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***Fostering, CASS , Through Care, Adoption, Private Fostering***

## **Peoples Directorate**

# **A Practical Guide to Friends and Family Care**

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## Introduction and Context

*“Most children are brought up by one or more of their parents, but it has been estimated that up to 300,000 children are cared for full time by a relative, friend, or other person previously connected with the child.*

*Family and friends carers play a unique role in enabling children and young people to remain with people they know and trust if they cannot, for whatever reason, live with their parents.”*

Family and Friends Care - Department for Education 2010.

Family and friends carers are relatives, friends and other people with a prior relationship with somebody else’s child, who are caring for him or her full time. One of the common concerns expressed by family and friends carers is that they are not given clear information about the different legal options, the types of support available to them, details of any financial support available and the kind of social work involvement that will be necessary.

This document is not a comprehensive guide but aims to summarise the legal aspects and options regarding family and friends care, how family and friends carers can be supported, and where they can access additional advice and support from voluntary organisations that specialise in supporting families.

A copy of North East Lincolnshire Council’s detailed guidance for practitioners about family and friends care is available on request.

There may be times when it will be necessary to seek your own legal advice about the best option for you and the child’s situation.

(Wherever the term parent is used, it includes those who may hold parental responsibility but who are not a birth parent.)

## Summary of Legal Status and Options

The following sections will help understand the legal status and what this means to yourselves as carers:

1. Informal Kinship Care
2. Private Fostering
3. Family and Friends Foster Care
4. Child Arrangement Order
5. Special Guardianship Order
6. Adoption Order

### 1. Informal Kinship Care

This is an arrangement made directly between the parent(s) and the informal kinship carer without the involvement and knowledge of Children Safeguarding and Assessment Services. An informal kinship carer is has to be a close relative to the

child. A close relative means grandparent(s), brother(s), sister(s), uncle or aunt (by full blood, half blood or by marriage or civil partnership) or a step parent(s).

The child is not a looked after child under this arrangement.

### **Who has Parental Responsibility?**

Parental Responsibility remains with the birth parent(s). The informal kinship carer is allowed to do what is reasonable to safeguard and promote the child's welfare.

### **What is the assessment and approval process?**

There is no 'approval' process. This is an arrangement made by the child's parent(s). It is the child's parent(s) who make the decision about where the child will live.

### **How long can the child/young person live in this arrangement?**

For as long as the parent(s) are in agreement.

### **Will there be any supervision of the placement?**

Not by Children Social Care. It is the responsibility of the parent(s) to ensure that the child is being looked after properly.

### **Will the placement be reviewed?**

No.

### **What services/resources will be available to support the placement?**

- **Child and carer will be able to access universal services as required.**

### **Will there be any financial support available?**

Financial responsibility to maintain the child remains with the parent(s). Informal kinship carers can claim child benefit and if applicable child tax credit and disability living allowance if these are not being paid to the parent.

Guardians allowance may be payable in certain circumstances (if both parents have died, or the only surviving parent cannot be found, or has 2 years or more left of a prison sentence).

The young person's entitlement to education maintenance allowance is based on the income of the informal kinship carers.

## **2. Private Fostering**

This is a private arrangement whereby a child (under 16, or under 18 if disabled), is being cared for, for 28 days or more (or the intention is that the arrangement will last for 28 days or more), by anyone who is not a close relative and who does not have parental responsibility.

A close relative means grandparent(s), brother(s), sister(s), uncle or aunt (by full

blood, half blood or by marriage or civil partnership) or a step parent(s).

The child is not a looked after under this arrangement. However, private foster carers must give Children's Social Care at least 6 weeks' written notice of their intention to foster a child privately. If you are already caring for a child who is privately fostered, you must notify Children's Social Care immediately on 01472 325555.

### **Who has Parental Responsibility?**

Parental Responsibility remains with the parent(s).

### **What is the assessment and approval process?**

Children's Social Care have a legal duty to check whether or not the arrangement is suitable. A social worker will visit the private foster carer and the parent(s) to discuss the arrangement. The social worker will complete an assessment and carry out reference checks with the police, probation service, local council, GP and education authority. The assessment will involve the social worker visiting the private foster carer at home and discussing a range of issues including their background and upbringing, parenting experience, relationships, support networks, the suitability of the accommodation, their health, financial situation and their relationship with the family of the child being privately fostered.

The social worker will write a report based on the information shared with them, and then Children's Social Care will make a decision about their suitability to be a private foster carer. If the placement is agreed, then a contract of expectations should be drawn up between the private foster carer and the parent(s) to make it clear who is responsible for what.

### **How long can the child/young person live in this arrangement?**

For as long as the parent(s) and as long as Children's Social Care continue to agree that the carer is suitable to be a private foster carer or until the child turn 16 years of age.

### **Will there be any supervision of the placement?**

Yes. Children's Social Care have a duty to visit children who are privately fostered at a minimum of every 6 weeks in the first year, and then every 12 weeks after that.

### **Will the placement be reviewed?**

Yes. A review of the plan for the child has to take place at least three monthly.

### **What services/resources will be available to support the placement?**

As part of the assessment report the private foster carers needs should be identified and a plan of how these will be met drawn up. Where appropriate, private foster carers will be facilitated to access existing training available to other foster carers. Private foster carers should also be facilitated to access community resources.

The private fostering social worker should provide information to private foster carers about the advice and support that is available from Children's Social Care and from other agencies.

Where appropriate, and with the private foster carer's agreement, a referral will be made to other agencies. Where there is an identified need for support, which is not available from other agencies, consideration needs to be given as to whether this support should be provided by Children's Social Care under section 17 of the Children Act 1989.

### **Will there be any financial support available?**

Any financial arrangement is made between the private foster carer and the parent(s) and will not involve Children's Social Care. These arrangements should be included in the contract of expectations so that everyone is clear about what has been agreed.

In exceptional circumstances, additional financial support may be available to support the child under Section 17 of the Children Act 1989. This is at the discretion of Children Social Care.

Private foster carers may be able to claim child benefit and if applicable child tax credit and disability living allowance, if these are not being paid to the parent(s).

If private foster carers are already claiming any benefits, including child benefit, they will need to inform the Department for Work and Pensions (DWP) that they are privately fostering a child. They should also let the DWP know about any money they are receiving for private fostering.

## **3. Family and Friends Foster Care**

If a child is no longer able to live with their birth family, and becomes a looked after child, Children's Social Care have a duty to give preference to a placement with a relative, friend or other person connected with the child, as long as this promotes the child's welfare.

If the child is looked after, Children's Social Care must approve the relative or friend as a local authority foster carer.

The child may be looked after voluntarily with the agreement of those holding Parental Responsibility.

### **Who has Parental Responsibility?**

If the child is looked after voluntarily, under Section 20 of the Children Act 1989, parental responsibility remains with the parent(s.)

### **What is the assessment and approval process?**

If a child is looked after by the local authority, placements may only be made with a relative or friend if they have been assessed and approved as foster carers under the Fostering Services Regulations 2002 and Care Planning Placement and Case Review Regulations.

An assessment of the friends/relatives capacity to care for the child will be completed by the Children's Social Care in the first instance. A comprehensive assessment that

involves a number of visits to them in the home, and the completion of a Form F by the Fostering Service then takes place. This goes into detail about things like their background and childhood, previous and current relationships/marriage, support networks, experience as a parent(s), their relationship with the child's family and other relevant issues.

