Chapter 3: The Local Kinship Offer

The context of the kinship local offer

Effective local services should be underpinned by clear information which is known to all interested parties and applied consistently. Clear policy frameworks and a focus on evidence-based interventions, such as those included within Practice Guides, supported by good demographic and needs data, will ensure the development of appropriate local services.

All local authorities must publish information about services they offer in their area for children in kinship care and their families, and their approach towards meeting the needs of children in these arrangements. This was previously referred in the guidance as a local family and friends care policy but will be known, and referred to hereafter, as a kinship local offer.

The kinship local offer should cover information about all support and services in a local area relevant to each type of kinship arrangement, to ensure that information about local services and policies is readily available to all those who need it.

The kinship local offer should be developed in collaboration with local partners. It must address the needs of children in kinship care, whether or not they are looked after children. It should be clearly expressed, regularly updated, made freely and widely available, including on the local authority's website and publicised by relevant means, such as websites and leaflets.

Whilst the detail of the kinship local offer is a matter for local authorities to decide, within the framework of the law and statutory guidance, it should address the matters outlined in the rest of this chapter. Where appropriate the kinship local offer may signpost to other information rather than repeat it.

This chapter outlines:

- a. the governance principles associated with the local kinship offer
- b. types of support that should be included in the local kinship offer
- c. types of arrangements that should be covered in the local kinship offer

Governance of the kinship local offer

Values, principles and objectives

Kinship local offers should be based on a clearly stated set of values and principles. The principles set out earlier in the guidance which underly the 1989 Act and the Children's Social Care National Framework provide a sound foundation for this.

Kinship local offers should be underpinned by the principle that support should be based on the needs of the child rather than merely their legal status. The kinship local offer should provide kinship families with support to ensure that children do not become looked after, or remain looked after longer than is needed.

Kinship local offers should make clear that children are active participants, and that their wishes and feelings should be taken into account, in all relevant processes when adults are trying to solve problems and make decisions about them. Local authorities should respond to the voices of children, young people and families in providing support and meeting outcomes.

In formulating the local kinship offer, legal duties under the Equality Act 2010 must be complied with. The Equality Act 2010 puts a duty on public authorities, in exercising its functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and those persons who do not share it, as well as foster good relations between those persons. Any potential barriers to accessing services should be considered and mitigated where appropriate and able. This is important because of the differences in the support available depending on the type of kinship arrangement.¹⁹

Evidence base

Kinship local offers should be based on evidence of what works in supporting kinship carers to meet children's needs, for example drawing on evidence based Practice Guides, as well as knowledge of the services which carers and children want to be available to them. Local authorities should consult children, kinship carers and parents,

¹⁹ For example, children from Black, Asian and Other ethnic backgrounds appear less frequently in formal kinship arrangements (including in special guardianship and in kinship foster care) compared to the children in care population. Children from Black ethnic backgrounds are more likely to be informal kinship arrangements, therefore may not always be known to services, and carers may not be aware of the support they can receive under section 17. Children in kinship care are more likely to have a disability, and the carers are more likely to be female and older compared to the general parental population.

as appropriate, in drawing up their kinship local offers, and set out how the kinship local offers have been informed by their views.²⁰

The Children's Social Care National Framework will be supported by the Children's Social Care Dashboard, which will be made available to local authorities and the public, to help everyone to learn how to improve practice, and, alongside Practice Guides, achieve the outcomes set out in the National Framework.

Information about services and support

Kinship local offers should support the promotion of good information about the full range of services for children and families in the area, and highlight the availability of advice from independent organisations.

Kinship carers often struggle to obtain information which will assist them in their caring role, particularly when they have taken on the care of a child in an emergency. It is important that they know what resources are available to support both children in the local area and themselves if they become a kinship carer. This should include information about universal services such as early years provision and out of school services, schools and colleges, health services, leisure facilities and youth support services. Kinship carers may be less aware of local services for children than others who are bringing up children, particularly if they have not previously had children or are of a different generation to most birth parents. Kinship local offers should help address this gap by ensuring that information about local services is provided and is easily accessible by, kinship carers.

Early years providers, family hubs, schools and colleges, health visitors, advice agency staff and other front line workers will often be the people who first come into contact with children living with kinship carers, and should be aware of the challenges they may face. The kinship local offer should provide such workers with information to signpost carers to relevant services.

Given the specific needs of many children growing up away from their parents, carers will also need to know how to access targeted and specialist services which may be required, such as special educational needs services and CAMHS.