They will need to provide details of their income and names of people who are prepared to act as referees for them. Once the assessment is complete, the fostering worker will make a recommendation to the Fostering Panel. Prospective foster carers will be invited to attend the Fostering Panel if they would like to. The Fostering Panel makes a recommendation to the Decision Maker who has the final decision about whether or not someone is approved as a foster carer.

### **How long can the child/young person live in this arrangement?**

For as long as the local authority considers the placement meets the child's needs and is in line with the care plan.

### **Will there be any supervision of the placement?**

Yes. Children's Social Care have a duty to visit looked after children. The child's social worker will visit the child within the first week of the child being placed, then at least every 6 weeks. You will have a fostering social worker who will visit you every 6 weeks. The fostering social worker will explain the process of annual reviews of foster carers' approval, and how foster carers are offered opportunities for training and development.

### **Will the placement be reviewed?**

Yes. Children's Social Care have a duty to review a looked after child's care plan within 28 days of the child becoming looked after, then within the next 3 months and then every 6 months until the child is no longer looked after.

### **What services/resources will be available to support the placement?**

As registered foster carers you will be supported by a fostering social worker who will visit on a regular basis. Carers are required to attend training courses and will be offered the opportunity to attend support groups. The child will receive support for their health and education needs. The child's social worker will discuss with you what services/resources you or the child may need to ensure the child's needs are met in the placement.

An older looked after child may be eligible for leaving care support services.

### **Will there be any financial support available?**

Yes. A weekly maintenance allowance is payable to meet the costs of caring for the child, the amount is dependent on the child's age.

Child benefit and child tax credit are not payable to foster carers, but should your order change to a Child Arrangement Order or a Special Guardianship Order, you may be eligible to claim these.

North East Lincolnshire Council need informing of any changes to your order as this may impact on your payments as a Child Arrangement Order and a Special Guardianship Order are means tested.

Should there be any overpayments, North East Lincolnshire Council has a duty to claim these back.

*For more permanent arrangements for family and friends care the three following options can be considered:*

#### **4. Child Arrangement Order**

A Child Arrangement Order is an order from the court to say who a child should live with. Relatives/Friends can apply for a Children Arrangement Order whether or not the child has been 'looked after'.

#### **Who has Parental Responsibility?**

This is shared between the parent(s) and those to whom the Children Arrangement Order was given. However, the person with the Children Arrangement Order can make decisions to safeguard and protect the child and meet their day-to-day needs, without needing the permission of the child's parent(s).

#### **What is the assessment and approval process?**

Applications for a Children Arrangement Order are made through the court. There will be an assessment of the applicant's suitability and how well they could meet the child's needs. The wishes and feelings of the child and their parent(s) will be taken into account. If Children's Social Care have had previous involvement with the child or the child is looked after, they will be asked to carry out the assessment. If not, a CAFCASS (the Children and Family Court Advisory and Support Service) officer will undertake the assessment.

#### **How long can the child/young person live in this arrangement?**

A Children Arrangement Order lasts until the child is 16, although in exceptional circumstances the court can order it to continue until the child is 18.

#### **Will there be any supervision of the placement?**

No.

#### **Will the placement be reviewed?**

No. However, if a Children Arrangement Order allowance is agreed by Children's Social Care, this will be reviewed on an annual basis, and full supporting financial information will be required to support the Annual assessment forms that are returned, including P60s and Bank Statements, and HMRC/DWP paperwork where required.

#### **What services/resources will be available to support the placement?**



There is no automatic entitlement to support but the local authority has the discretion to provide services/support for the child/family under Section 17 of the Children Act 1989, if the child meets the criteria as a child in need. This will be discussed during the assessment.

### **Will there be any financial support available?**

There is no automatic right to financial support available and this will be discussed during the assessment. However the local authority has the discretion to pay a Children Arrangement Order allowance based on the Fostering Allowance\*. Child benefit and if applicable, child tax credit and disability living allowance, are still claimable for those in receipt of a Residence Order or a Child Arrangement Order. If the Local Authority does assess you as eligible for an allowance both child tax credit and child benefit payments are deducted from any payment made. [Although the Local Authority cannot compel families to claim Child Tax Credits, we will make deductions based upon the assumption that these are claimed].

\*Additionally as the principle of reductions for multiple children is established practice [i.e. Child Maintenance Regulations, and some foster-carer payments], NELC could consider this in the level of financial support offered to the placement of multiple siblings in one household.

The Council has considered a number of request for retrospective support, where families believe they were not advised of their right for assessment for support, and the council played a key role in the placement of child via this route. For practicality and reasonableness, no claim can be considered older than six years.

## **5. Special Guardianship Order**

Special Guardianship is applicable for a child of any age, unaccompanied minors where there are significant links with the birth family or where the birth family cannot be found.

The eligibility criteria to be a Special Guardian is that the person is:

- a guardian of the child
- anyone currently holding a Children Arrangement Order or Residence Order
- a relative with whom the child has lived for one year
- a person with the consent of those who hold a Children Arrangement Order
- a person with the consent of the local authority, where child is in local authority care
- a person with the consent of those with Parental Responsibility
- a local authority foster carer with whom the child has lived for one year preceding the application

Special Guardianship does not completely break the legal link with the child's parent(s). However, it does mean that the Special Guardian can take significant decisions about the child and their upbringing, without having to consult with the child's parent(s).

### **Who has Parental Responsibility?**

Parental responsibility is shared between those who held parental responsibility before the Special Guardianship Order was made and those to whom the Special

Guardianship Order is given. Special Guardians can exercise parental responsibility to the exclusion of all others who share it. This means they can make most major decisions about the child's upbringing. They will need to get the consent of those they share parental responsibility with for some medical situations, and cannot change the child's surname.

### **What is the assessment and approval process?**

If someone intending to apply to a court for a Special Guardianship Order they must give the local authority 3 months written notice.

They will be provided with the access to the Local Authorities Procedures and Policies for Special Guardianship by the Fostering Team. Once an application is made to the court for a Special Guardianship Order, the local authority will be asked to make an assessment and prepare a report. The child's social worker will complete the report. The report will include details about the child and their family, details about the carer and their family, their background and childhood experiences, their experience as a parent(s), and relationship with the child's family. Checks will also be made with the Police, Probation, Disclosure and Barring Service, employers, GP, health and education. They will need to give details of their financial situation, and the names of people who are willing to be referees.

Once the social worker has completed their assessment, they will make a recommendation to the court about the appropriateness of the Special Guardianship Order. The final decision about whether or not a Special Guardianship Order is granted lies with the court. It is advised to seek independent legal advice.

### **How long can the child/young person live in this arrangement?**

Until the child is 18, unless the order is varied or discharged by the court before the child is 18.

### **Will there be any supervision of the placement?**

No.

### **Will the placement be reviewed?**

No. However, there will be an annual review of the special guardianship allowance if one has been agreed.

### **What services/resources will be available to support the placement?**

An assessment of support needs must legally be made during the preparation of the report for court, for all children who are looked after prior to the making of a Special Guardianship Order. A Special Guardianship Support Plan will be drawn up. It is discretionary whether or not the local authority carries out an assessment where the child was not looked after prior to the Special Guardianship Order being made. At the age of 16, a young person who was looked after prior to the making of a Special Guardianship Order becomes eligible for the provisions of the Leaving Care Act, as a 'Qualifying Person'.

This entitles them to:

- Advice and support (this could be financial) up to the age of 21 years.
- Financial assistance for accommodation costs during vacations whilst undertaking a course of higher education (up to 21 years).

### **Will there be any financial support available?**

This will be discussed with you during the assessment. A means tested special guardianship allowance is payable in certain circumstances for children who were looked after prior to the Special Guardianship Order being made. The child will need to meet the criteria in the Special Guardianship Regulations.

Any financial support agreed will be subject to annual review. You may be able to claim child benefit and if applicable, child tax credit and disability living allowance, if these are not being paid to those who share Parental Responsibility with you. If you receive benefits, receiving a special guardianship allowance may affect your benefits, and it would be advisable to seek advice about this.

## **6. Adoption Order**

Relatives, friends and private foster carers can apply to adopt a child they have been caring for, when the child has lived with them for a total of 3 years out of 5 years. If you don't satisfy this requirement, it is possible to apply for an adoption order if the court gives leave for this. A friend or relative who is a local authority approved foster carer can apply for an adoption order after caring for a child for a year. Unless the child has been placed with you by an adoption agency, applicants must notify the local authority for the area where they live of their intention to apply for an Adoption Order. An Adoption application cannot be made until at least 3 months after the notification is received.

### **Who has Parental Responsibility?**

Parental responsibility is transferred to the adopters when the adoption order is made. Parental responsibility is not shared with anyone else.

### **What is the assessment and approval process?**

When friends, relatives or private foster carers apply to a court to adopt a child they have been caring for, the court asks the local authority to prepare a report for the court about the applicants suitability to adopt the child, and whether adoption is in the best interests of the child. This will involve visits from an adoption social worker, and discussion about various aspects of their relationships, family life, support network and relationship with the child's family. They will need to give details of their financial situation, and the names of people who are willing to be referees. If the child you are caring for is a looked after child (this means the carer will have to be an approved foster carer) and they want to adopt the child, the process is different to adopting a non looked after child or a child who has not been placed by an adoption agency. The fostering social worker will be able to advise about what steps are needed.

### **How long can the child/young person live in this arrangement?**

It is a permanent lifelong relationship.

### **Will there be any supervision of the placement?**

There is no duty to supervise the placement. However, the court hearing the adoption application would expect the carer to allow the local authority to have sufficient opportunities to observe the child at home, in order for the local authority to be able to complete the required report for the court hearing.

### **Will the placement be reviewed?**

No.

### **What services/resources will be available to support the placement?**

Other than counselling, advice and information, there is no automatic entitlement to post adoption support when a child who has not been a 'looked after child', or a child who has not been placed by an adoption agency is adopted. A request can be made that the local authority assesses for support services, but it is at the discretion of the local authority whether or not services are provided.

### **Will there be any financial support available?**

There is no automatic entitlement to financial support, but adopters can request to be assessed for financial support. It is advisable to seek advice about what state benefits may be available.

### **Related Documents**

- [Family and Friends Care DfE 2011](#)
- NELC Private Fostering Policy – Available on request
- NELC Friends and Family Practice Guidance – Available on request

## Appendix 1 – Glossary and Definitions

Care plan Means the plan for the future care of a looked after child prepared in accordance with Part Two of the Care Planning, Placement and Case Review (England) Regulations 2010.

Child in Need Defined in section 17 of the Children Act 1989

- a. which provides that a child shall be taken to be in need if: (a) he/she is unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or developments without the provision for him of services by a local authority under this part or;
- b. his/her health or development is likely to be significantly impaired, or further impaired without the provision for him of such services or;
- c. he/she is disabled.

Child Means a person under the age of 18.

Connected person Means a relative, friend, or other person connected with a looked after child.

This could include someone who knows the child in a professional capacity such as a child minder, teacher or youth worker.

Family and friends

carer

Means a relative, friend or other person with a prior connection to someone else's child who is caring for that child full-time. A connected person might also be a family and friends carer. The child who is cared for by family and friends carer may or may not be looked after by the local authority.

Family Group

Conference

Means a meeting held with the relevant family members to discuss issues of concern and try to identify a solution in the best interests of the child.

Foster carer Means a person who was approved as a local authority Foster parent either by a local authority or an independent fostering provider in accordance with regulation 27 of the Fostering Services (England) regulations 2011 or regulation 24 of the Care Planning, Placement and Case Review (England) Regulations 2010.

Informal

arrangement

Means and arrangements where child is living with the family and friends carer who does not have parental responsibility for the child. References to informal arrangements in this policy do not include arrangements where the child is looked after by the local authority, where the child is privately fostered, placed for adoption or subject to a residence or special guardianship order. All of these arrangements are subject to statutory legislation which does not apply to informal arrangements.

Looked after child Means a person under 18 who is subject to a care order or interim care order under section 31 or 38 of the Children Act 1989.

Parent In relation to a child, includes any person who has parental responsibility for the child.

Parental

responsibility

Has the meaning given by section 3 of the Children Act 1989, 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.

Placement plan Means a document drawn up by the child social worker In consultation with the connected person to clarify how the day-to-day parenting tasks will be shared between the connected person and the local authority. The plan may also include the financial arrangements.

Private fostering Means an arrangement where the 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 always intended to do so.

Relative Means grandparent, Brother, sister, uncle or aunt (whether full blood or halfboard or by marriage or civil partnership) or step-parent, As defined in section 105 of the Children Act 1989.

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 is placement.

## **Appendix 2 – Useful Contacts and Information for Family and Friends Carers**

### **Action for Prisoners' Families**

Works to reduce the negative impact of imprisonment on prisoners' families. Produces publications and resources, and provides advice, information and training as well as networking opportunities.

[www.prisonersfamilies.org.uk](http://www.prisonersfamilies.org.uk)

Address: Unit 21, Carlson Court, 116 Putney Bridge Road, London, SW15 2NQ

Tel: 020 8812 3600

E-mail: [info@actionpf.org.uk](mailto:info@actionpf.org.uk)

Advice line: 0808 808 2003

[info@prisonersfamilieshelpline.org.uk](mailto:info@prisonersfamilieshelpline.org.uk)

### **Addaction**

Offers a range of support developed for families and carers affected by substance misuse.

[www.addaction.org.uk](http://www.addaction.org.uk)

Address: 67-69 Cowcross Street, London EC1M 6PU

Tel. 020 7251 5860

Email: [info@addaction.org.uk](mailto:info@addaction.org.uk)

### **Adfam**

Works with families affected by drugs and alcohol, and supports carers of children whose parents have drug and alcohol problems.

[www.adfam.org.uk](http://www.adfam.org.uk)

Address: 25 Corsham Street, London N1 6DR

Tel: 020 7553 7640

Email: [admin@adfam.org.uk](mailto:admin@adfam.org.uk) 50

### **Advisory Centre for Education (ACE)**

Offers free independent advice and information for parents and carers on a range of state education and schooling issues, including admissions, exclusion, attendance, special educational needs and bullying.