²⁰ Local authorities should consider [the DfE commissioned Practice Guide](#), which brings together the evidence on programmes or services that aim to support kinship families.

Management accountability

The Director of Children's Services should identify a senior manager who holds overall responsibility for the kinship local offer. They will need to ensure that the kinship local offer meets the statutory requirements, and is responsive to the identified needs of children and carers. Whilst there is no requirement for a dedicated post for this purpose, local authorities may want to consider whether this is beneficial to ensure sufficient oversight of the kinship local offer.

Effective kinship local offers will be informed by up-to-date information. Local authorities and partner agencies will have access to certain relevant information, such as the number of kinship foster carers, and of those to whom they are providing special guardianship or adoption support services. In monitoring implementation of the kinship local offers, the responsible manager may find it helpful to gather further specific data from sources such as the Children's Social Care Dashboard.

The senior manager with responsibility for the kinship local offer should ensure that relevant staff implementing the kinship local offer receive appropriate training on the challenges faced by kinship carers, as well as their duties outlined in the kinship local offer. Staff should understand the support available to different kinship families as set out in the kinship local offer. As a result they should be able to support kinship families in a fair and consistent manner. The manager should also ensure that relevant staff know their responsibilities for children in kinship care and actively meet those needs. The kinship local offer should be well-publicised for potential carers to understand its content and know how to contact the local authority for more information.

Legal framework

The kinship local offer should explain the relevant legal framework, in a format which is accessible to kinship carers and for parents. This should include an explanation of the authority's powers and duties in relation to children in need and looked after children, and address the effect of a child arrangements order, special guardianship order or adoption order. This is to ensure that potential kinship carers have the necessary information to make informed choices about the most appropriate route for them to follow. Information should be provided about the meaning and implications of different arrangements, including those in informal arrangements, the rights of carers and of the children's parents, and the nature of decisions which kinship carers will be able to make in relation to the child.

Complaints

The kinship local offer should explain or signpost how children, kinship carers and other relevant people may make a complaint about the service. The Children Act 1989

Representations Procedure (England) Regulations 2006²¹ govern how complaints and representations must be dealt with, and require local authorities to have procedures for dealing with complaints and representations about the exercise of their children's social care functions. Statutory guidance to accompany the regulations is contained in *Getting the Best from Complaints (2006)*.²²

As set out in the National Framework, leaders should put in place clear mechanisms for children, young people and families to raise concerns. They should listen to the voices of children, young people and families and act on any complaints swiftly. Any kinship carer or child who feels that they have grounds may make a complaint to the local authority in accordance with its complaints procedure.

All foster carers, including kinship foster carers, have the right to make a complaint about the fostering service or any aspect of the service provided for a fostered child. Fostering services must specify their complaints procedure in their statement of purpose, which must be made available to all foster carers. Adopters and special guardians also have a right to make complaints about support offered to them.

Types of support to be included in the kinship local offer

In drafting the kinship local offer, each local authority should consider the availability and route for accessing the following types of support.

Support groups and training

Local authorities should guide kinship carers to peer support groups and relevant training. Local authorities should collaborate with partner agencies and the voluntary sector to establish and improve access to this type of support.

Peer support groups can be invaluable for combating the isolation many carers may feel. These groups can provide emotional support, help carers connect with others facing similar challenges, and offer access to important information and services. Particularly for those not receiving local authority services, support groups can be a vital resource. Support groups can vary, catering to specific needs such as grandparents or informal kinship carers. Successful groups often combine member discussions, expert advice, and social activities for both carers and children.

Kinship foster carers may also benefit from support groups. They will share many of the same experiences and challenges as relatives and friends who are caring for children

²¹ [The Children Act 1989 Representations Procedure \(England\) Regulations 2006](#)

²² [Children's social care: getting the best from complaints](#)

who are not in care, and are likely to benefit from support groups focused on issues relating to kinship care.

Support groups for special guardians and prospective special guardians, children subject to special guardianship orders and their parents are included in services prescribed by the Special Guardianship Regulations 2005 for which the local authority must make arrangements. In the case of children placed by an adoption agency, local authorities are required by the Adoption Support Services Regulations 2005 to provide support groups for adopters, adopted children and birth parents.

Training can boost the confidence of kinship carers and equip them with skills and knowledge to provide high-quality care. Local authorities may wish to include training in their local offer, for example information about different types of kinship care, knowledge about child development and how to manage challenging behaviours, or practical information on how to navigate the children's social care system, register for a new school or how to access a GP.