[www.ace-ed.org.uk](http://www.ace-ed.org.uk)

Address: 1c Aberdeen Studios, 22 Highbury Grove, London N5 2DQ

General advice line: 0808 800 5793

Exclusion advice line: 0808 800 0327

Exclusion information line: 020 7704 9822 (24hr answer phone)

## **BeGrand.net**

Website offering information and advice to grandparents, plus online and telephone advice.

[www.begrand.net](http://www.begrand.net)

Helpline: 0845 434 6835

## **British Association for Adoption and Fostering (BAAF)**

Provides information and advice about adoption and fostering and publishes resources.

[www.baaf.org.uk](http://www.baaf.org.uk)

Address: Saffron House, 6-10 Kirby Street, London EC1N 8TS

Tel: 020 7421 2600

Email: [mail@baaf.org.uk](mailto:mail@baaf.org.uk) 51

## **Children's Legal Centre**

Provides free independent legal advice and factsheets to children, parents, carers and professionals.

[www.childrenslegalcentre.com](http://www.childrenslegalcentre.com)

Address: University of Essex, Wivenhoe Park, Colchester, Essex CO4 3SQ

Tel: 01206 877 910

E-mail: [clc@essex.ac.uk](mailto:clc@essex.ac.uk)

Child Law Advice Line: 0808 802 0008

Community Legal Advice - Education: 0845 345 4345

## **Citizens Advice Bureaux**

Helps people resolve their legal, money and other problems by providing free, independent and confidential advice through local bureaux and website.

[www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)

## **Department for Education**

Lists details of telephone help lines and online services to provide information, advice and support on a range of issues that parents and families may face in bringing up children and young people.

[www.education.gov.uk/childrenandyoungpeople/families](http://www.education.gov.uk/childrenandyoungpeople/families)

## **Family Fund Trust**

Helps families with severely disabled or seriously ill children to have choices and the opportunity to enjoy ordinary life. Gives grants for things that make life easier and more enjoyable for the disabled child and their family.

[www.familyfund.org.uk](http://www.familyfund.org.uk)

Address: 4 Alpha Court Monks Cross Drive York YO32 9WN

Tel: 0845 130 4542

Email: [info@familyfund.org.uk](mailto:info@familyfund.org.uk)

## **Family Rights Group (FGR)**

Provides advice to parents and other family members whose children are involved with or require children's social care services because of welfare needs or concerns.

Publishes resources, helps to develop support groups for family and friends carers, and runs a discussion board.

[www.frg.org.uk](http://www.frg.org.uk)

Address: Second Floor, The Print House, 18 Ashwin Street, London E8 3DL

Tel: 020 7923 2628

Advice line: 0800 801 0366

Email: [advice@frg.org.uk](mailto:advice@frg.org.uk)

## **The Fostering Network**

Supports foster carers and anyone with an interest in fostering to improve the lives of children in care. Publishes resources and runs Fosterline, a confidential advice line for foster carers including concerns about a child's future, allegations and complaints, legislation and financial matters.

[www.fostering.net](http://www.fostering.net)

Address: 87 Blackfriars Road, London SE1 8HA

Email: [info@fostering.net](mailto:info@fostering.net)

Tel: 020 7620 6400

Fosterline: 0800 040 7675

Email: [fosterline@fostering.net](mailto:fosterline@fostering.net)

## **The Grandparents' Association**

Supports grandparents and their families, especially those who have lost or are losing contact with their grandchildren because of divorce, separation or other family problems, those caring for their grandchildren on a full-time basis, and those with childcare responsibilities for their grandchildren.

[www.grandparents-association.org.uk](http://www.grandparents-association.org.uk)

Address: Moot House, The Stow, Harlow, Essex CM20 3AG

Tel: 01279 428040

Helpline: 0845 434 9585

Welfare benefits advice and information: 0844 357 1033

Email: [info@grandparents-association.org.uk](mailto:info@grandparents-association.org.uk)



## **Grandparents Plus**

Champions the role of grandparents and the wider family in children's lives, especially when they take on the caring role in difficult family circumstances.

Address: Grandparents Plus, 18 Victoria Park Square, Bethnal Green, London E2 9PF

Tel: 020 8981 8001

Email: [info@grandparentsplus.org.uk](mailto:info@grandparentsplus.org.uk)

## **Mentor UK**

Promotes the health and wellbeing of children and young people to reduce the damage that drugs can do to lives.

[www.mentoruk.org.uk](http://www.mentoruk.org.uk)

Address: Fourth Floor, 74 Great Eastern Street, London EC2A 3JG

Tel: 020 7739 8494

Email: [admin@mentoruk.org](mailto:admin@mentoruk.org) 54

## **Family Mediation Helpline**

Provides information and advice about family mediation services and eligibility for public funding. 08456 026627

[www.familymediationhelpline.co.uk](http://www.familymediationhelpline.co.uk)

## **National Family Mediation (NFM)**

Provides mediation services to support couples who are separated, and their children and others affected by this.

[www.nfm.org.uk](http://www.nfm.org.uk)

Address: 4 Barnfield Hill, Exeter EX1 1SR.

Tel: 0300 4000 636

[general@nfm.org.uk](mailto:general@nfm.org.uk)

## **Partners of Prisoners and Families Support Group**

Operates helpline and provides a variety of services to support anyone who has a link with someone in prison, prisoners and other agencies.

[www.partnersofprisoners.co.uk](http://www.partnersofprisoners.co.uk)

Address: Valentine House, 1079 Rochdale Road, Blackley, Manchester M9 8AJ

Tel: 0161 702 1000

Offenders' Families Helpline Tel: 0808 808 2003

Email: [info@prisonersfamilieshelpline.co.uk](mailto:info@prisonersfamilieshelpline.co.uk)

## **Prison Advice and Care Trust (PACT)**

Provides practical and emotional support to prisoners and to their children and families.

The Kinship Care Support Service provides support and advice to family members and friends who care for children whose parents are in HMP Holloway.

[www.prisonadvice.org.uk](http://www.prisonadvice.org.uk)

Address: Park Place, 12 Lawn Lane, Vauxhall, London SW8 1UD

Telephone: 020 77359535 55

## **Parents Against Drug Abuse (PADA)**

Delivers support and services to the families of substance users, including a national helpline.

Address: The Foundry, Marcus Street, Birkenhead CH41 1EU

Phone: 0151 649 1580

National Families Helpline: 08457 023867

## **Parentline Plus**

Provides help and support in all aspects of family life, including information, an online chat facility and a 24 hour helpline.

[www.familylives.org.uk](http://www.familylives.org.uk)

Address: CAN Mezzanine, 49-51 East Road, London N1 6AH

Tel: 020 7553 3080

24hr Advice line: 0808 800 2222

Email: [parentsupport@familylives.org.uk](mailto:parentsupport@familylives.org.uk)

## **TalktoFrank**

The government's national drugs helpline which offers free confidential drugs information and advice 24 hours a day.

Information and advice is also available via the website. [www.talktofrank.com](http://www.talktofrank.com)

24 hour advice line: 0800 77 66 00

Text: 82111

Email: [frank@talktofrank.com](mailto:frank@talktofrank.com)

## **Voice**

Advocacy organisation for children living away from home or in need.