Financial support

Local authority powers to make payments in respect of children in need under section 17(6) of the 1989 Act are outlined in chapter 2 but only apply to a child deemed to be a child in need in line with the legal framework. Provision of financial support for special guardians can also be made under section 14F of the 1989 Act.

The kinship local offer should set out the eligibility criteria for any financial support available. It should identify how kinship carers can apply for financial support, the circumstances in which they will be eligible for financial support, when means testing for financial support will apply, and how and when decisions are made about eligibility. Where financial support is offered, a written agreement should be drawn up detailing the level and duration of the support that is to be provided, and the mechanism for review, to ensure that all parties remain clear about the arrangements.

Carers in different circumstances need to be aware of their entitlement to any state benefits and allowances, such as child benefit and child tax credit, and how to apply for any discretionary financial support which may be available. Kinship local offers should signpost local and other sources of information and advice, such as benefits advice services.

Kinship carers may need financial assistance for one-off expenditure, such as school clothing or bedroom furniture, or on a more regular basis either to enable them to make adjustments or to make it possible to continue to care for a child in the longer term.

Supporting kinship carers to stay in work

Whilst in some circumstances carers may be able to take time off work due to caring responsibilities, family members sometimes take on the care of children in an emergency and may have to take unpaid time off work or a career break in order to settle the children into their new environment and to make adjustments to their own lifestyles. It will not always be possible or in the child's or carer's best long term interests for the carer to reduce their hours and therefore income, or give up work altogether, particularly if this would lead to future financial hardship which would impact on the care provided for the child.

Immediate short term financial support may be especially necessary to enable this period of transition. Where carers are employed, the employer will be able to provide information about any relevant parental leave entitlements.

Accommodation

Kinship carers may need support with accommodation, as their homes may not be of sufficient capacity to take on the care of a child or possibly a sibling group of children. Living in cramped conditions may add to the pressures of caring for a child. Housing authorities and registered social landlords should be engaged to ensure that their policies recognise the importance of the role performed by kinship carers, and that whenever possible kinship carers living in social housing are given appropriate priority to move to more suitable accommodation if this will prevent the need for a child to become looked after.

Kinship local offers should help to ensure that housing and social care services work in partnership to support the housing needs which may face kinship carers across the range of legal circumstances outlined in chapter 2.

Local authorities have the power under section 17 of the 1989 Act to give financial support towards accommodation costs where they assess this as the most appropriate way to safeguard and promote a child's welfare.

Education

Kinship children often face unique educational challenges that require targeted support.

When children cease to be looked-after, their educational needs are unlikely to have changed significantly simply because their care status has changed. In many cases the impact of pre-care and care experience can be a significant barrier to their educational achievement, whilst many have special educational needs (SEN), which explains the gap in attainment to non-looked-after children.

To support the educational attainment of children who left local authority care through special guardianship or child arrangements order:

- a. virtual school heads have a statutory duty to promote the educational attainment of pupils who are no longer looked after because they are the subject of adoption, special guardianship, or child arrangements order through the provision of information and advice to their parents, educators, and others they consider necessary
- b. all maintained schools and academies must appoint a designated teacher, who has a leadership role in promoting the educational achievement of every previously looked-after child on the school's roll. This includes making sure that all staff have high expectations of their learning and understand the importance of involving the child's parents or guardians in decisions affecting their child's education
- c. previously looked-after children attract Pupil Premium Plus funding, which is provided to help improve their education outcomes and close the attainment gap between them and their peers. It is paid to and managed by the school, with allocations based on the number of previously looked-after children recorded in the school's October school census return to the Department for Education
- d. previously looked-after children have top priority in school admissions and should be placed in good or outstanding schools.
- e. previously looked-after children and those in formal kinship care arrangements are also eligible to be secured a school place through Fair Access Protocols. This is the mechanism which ensures that unplaced and vulnerable children who are having difficulty securing school places in-year are allocated one promptly.

The virtual school head role has been extended on a non-statutory basis to specifically include championing the attendance, attainment, and progress of all children in kinship care. This means that all children in kinship arrangements, regardless of legal status, will benefit from the adaptation of the strategic role. Kinship families with a special guardianship or child arrangement order, regardless of whether the children were previously in local authority care, will also benefit from advice and information, upon request, from the virtual school to help them navigate the education system.