[www.voiceyp.org](http://www.voiceyp.org)

Address: 320 City Road, London EC1V 2NZ

Tel: 020 7833 5792

Young person's advice line: 0808 800 5792

Email: [info@voiceyp.org](mailto:info@voiceyp.org)

## Young Minds

Works to improve the emotional wellbeing and mental health of children and young people and empowering their parents and carers. [www.youngminds.org.uk](http://www.youngminds.org.uk)

Address: 48-50 St John Street, London EC1M 4DG

Tel: 020 7336 8445

Parents helpline: 0808 802 5544

### Appendix 3 Factsheet of Benefits Payable and in What Circumstances

#### Introduction

This factsheet is for people who are fostering, adopting or are intending to foster or adopt a child. It also contains brief information about other sources of funding such as Section 17 Children Act money, after-care support, Children Arrangement Orders, Residence Orders and Special Guardianship and guardians allowance.

This factsheet looks at:

- tax
- national insurance
- benefits

The factsheet does not cover the calculation of fostering, adoption or other allowances you could be paid by the local authority for the young person/people you look after. Check with People Directorate and Communities or your fostering/adoption agency for further details of these.

#### Fostering

Some children are placed by People Directorate with family members or friends under what is known as 'kinship care' arrangements. Some of these fall within the definition of fostering, if the child(ren) are officially looked-after by People Directorate. If they do, then the next section is relevant. If the child is not looked after, then the support that People Directorate provides may fall within the section at the end of this factsheet about Children Arrangement Orders etc.

#### Tax

##### Foster care relief

Since April 2003 the tax system for foster carers is called Foster Care Relief. Under this system you are exempt from tax up to a set limit. You need to tell HM Revenue and Customs (HMRC) what payments you are likely to receive and find out what tax, if any, you are required to pay.

##### Who does it apply to?

People who are paid to provide foster care for children or young people placed with them by the local authorities or an independent fostering provider.

It does not include private fostering arrangements or adult placement schemes (which are now called Shared Lives schemes).

However, there is a HMRC relief scheme for adult placements too, accessed through the HMRC website – Income Tax Treatment of Shared Lives Carers on [www.hmrc.gov.uk](http://www.hmrc.gov.uk) This is very useful if a young person stays on with their former foster carers beyond their 18<sup>th</sup> birthday, as HMRC have accepted that those arrangements can be covered by the adult placement tax scheme.

### **How does the foster care relief work?**

HMRC will treat you as being self-employed for the 'work' you do as a foster carer. There are two parts to the relief:

- exemption – if your total income from foster care is less than the figure that HMRC allows, and
- an optional simplified method of calculating profits if your income from foster care is more than this figure

### **What is the exemption?**

If your total income from fostering is less than the qualifying amount in a tax year, your fostering income will be exempt (free) from income tax for that year. This means that, for tax purposes, you will be treated as having no profit from foster care for that year.

Exemption only covers income from foster caring. Income from other employment or investment income will be taxed in the normal way.

### **What is the qualifying amount?**

Your qualifying amount consists of the total of two figures:

- a fixed amount for each household - £10,000 per year. If two or more carers in the same household receive foster care receipts separately, they share the £10,000 equally. If you are a new foster carer, who is registered for less than a full year, you claim a proportion of this.
- Plus an amount per week, for each foster child placed with you:
  - £200 a week for a child aged under 11, and
  - £250 a week for a child aged 11 or older

**Example:** Ms Jones provides foster care to Cruze, an 11 year old, for a whole year and to Harper, who is eight, for just ten weeks.

Ms Jones' qualifying amount will be made up as follows:

Fixed amount: £10,000  
Cruze (52 x £250) £13,000  
Harper (10 x £200) £2,000  
Total £25,000

If Ms Jones' income from fostering that year is less than £25,00, she won't pay tax on her fostering income.

The qualifying amount is only relevant from fostering income. It does not affect your personal allowance for income tax for other income. If you are exempt from paying tax on your fostering income, the full amount of your personal allowance (which for

2011/12 is £7,475 or £9,940 for people aged 65-74) is available to use against other income.

### **What if I am not exempt?**

If your total income from fostering is more than the qualifying amount, you can choose between paying tax on either:

- your actual profit from foster care, worked out using total income, with separate tax relief for allowable expenses or capital allowances, or
- total fostering receipts less the qualifying amount (the simplified method), without any separate tax relief for allowable expenses or capital allowances.

If your allowable expenses and allowances are more than your qualifying amount it is usually better to choose to pay tax on the actual profits. This is because your taxable profit will be less than if you use the simplified method.

### **What are my total receipts from foster care?**

Your total receipts from foster care are all of the payments (fees, salaries, reward payments, allowances etc) you receive from your local authority or independent fostering provider.

### **What records will I need to keep?**

You will need to keep records for six years.

You need to keep a record of:

- your total income for the tax year from your local authority or fostering agency, and the number of weeks that you care for each child placed with you in the year (a week runs from Monday to Sunday. Count any part of a week as a full week), *and*
- the date of birth of each child

If you are not exempt and you intend to calculate your actual profit from foster care, rather than using the simplified method, you will need to keep sufficient records to support your figures.

In **parent and baby** schemes, it may be that only the parent is in foster care, but the local authority pays an amount which is intended to cover accommodation and care for both parent and baby. HMRC treat both parent and baby as being in foster care and you can claim a weekly amount for both parent and baby when calculating your qualifying amount.

If you are caring for **disabled children**, you may incur additional expenditure on the children in your care, different from normal maintenance costs. For example, you may need to buy special equipment for a disabled child. You can add expenditure of this kind to the qualifying amount.

**Example:** David and Victoria provide foster care for one 14 year old for the whole of the year and for one eight year old for 20 weeks of the year. Their qualifying amount will be made up as follows:

Fixed amount £10,000  
Child 1 (52 x £250) £13,000  
Child 2 (20 x £200) £4,000  
**Total £27,000**

If David and Victoria's total income from foster care is **less** than the £27,000 figure, they are exempt from income tax on whatever fostering income they receive.

If their total income from foster care is **more** than £27,000, they can choose to calculate their tax by either calculating the profit (income minus actual expenses) or by using the simplified method (income minus £27,000).

David and Victoria cannot 'transfer' any unused allowances from the foster care scheme to their other income but they can use their personal allowances to offset any tax due if their fostering income is above the £27,000 figure.

## **National Insurance Contributions**

If you have a taxable profit, this is treated as your earnings from self-employment for national insurance contributions purposes.

### **Class 2 contributions**

All self-employed people aged 16 and over, but below women's pension age or 65 (men) must register to pay Class 2 national insurance contributions. These are £2.50 a week for 2011/12.

Class 2 contributions count towards state pension, bereavement benefits and employment and support allowance.

### **Small earnings exception**

If foster caring is your only source of self-employed income **and** you have no taxable profits you can apply for the small earnings exception on form CF10. (if you are exempt under Foster Care Relief, you have no taxable profit).

You can also apply if your earnings from self-employment are low (less than £5,315 a year for 2011/12).

If you get small earnings exception you can choose whether or not to pay Class 2 contributions.

### **Class 4 contributions**

If your taxable profits are above a certain level you will have to pay Class 4 contributions. For 2011/12 the rates are:

9% - on profits of £7,225 - £42,475  
2% - on profits over £43

If you are exempt you will not have to pay Class 4 contributions.