Supporting family time

The emotional ties and complex family dynamics can make managing family time challenging for kinship carers. Negotiating these intertwined relationships demands a

sensitive approach, as the carers navigate the web of family bonds, striving to ensure the well-being of all involved.

Local authorities are under a duty to promote contact for certain children in need, although there are differences in the way that duty is expressed depending on whether or not the child is looked after. The 1989 Act requires local authorities to promote contact between a child who is not looked after but who is living away from home and their family where it is necessary to do so in order to safeguard and promote their welfare²³. The 1989 Act also requires local authorities to endeavour to promote contact between a looked after child and their family unless it is not practicable or consistent with the child's welfare.²⁴

Arrangements for keeping connections with parents should meet the needs of the child. Most children living in kinship care will be in touch with one or both of their parents, and often also with other relatives, and this will often help to promote positive relationships.

However, management of family time can often be a source of considerable anxiety and conflict for kinship carers. It can place emotional and practical strains on all the parties involved. Family dynamics and relationships may be fundamentally changed, particularly for grandparents, and children may not understand why they are being brought up by relatives, whilst parents may resent the fact that their children do not live with them.

Information should be made available to kinship carers about local contact centres and family mediation services, and how to make use of their services. Family mediation can help parties to communicate better and resolve disputes taking account of the child's wishes in a supported environment. Contact centres and mediation services need to be made aware of the particular challenges which may face kinship carers and be sensitive to their needs.

Where there are safeguarding concerns there may be a need for the involvement of children's social care services to support safe family time arrangements. Family time may be limited through a court order and kinship carers may have difficulty in enforcing, or may not understand the necessity of, these limitations on family time with their own families, including the child's parents. Family time may need to be carefully managed, monitored and supported, to ensure that it does not become unsettling and possibly harmful for the child.

Kinship local offers should identify services available to kinship carers to support the management of family time arrangements, and where necessary to offer independent

²³ [Paragraph 10 of schedule 2: the Children Act 1989](#)

²⁴ [Paragraph 15 of schedule 2: the Children Act 1989](#)

supervision. Depending on the child's circumstances and local arrangements, this might be a direct service provided by the local authority children's services or an arrangement made through a contact centre or family mediation service. Local authorities should consider providing family time support for different types of kinship arrangements, including for children who are not looked after.

Family Group Decision Making

A family network is a group of people close to a child made up of relatives, including parents and non-related connected people, such as step-parents, siblings, grandparents or close family friends. Family networks can be an essential support network to help families stay together and thrive. When this is not possible, they themselves offer a safe, loving and stable home to keep children out of local authority care.

Local authorities should empower families by prioritising family-led solutions, working collaboratively with family networks to support parents or carers to make and sustain positive changes, hopefully leading to de-escalation of need or no further involvement with statutory services. Local authorities should engage with family networks from early help, and at every point throughout the children's social care system, as set out in *Working Together to Safeguard Children 2023*.

Family group decision making (FGDM) is an umbrella term for a family-led forum where parents and the family network make a plan in response to concerns about a child's safety and wellbeing. FGDM can help identify the support and resources the wider family network can provide to the parents and child.

While the Department does not prescribe a specific model of FGDM, local authorities are encouraged to consider the evidence for the family group conference (FGC) model.¹ The FGC model is a voluntary process for the family and is facilitated by an independent coordinator.

FGDM, including FGCs, should be used at different stages in the children's social care system to include family networks in decision-making. If a child becomes looked after, perhaps following an emergency, without an FGDM or FGC forum having been held, then the local authority should still consider this as an option later, including as a route to reunification with the parents or family network where appropriate. FGDM can be offered repeatedly during a family's journey through the children's social care system, and practitioners should consider revisiting the offer at a later date if a family declines.

Local authorities should ensure they have arrangements in place to offer FGDM, such as FGCs, and the arrangements should be set out in the kinship local offer. Where a family is referred for FGDM, the local authority will be able to demonstrate to the court one of the ways in which they have attempted to engage the family network in planning, prior to

a court hearing, as required by the Public Law Outline.³ This can help to avoid sequential assessments of potential carers which may cause delay in planning for the child in public law proceedings.

Legal support

A kinship local offer should set out the legal support that may be available to kinship carers and potential kinship carers, including the eligibility and extent of that support. This should cover any legal support provided by the local authority, partner organisations or the voluntary sector as well as eligibility for Legal Aid Agency-provided legal aid.

Legal aid is the system of public funding to help meet the costs of legal advice, representation in court or at a tribunal and family mediation. If a kinship carer has a legal matter that is in scope according to the Legal Aid, Sentencing and Punishment of Offenders Act 2012²⁵, they may be able to access legal aid.

In public family proceedings, legal aid is available to prospective kinship carers, or kinship carers in public family law children's cases under the Children Act 1989 and in related proceedings, where they have been joined as a party to proceedings by the court. This includes where prospective kinship carers, or kinship carers wish to make more permanent arrangements, for example, through a special guardianship order. This is subject to means and merits eligibility assessments.

In private family proceedings, legal aid is available for prospective kinship carers and kinship carers for special guardianship orders. This is also subject to means and merits eligibility assessments.

If a kinship carer wishes to discuss their matter with a legal aid provider, and explore their eligibility further you can refer them to the Find a legal aid adviser or family mediator tool which will assist them to find a provider in the area.²⁶

Therapeutic support

Local authorities should also make kinship carers aware, in the kinship local offer, that the Adoption and Special Guardianship Support Fund (ASGSF) is available to children and families where the children are subject to Special Guardianship Orders, or Child Arrangement Orders and were previously in care.²⁷ The ASGSF provides funding for

²⁵ [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2012/32/section/1)

²⁶ <https://find-legal-advice.justice.gov.uk>

²⁷ [The Adoption and Special Guardianship Support Fund](https://www.asgsf.gov.uk)

therapeutic support for these children and young people up to and including the age of 21, or up to the age of 25 if the child has an education, health and care plan.

Types of arrangements that should be covered by the kinship local offer

In drafting the kinship local offer, local authorities should consider how it applies to the different groups described below.

Private fostering arrangements

The National Minimum Standards for Private Fostering²⁸ require the local authority to have a written statement which sets out its duties and functions in relation to private fostering and the ways in which they will be carried out. This statement should define what private fostering means, making clear which relatives caring for a child will not be regarded as private foster carers within the meaning of the 1989 Act. Private foster carers may at the same time be kinship carers, and facing the same issues as other kinship carers, and so should have access to the same range of support services as informal kinship carers.

Kinship foster carers

Kinship local offers should include information about the local authority's powers and duties including circumstances in which a child may become accommodated by the local authority or in which care proceedings may be instigated, and how and by whom such decisions are made. Informal kinship carers will need to feel confident that if they come forward to ask for support their views will be listened to and the child's needs will be appropriately assessed. They should know how they will be involved in this process and what framework will be used to assess that the child may need to become looked after by the local authority.

The Statement of Purpose for the local authority's fostering service, prepared in accordance with regulation 3 of the 2011 Regulations, must spell out the aims and objectives of the fostering service and the services and facilities provided by it. The kinship local offer should incorporate this information in so far as it relates particularly to kinship carers who are approved as foster carers. Fostering services should deliver services in a way which ensures that kinship foster carers are fully supported to care for children placed with them and are not disadvantaged as a result of their prior relationship with the child. This includes access to training to support them in their role. Kinship foster

²⁸ [The National Minimum Standards for Private Fostering](#)

carers may benefit from some services being delivered in a different way, but there should be equity of provision and entitlement. It is not acceptable to discriminate against kinship foster carers on the basis that they have a pre-existing connection with the child they are caring for.

Fostering services should ensure that all foster carers are equipped with the knowledge and skills to meet the care needs of children placed with them, and to achieve at least the minimum level of knowledge and skills outlined in the Children's Workforce Development Council's (CWDC's) Training, Support and Development (TSD) Standards²⁹. Given that the TSD Standards are designed to equip foster carers with the knowledge and skills to provide an acceptable level of care to the children they look after, it is in the interests of looked after children that they should be achieved by all foster carers. In recognition of the fact that the context of kinship foster care differs from other types of foster care, kinship foster carers will work towards an amended set of standards and are given additional time to demonstrate achievement of the Standards.

The TSD Standards provide an opportunity to identify any gaps in skills and knowledge, as well as support needs. Foster carers achieving the Standards need to show also that they understand their role, responsibilities and obligations. They need to show an awareness of other professionals and services involved in the child's life and how they are meeting the health and wellbeing needs of the child they are looking after. Working to achieve the Standards can also provide a focus for the work of support groups and provide opportunities for kinship foster carers to meet other foster carers. Authorities should ensure that the TSD Standards are framed and delivered in such a way that carers can see how they support them in their caring role, building upon any areas for development identified in the assessment.