### **Credits for foster carers**

Foster carers who are not making national insurance contributions should protect their retirement pension. This was previously done through a scheme called 'home responsibilities protection' (HRP). From April 2010, you need to complete form CF411A from [www.hmrc.gov.uk](http://www.hmrc.gov.uk) to protect your pension and benefit rights.

See [www.direct.gov.uk](http://www.direct.gov.uk) for more information.

## **Benefits**

You should tell the Jobcentre Plus that you are a foster carer if you are claiming benefits.

### **Child benefit**

You can claim child benefit for your own children, or other children that live with you, but not for foster children who are "*looked after*".

To claim, contact the child benefit helpdesk on 0845 302 1444 (or 0845 302 1474 for text phone users) or go to [www.hmrc.gov.uk/childbenefit](http://www.hmrc.gov.uk/childbenefit)

### **Disability Living Allowance (DLA)**

DLA is a benefit paid to children and adults under 65 who have care or mobility needs as a result of disability or ill-health.

A child in foster care can still get DLA. It is usually paid to the adult that the child lives with if the child is under 16.

If you foster a child who is getting DLA, contact the disability benefit unit that pays the benefit to make sure they know the child is living with you. They also need to know if you wish to act as the child's appointee. You will need to discuss this with the local authority or fostering agency.

If you think your foster child could get DLA, contact the Benefits Enquiry Line on 0800 882200 for a claim form for a person aged under 16. If your foster child is 17, they should ask for the adults version of the form.

DLA is paid on top of any benefits, tax credits or other income you may have. It may increase the amounts of some means-tested benefits such as child tax credit, housing benefit and council tax benefit (but not if it is paid for a foster child) and make you eligible for carer's allowance (see below)

### **Carer's allowance**

You can get this if you care for someone who receives the middle or higher rate of the DLA care component or any rate of the attendance allowance. This could be an adult, your own child, or a fostered child.

You must satisfy all of the following conditions:

- provide care for at least 35 hours a week
- not be a full-time student
- earn under £100.00 net a week

Your fostering allowance should not normally be taken as 'earnings' but see below for how 'reward' elements are treated.

You can get a carer's allowance form from your nearest Jobcentre Plus office, or by phoning the Carer's Allowance Unit, or the Benefit Enquiry Line on 0800 882200 or you can claim online at [www.direct.gov.uk](http://www.direct.gov.uk)

### **Means-tested benefits**

The child you foster will not be counted as part of your household when any means tested benefit for your family is calculated. Equally, fostering allowances are intended to cover the cost of maintaining a child, so they do not count as income for means-tested benefits.

Because fostering is treated as paid work by HMRC, but normally not as paid work by the DWP, some foster carers can choose whether to claim income support or working tax credit. If you claim working tax credit (see below), it is likely that you will get the maximum amount if you have no other earned income. Alternatively, if you claim income support or income-related employment and support allowance, you may get help with mortgage interest. Get specialist advice via your social worker if you think this choice might apply to you (e.g. if you are a single person or couple who are fostering and you have no other employment).

### **Income support and income-based jobseeker's allowance, income-related employment and support allowance (see below), housing and council tax benefit**

Fostering allowances do not count as income for any of these benefits.

The time you spend fostering does not count as work for either income support (but see below), or jobseeker's allowance, although you will have to show that you are available for work if you want to claim jobseeker's allowance.

If you are a single foster carer you will be able to claim income support, and not be expected to sign on if the child you are fostering is under 16. However, in the weeks when you do not have a child placed with you, you may have to sign-on as unemployed unless you can claim income support for some other reason (as a lone parent for example).

**NB If you are claiming incapacity benefit, income support as a sick or disabled person or employment and support allowance** you should seek advice to ensure that any fostering you do is not treated as work. The rules around working and incapacity or sickness benefits can be complicated and there may be restriction on the number of hours you can do and the amount you can earn.

### **Employment and Support Allowance (ESA)**

If you are sick or disabled and have limited capacity for work you may be able to get ESA. If you are currently claiming income support as a sick or disabled person or incapacity benefit you will be transferred to ESA sometime from Spring 2011



onwards.

## **Child tax credit and working tax credit**

HM Revenue and Customs assess and administer child tax credit and working tax credit.

You can claim tax credits by contacting the HMRC tax credit helpline on 0845 300 3900 (0845 300 3909 for text phone users) – [www.hmrc.gov.uk](http://www.hmrc.gov.uk) has more information.

For tax credits purposes, your income from foster caring is your taxable profit. If you get the foster care exemption, your income from foster care could be nil. If you or your partner has any other taxable income, that income will be taken into account for tax credits.

You can claim **child tax credit** for your own children, but not for your foster children, regardless of whether you work or not. You may get some child tax credit up to household income of around £41,329, or higher depending on the number of children and whether any have disabilities.

If you get child tax credit for your own child, and declare that you are also fostering, it seems that HMRC will automatically assess you for **working tax credit**.

If you are not getting child tax credit, you can still make a claim for working tax credit if you or your partner are working sufficient hours as a foster carer – see [www.hmrc.gov.uk](http://www.hmrc.gov.uk) for more information.

## **Free school meals**

Foster children can have free school meals if the foster carer is getting a qualifying benefit, such as income support; income-related employment and support allowance; income-based jobseekers allowance; pension credit (guarantee credit); or child tax credit (no working tax credit) with gross income for tax credit purposes not exceeding £16,190 a year. Families can also get free school meals if they receive working tax credits during the first four weeks after they cease work or reduce their hours to less than 16 per week (working tax credit run-on).

## **What the young person can claim if aged 16-17**

If the young person is 16 or over and has their own child living with them (even if also looked-after) they can claim income support whilst still looked-after, even if in education. They would also be able to claim child benefit (whatever their age) and child tax credit.

If the young person has health problems that make them unable to work, they can claim employment and support allowance (ESA) even if still in education in some cases. Disabled young people can also claim DLA in their own right from 16.

## **Staying on past 18**

Some young people continue to stay with their foster parents after their 18<sup>th</sup> birthday and have ceased to be “looked after”. They will be able to claim benefits in their own right, such as income support, employment and support allowance (if not claimed

already) and jobseeker's allowance – even if still in education in some circumstances. They may be able to claim housing benefit if you have made a commercial rent agreement with them.

However, the Foster Care Tax Relief as described above no longer applies once the young person leaves care at 18. You may be liable to pay tax on the 'rent' you receive from the young person, although there are some tax concessions for Shared Lives schemes and under the 'rent a room' scheme – see [www.hmrc.gov.uk](http://www.hmrc.gov.uk) for more details. HMRC have said that the Shared Lives scheme rules on tax relief should apply to ex-fostering arrangements.

You may get an '**after-carer allowance**', paid to foster parents who keep young people past their 18<sup>th</sup> birthday. This is sometimes wrongly called a fostering allowance, although it is not. You need to tell your tax office and benefit office that you are no longer receiving a foster allowance.

If these payments are made under sections 23B, 23C or 24A of the Children Act 1989 (for the support of care leavers) then they should still be ignored for any means-tested benefits that you claim.