Once approved as foster carers, the extent to which kinship carers wish to be involved in training and formal support varies greatly. Authorities should consider how training and support can be delivered to kinship foster carers in a way which recognises their particular circumstances, needs and perspectives, helps them to understand the relevance and importance of participating in learning and development and makes it as easy as possible for them to engage. There are benefits to incorporating training into support groups or providing specific training for kinship foster carers. Evidence of learning and development may be available through the family and parenting support offered to kinship carers and through their relationship with their social worker.

The National Minimum Standards for Fostering Services cover fostering services' responsibilities with respect to all their foster carers, including those who are kinship

²⁹ [TSD standards guidance for supervisors.pdf \(publishing.service.gov.uk\)](#)

foster carers. Fostering services should deliver services in a way which ensures that kinship foster carers are fully supported to care for children placed with them and are not disadvantaged as a result of their prior relationship with the child.

Fostering allowances to foster carers must be sufficient to meet the cost to the carer of caring for the child and should be at least the minimum set annually by the Department for Education. The allowances paid by a fostering service must be calculated for kinship foster carers on the same basis as for all other foster carers, and any variations should relate to the child's needs, the skills of the carer or some other relevant factor that is used as a criterion for all of the service's foster carers.

A judicial review of Manchester City Council's policy on payments of allowances to kinship foster carers in 2001 (the Manchester City Council judgment) held it was unlawful to discriminate against kinship foster carers by paying them a lower allowance than non-relative foster carers. There is no requirement to pay a fee to reward a carer's time, skills, commitment, etc in addition to the allowance. Where a fee is paid, it must be payable to those foster carers who meet the criteria set out for the scheme, including foster carers who are family or friends.

Special guardianship, child arrangements orders and adoption

Local authorities should identify in their kinship local offer where further information can be found in relation to people in whose favour a special guardianship order, child arrangements order or adoption order has been made, and by what means these kinship carers may seek support services. Advice and guidance should be made available to kinship carers regarding the respective implications of orders which give them parental responsibility, so that they fully understand the implications if applying for such an order.

Annex A: Glossary of other definitions

In this guidance:

- a. “the 1989 Act” means the Children Act 1989;
- b. “the 1996 Hague Convention” means the 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children”
- c. “the 2008 Act” means the Children and Young Persons Act 2008;
- d. “the 2010 Regulations” means the Care Planning Placement and Case Review (England) Regulations 2010;
- e. “the 2011 Regulations” means the Fostering Services (England) Regulations 2011;
- f. “the 2014 Act” means the Children and Families Act 2014
- g. “care plan” means the plan for the future care of a looked after child prepared in accordance with Part 2 of the 2010 Regulations;
- h. “a child in need” is defined in section 17(10) of the 1989 Act, which provides that a child shall be taken to be in need if (a) he is unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision for him of services by a local authority under this Part; (b) his health or development is likely to be significantly impaired, or further impaired, without the provision for him of such services; or (c) he is disabled;
- i. “child” means a person under the age of 18.
- j. “foster carer” means a person who is approved as a foster parent (by a local authority or an independent fostering agency) in accordance with regulation 27 of the Regulations 2011, or temporarily approved under regulation 24 of the 2010 Regulations;
- k. “fostering service” means a local authority fostering service;
- l. “independent review mechanism” means a review process that prospective or existing foster carers can access when they do not agree with the qualifying determination letter sent to them by their Fostering Service Provider Agency Decision Maker. The review process is conducted by a review panel which is independent of a fostering service provider.
- m. “informal arrangement” means an arrangement where a child is living with a kinship carer who does not have parental responsibility for the child. References to “informal arrangements” in this guidance do not include

arrangements where the child is looked after by the local authority or where the child placed for adoption, or subject to a residence or a special guardianship order. The legislation which governs these arrangements does not apply to an informal arrangement.