## **Adoption**

Statutory adoption pay (SAP) and statutory paternity pay (SPP)

If you adopt a child you may have the right to 52 weeks adoption leave to be paid SAP for 39 of those weeks. Adoption leave is available to parents adopting a child aged under 18 years when a child is placed for adoption. To qualify, you must have worked for your employer continuously for 26 weeks.

SAP is paid at a flat rate of £128.73 a week (or 90% if average weekly earnings if this is less) for 26 weeks. You must have been earning over £102.00 a week on average. When a couple adopts, they can choose who takes adoption leave and who takes paternity leave. You must notify your employer of the date you plan to start your leave when matched with a child.

Statutory paternity pay (SPP) is also paid at a flat rate of £128.73 a week (or 90% of average weekly earnings if this is less) for two weeks. Paternity leave can be taken at anytime from the date of the child's placement for adoption up to eight weeks after.

To qualify for SPP, your partner will need to have worked for his or her employer continuously for 26 weeks by the date on which you are notified that you have been matched with a child for adoption. They must also earn more than £102.00 per week on average. He or she must also give his or her employer notice of the day he or she wants the paternity leave to start.

From April 2011 it has been possible for the partner of the person claiming SAP to claim additional statutory paternity pay (ASPP). Once the child is over 20 weeks old, the person claiming SAP can return to work and 'transfer' any remaining SAP to the partner in the form of ASPP.

### **Working tax credit and child tax credit**

See above section in 'fostering' for a basic description of tax credits, which is a

system of means-tested support for families with or without children, whether the parent(s) are working or not.

As a person adopting a child, you will be entitled to support from the day you take up caring for the child, unless you are getting a fostering allowance from the local authority. Any adoption allowance is ignored as income.

Working tax credit (WTC) does not extend as far up the income scale as child tax credit (CTC) does, but it does contain help with certain types of childcare costs if parents are working.

You may claim WTC and CTC by phoning Tax Credits helpline on 0845 300 3900 – see [www.hmrc.gov.uk](http://www.hmrc.gov.uk) for further details.

Tax credits are usually based on your income in the previous tax year. When you adopt, your current income may drop, so you should ask HMRC to either adjust your existing award or base a new award on your current year income.

### **Child benefit**

Child benefit can usually be paid to prospective adopters from the Monday following the date the child is placed with you, but not if you are getting a fostering allowance. Child benefit is a tax-free payment to you as the person with whom the child lives.

It is paid at the weekly rate of £20.30 for the first child in a family and £13.40 for subsequent children while the child is a dependant i.e., up to 16 years of age, or up to their 20<sup>th</sup> birthday if in full-time non-advanced education or training.

You can claim on a CH2 form available from your nearest tax or Jobcentre Plus office or the HMRC website – [www.hmrc.gov.uk](http://www.hmrc.gov.uk). You will be asked to send the Adoption Certificate with the form but if you do not have this do not delay. Send it later and explain this on the form or on an accompanying letter.

Applications can be made to the Child Benefit Office (Washington), Newcastle upon Tyne, NE88 1BR 0845 302 1444 or on-line at [www.hmrc.gov.uk](http://www.hmrc.gov.uk)

### **Disability Living Allowance (DLA)**

If you adopt a child with disabilities, you should consider claiming DLA. You can get an application form by telephoning 0800 882200 and asking for a DLA claim form for a person under 16 years of age.

If DLA is already in payment, it is important you contact the Disability Contact and Processing Unit (DCPU) to ensure they know the child is living with you. Their address is: Government Buildings, Warbeck House, Warbeck Hill, Blackpool, FY3 0YJ.

The benefit is usually paid to an adult with whom the child lives if he or she is under 16 years of age, so the DCPU will need to know that you wish to act as the child's appointee.

The county council's Money Advice Unit can provide your social worker with further information and advice on this benefit and other benefits for children with a disability. The payment of DLA is:

- tax free
- not means-tested
- not dependant on national insurance contributions
- paid on top of any social security benefits, tax credits or other income you may have and indeed can increase the amounts of some means-tested benefits such as CTC, housing benefit and council tax benefit.

There are other advantages to claiming DLA. For example, if the higher rate of the mobility component is paid, you could be exempt from vehicle excise duty. If the middle or higher rate of the care component is paid, you may be entitled to claim carer's allowance.

### **Carer's Allowance**

If your child has disabilities and receives the middle or higher rate of the care component of disability living allowance, you or someone else may be able to claim carer's allowance. It is payable to anyone who cares for them for 35 hours a week, is not a full-time student, and earns under £100.00 net a week. Any adoption allowance you get does not count as earnings.

An application for carer's allowance can be made on a form available from your nearest Jobcentre Plus office or [www.direct.gov.uk](http://www.direct.gov.uk). The carer's allowance unit is based at Palatine House, Lancaster Road, Preston, Lancashire, FY2 0YE (01253 856123).

### **Income support, income-based jobseeker's allowance and income-related employment and support allowance**

For new claimants these are 'adult only' benefits, with support for children being paid through CTC. If you have been claiming either income support or jobseekers allowance since before April 2004 your benefit may include extra premiums of any children you had before this time. Your benefit will continue to include these extra premiums until December 2011 when these premiums will be phased out and existing claimants of IS/JSA will switch to child tax credit (see above).

Any adoption allowance will not affect income support/JSA if those benefits do not include elements for children. However, if your income support still includes an amount for children, your adoption allowance counts as income up to the level of that support. The rest is ignored.

Single claimants and lone parents who have a child placed with them by an adoption agency prior to adoption are also eligible to claim income support if not working.

### **Pension credit**

This is for people aged over the women's pension age. It contains no element for children so you should be claiming tax credit for any children of your own (and working tax credit if still employed).

If you claim income support, jobseeker's allowance, tax credits, pension credit or employment and support allowance, and have had a child placed with you, you should notify the Tax Credit Office straight away to inform them that your family has changed and you are responsible for another child. You should then receive CTC. If you are still getting money for your children through income support or income-based JSA (i.e. claims made before April 2004) you should notify Jobcentre Plus instead.

It will usually be necessary to show you have the child living with you and you are responsible for him or her before CTC is paid. You should also claim child benefit (see above) but the two claims are not linked.

## **Social Fund**

If you are getting income support, income-based jobseeker's allowance or income related employment and support allowance, or pension credit (guarantee or savings credit) you may also be able to access the social fund from Jobcentre Plus. This can offer loans and grants for one-off items that you might need for your adopted child.

## **Housing and council tax benefit**

You may be due help with rent and council tax once you have adopted a child, especially if your income has reduced as well. This help is means-tested and part of the adoption allowance will count as income (up to the level of the child's allowance within housing and council tax benefit). Apply to your district or borough council.

There are also 'discretionary housing payments' that can be paid by the council if you are only getting partial help with your rent or council tax. These could be paid if you have exceptional extra out-goings because of the adopted child for example.

## **Maternity grant**

You may be able to get a sure start maternity payment of £500 if you have adopted a child under the age of one.

You or your partner must be entitled to either income support, income-based jobseeker's allowance, income-related employment and support allowance, pension credit, working tax credit (which includes a disability or severe disability element) or child tax credit (at a rate greater than the family element) on the day that you claim the sure start maternity payment.

You must claim a sure start maternity payment within three months of the adoption order being made. You should claim on form SF100 from your local social security or Jobcentre Plus office or by phoning 0845 850 0032.