- n. “looked after child” means a person under 18 who is subject to a care order under section 31 of the 1989 Act (including an interim care order), or is accommodated under section 20 of that Act ;
- o. “Non-agency adoption”, also known as independent adoption, is a type of adoption in which an adoption agency is not involved, such as in applications by step-parents or by relatives of the child;
- p. “parent” includes any birth parent, with or without parental responsibility for the child, any step parent, with or without parental responsibility for the child, who is in a subsisting relationship with the birth parent, any adoptive parent, any parent by virtue of section 42 or section 43 of the Human Fertilisation and Embryology Act 2008, whether or not they have parental responsibility for the child, any parent by virtue of section 42 or section 43 of the Human Fertilisation and Embryology Act 2008, whether or not they have parental responsibility for the child.
- q. “parental responsibility” has the meaning given by section 3 of the 1989 Act, being all the rights, duties, powers responsibilities and authority which by law a parent of a child has in relation to the child and his property;
- r. “private fostering arrangement” means an arrangement where a child who is under 16 (or 18 if disabled) and who has not been provided with accommodation by the local authority, is cared for and accommodated by someone who does not have parental responsibility for him and is not a relative, and the arrangement continues for a period of 28 days or more or is intended to do so;
- s. “relative” means grandparent, brother, sister, uncle or aunt (whether full blood or half blood or by marriage or civil partnership) or step-parent, as defined in section 105 of the 1989 Act;
- t. “responsible authority” means, in relation to a looked after child, the local authority or voluntary organisation as the case may be, responsible for the child’s placement.

Annex B: Different types of kinship arrangements

Table 2: Different types of kinship arrangements

| Type of kinship arrangement | Parental Responsibility | Approval process | Duration of placement | Supervision of placement | Support available to the carer and the child/ren |
|-----------------------------|--|------------------|---|--------------------------|---|
| Informal Kinship Care | Informal arrangements are when a close family member or friend look after a child for a temporary or permanent amount of time. This arrangement is agreed privately with the parents and parental responsibility for the child remains with the parents. | None. | Subject to the discretion of the person with parental responsibility. | None. | <ul style="list-style-type: none"> • Access to local peer to peer support groups • Access to Kinship's training offer • Access to the Family Rights Group's free Family and Friends Helpline |

| Type of kinship arrangement | Parental Responsibility | Approval process | Duration of placement | Supervision of placement | Support available to the carer and the child/ren |
|-----------------------------|--|---|---|---|---|
| Private Fostering | <p>In England, private foster carers are individuals or families who look after a child under the age of 16 (or 18 if the child has disabilities) for more than 28 days, but who are not close relatives of the child. These arrangements typically occur without the involvement of the local authority.</p> <p>Private foster carers have a significant responsibility for the child's welfare during their time in their care. While they don't have parental responsibility in the same way that birth parents do, they do have a duty to safeguard and promote the welfare of the child. This includes providing the child with a safe and nurturing environment, ensuring their physical and emotional needs are met, and promoting their education and development.</p> | <p>The arrangement is assessed by LA, but the carer is not 'approved' as a local authority foster carer. The arrangement may be prohibited if assessed by the local authority as unsuitable.</p> <p>Additionally, private foster carers are required by law to notify their local authority of any private fostering arrangement, allowing the authority to assess the suitability of the arrangement and provide support and oversight if necessary.</p> | Subject to discretion of person with parental responsibility and readiness of private foster carer. | It is not a placement, but there are statutory visits to child by social worker (minimum 6 weekly in first year, then 12 weekly). | This is a private arrangement, and there is limited support available from the local authority, however, these carers may wish to access some of the support available to informal kinship carers as set out above. |

| Type of kinship arrangement | Parental Responsibility | Approval process | Duration of placement | Supervision of placement | Support available to the carer and the child/ren |
|---|--|---|--|--------------------------|--|
| Kinship Carers with a Child Arrangements Order (CAO). <i>(In 2014, Child Arrangements Orders replaced Residence Orders and Contact Orders)</i> | Child Arrangements Orders are granted by the family court and determine who a child can live with and/or who a child can stay with and for how long and determine contact. The kinship carer shares parental responsibility with the child's parents, or others with parental responsibility, until the age of 18 unless the court states otherwise. | Appointed by court following application. | Age 18 unless varied or discharged by the court before the child reaches 18 years. | None. | All of the support available to informal kinship carers, plus: <ul style="list-style-type: none"> • If the kin child/ren is previously looked after they will be eligible to apply to the Adoption and Special Guardianship Support Fund (ASGSF) • A range of educational support is available, particularly to previously looked after kinship children, as set out in the educational support section of the guidance. |

| Type of kinship arrangement | Parental Responsibility | Approval process | Duration of placement | Supervision of placement | Support available to the carer and the child/ren |
|--|--|---|---|--|---|
| Kinship Carers with a Special Guardianship Order (SGO) | They have parental responsibility for a child following an order made by the family court. SGO Kinship carers live permanently with their children but need permission from the court to make important decisions, such as changing the child's surname. | Appointed by court, following application from the applicant. LA must investigate the matter and prepare a report for the court dealing with the suitability of the applicant to be a special guardian. | Age 18 unless varied or discharged by the court before the child reaches 18 years. | None. | All of the support available to kinship carers with a CAO, plus: <ul style="list-style-type: none"> Financial support may be available at the discretion of the local authority. |
| Kinship Foster Carers | They look after children who are "looked after" by the local authority following a voluntary agreement, if a child spends more than 24 hours in local authority care under section 20 of the Children Act 1989 or if a Care Order is made by the family court. | Approved as local authority foster carers in accordance with Fostering Services Regulations. (If child is looked after, carers must be approved as foster carers even if close relative.) | So long as placement remains in line with child's care plan, as determined by the LA. | Statutory: visits to child by social worker and supervision of foster carers by supervising social worker. | Kinship Foster Carers are entitled to the same support as any other local authority foster carer, based on the NMA. This is set out in more detail in chapter 2. |

| Type of kinship arrangement | Parental Responsibility | Approval process | Duration of placement | Supervision of placement | Support available to the carer and the child/ren |
|-----------------------------|---|---|----------------------------------|--|---|
| Adoption | Parental responsibility transfers to adopters and legal relationship with birth parents is severed. | Adoption agency assesses and approves prospective adopters, court makes order regarding specific child. If the child is not looked after then notice of intention to adopt must be given to the LA who then carry out an assessment / report for the court. | Permanent lifelong relationship. | When child is placed for adoption by the LA, the placement is supervised and there are statutory reviews. Once the adoption order is made, none. | Entitlement to assessment for adoption support services, which may be provided at discretion of LA in accordance with Regulations and NMS. Adopters and adopted children are entitled to therapeutic support from the Adoption and Special Guardianship Support Fund. |

Annex C: Helpful Information and contacts

Information and support as of the 2024 update of this guidance.

Coram Children's Legal Centre (CCLC)

- Coram Children's Legal Centre provides free independent legal advice and factsheets to children, parents, carers and professionals.
- Website: www.childlawadvice.org.uk. Telephone number: 0300 330 5480.

Family Lives and Gingerbread

- Family Lives, in consortium with Gingerbread, offer free online and phone support for parents and carers on various topics, such as mental health, behaviour, bullying, divorce, finances, welfare rights and more.
- Website: www.familylives.org.uk. Telephone number: 0808 800 2222.
- Website: www.gingerbread.org.uk. Telephone number: [0808 802 0925](tel:08088020925).

Family Rights Group (FRG)

- Family Rights Group provides specialist advice to parents, kinship carers, relatives and friends who are involved with children's services in England or need their help. Family Rights Group's advice service is free, independent and confidential. It supports families to understand the law and child welfare processes when social workers or courts are making decisions about their children. The service offers a website packed with useful advice resources, online forums, a free telephone advice line, a webchat service, and online enquiry form.
- Website: www.frg.org.uk/get-help-and-advice , Advice line: 0808 801 0366 (open Monday to Friday 9.30am to 3pm, excluding bank holidays)

Kinship

- Kinship is a national charity for kinship care in England and Wales. It supports grandparents, siblings, aunts, uncles, and family friends who care for children when their parents cannot. The charity provides information, advice, training, and support, including peer support groups and training services. Website: www.kinship.org.uk. Advice line: Kinship carers can call during these hours for free on 0300 123 7015. The phone line is open Monday – Friday, 9:30am – 2pm. Kinship carers can also use the Kinship Compass to find out about local information and support: [In your area - Kinship](#)
- Kinship lead on the departmental contract for peer to peer support groups across England. You may wish to find a local group online [here](#) or to get in touch directly with Kinship via their website [here](#).

- Kinship also lead on the departmental training and support programme for kinship carers across England. You can find more information about what training and support is available [here](#).
- Professionals working with kinship carers can access information about Kinship here: <https://kinship.org.uk/for-professionals/>



Department
for Education

© Crown copyright 2024

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3.

Where we have identified any third-party copyright information you will need to obtain permission from the copyright holders concerned.

About this publication:

enquiries www.education.gov.uk/contactus

download www.gov.uk/government/publications

Follow us on Twitter: [@educationgovuk](https://twitter.com/educationgovuk)

Connect with us on Facebook: facebook.com/educationgovuk