Since April 2011 you can only receive a sure start maternity payment if there is no other child aged under 16 living in your household.

## **Health benefits**

Whatever your income, you can get free prescriptions, NHS dental treatment and optical care for any child under 16 (or under 20 if still in non-advanced education).

You also get this help if you are getting income support, pension credit (guarantee credit), income-based JSA, income-related ESA or you are on a low income. You will also get full help with these if you receive one of the following:

- working tax credit and child tax credit, or
- working tax credit with a disability addition, or
- child tax credit (but are not eligible for working tax credit) and have an annual gross income of less than £15,276 per year

Under the Healthy Start scheme, children under four in low income families can receive fixed value vouchers that can be exchanged for milk, infant formula, fruit and vegetables. The families have to be receiving income support, income-based jobseeker's allowance or child tax credit (no WTC) with an annual family income of £16,190 or less. Details from 0845 607 6823.

## **Other types of financial support**

### **Children Arrangement Orders**

If informal carers (sometimes known as kinship carers) take out a Children Arrangement Order for a child who is not 'looked after', People Directorate can pay them a discretionary allowance.

Children and young people who are living with people receiving a discretionary allowance are considered, for benefit purposes, to be members of the family. Families will therefore be entitled to claim additional benefits for the child, such as child benefit and CTC. They can also include the child on any housing or council tax benefit claim and, since April 2011, the allowance has been ignored as income for HB/CTB purposes.

Children Arrangement Order allowances will not affect income support/JSA if those benefits do not include amounts for children. However, if these benefits still include an amount for children, the allowance will count as income up to the level of that support. It is best to seek advice before agreeing to payment this way instead of under Section 17 (see below).

Children Arrangement Order allowances do not count as income when calculating WTC or CTC.

The allowances are non-taxable and therefore do not count as income towards the foster care tax relief if you are also fostering a child.

### **Section 17 money**

People Directorate have discretion to provide cash help in exceptional circumstances under Section 17 of the Children Act to help 'children in need'. They might use this power, for example, to help a family avoid disconnection or homelessness. It can also be used to help families who take-in someone else's child but who do not formally foster them. If the child is 'looked after' then it becomes fostering.

Section 17 payments are completely ignored when tax liability, benefits or tax credits are calculated. A child who is living with someone who gets Section 17 money for them will be treated as part of that person's family for benefit purposes. This means that child benefit, child tax credit etc (and possibly extra housing and council tax benefit) will all be payable on top of the Section 17 money.

### **Special Guardianship**

Special Guardianship was introduced to provide greater security for the child than long-term fostering offers, without the absolute legal severance from the birth family that stems from an adoption order. Directorate of People and Communities cannot place a child for Special Guardianship. However, they can encourage existing foster carers to apply for a Special Guardianship Order. Financial support can then be

given at the discretion of Directorate of People and Communities as a single payment to meet a one-off cost, or payments in instalments or at periodic intervals.

Because a child subject to Special Guardianship is no longer 'looked after' the carer can claim benefits such as child benefit and child tax credit for the child, as well as including them in housing and council tax benefits claims. Any financial help given by Directorate of People and Communities to special guardians is disregarded when assessing the carer's tax liability, entitlement to tax credits and any other means tested benefits (income support, income-based jobseeker's allowance, income related employment and support allowance and housing/council benefit).

However People Directorate take into account any benefits or tax credits that are claimed when making their assessment of how much additional financial support to give.

**Guardian's allowance (not to be confused with Special Guardianship)**

This is an allowance paid by HMRC to someone who looks after a child that satisfies one of the following rules:

- they are entitled to claim child benefit for the child and both of the child's parents are dead;
- one of the child's parents is dead and the claimant shows that they are unaware of the other parent's whereabouts;
- one of the child's parents is dead and the other is in prison (or detained in hospital) for more than two years.

Foster carers cannot claim this as they are not entitled to child benefit for fostered children. Prospective adopters receiving child benefit may be able to claim this for the child placed with them, prior to adoption. If they do qualify for this benefit before the adoption, payment can continue after the child has been adopted. Otherwise, adoptive parents cannot get this benefit (as they are considered to be the child's parents). It is currently worth £14.30 a week, paid in addition to child benefit.

### **Disabled facilities grant (DFG)**

The DFG is a grant which is administered by local councils for adaptations to property to meet the needs of people with disabilities. You may be able to get a grant of up to £30,000 but help is means-tested so a person in full-time work will often have to make a contribution. However, since 31 December 2005, there is no means-test where an application for a DFG is made by the parent or guardian of a disabled child or young person.

Since 2 April 2001, foster carers have been able to apply for a DFG in the same way as natural and adoptive parents but they are usually required to certify that the child will live in the dwelling for a certain amount of time. To apply, contact the Directorate of People and Communities to ask for an Occupational Therapist to visit and make an assessment of the child's needs at your home. Please call 0300 123 4043.

### **Family Fund**

The Family Fund aims to help families caring for a severely disabled child under the age of 18. It can provide help for anything that is needed. For example the trust can help with the cost of holidays, household equipment, furniture, transport expenses,

play equipment or even driving lessons for a carer.

Any payment you get will not affect benefits such as income support.

You can get an application form and more information from the Family Fund Trust, 4 Alpha Court, Monks Cross Drive, York, YO32 9WN or [www.familyfund.org.uk](http://www.familyfund.org.uk) or phone 0845 130 4542 / 01904 621 115.

## **Further help and advice**

### **Citizens Advice Bureaux (CAB)**

Legal help and advice: call the CAB Advice Line on 0844 4111 444

Online information: [www.adviceguide.org.uk](http://www.adviceguide.org.uk)

### **HM Revenue and Customs:**

Newly Self-Employed Helpline: 0845 915 4515

Self-Employed Helpline: 0845 915 4655

Tax Credits Helpline: 0845 300 3900

[www.hmrc.gov.uk/individuals/foster-carers.htm](http://www.hmrc.gov.uk/individuals/foster-carers.htm) - foster care relief information

[www.hmrc.gov.uk/taxcredits](http://www.hmrc.gov.uk/taxcredits) - tax credits information

### **Department of Work and Pensions:**

Benefit Enquiry Line: 0800 882 200

Child Benefit Centre: 0845 302 1444

Carer's Allowance Unit: 01772 899655

Disability Contact and Processing Unit: 0845 712 3456

Income Support/JSA/ESA: 0800 055 6688

Social Fund: 0845 8500 032



Background Information				
<b>Document Purpose</b>	Family and Friends Care Guidance			
<b>Author</b>	Strategy and Planning Team <a href="mailto:strategyandplanning@nelincs.gov.uk">strategyandplanning@nelincs.gov.uk</a>			
<b>Subject</b>	Family and Friends Care			
Children and Young People's Plan		Levels of Impact		
Priority Outcomes	High	Medium	Low	None
All children and young people achieve their best at school, are ready for work and have skills for adult life	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
All children and young people are involved in developments that affect them	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
All children and young people grow up healthy, emotionally secure and confident	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
All children and young people grow up living in a safe environment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Outcomes for looked after children will be at least as good as those of all other children and young people	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lives and life chances for children with a disability and emotional needs will be improved	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Corporate Priorities		Levels of Impact		
	High	Medium	Low	None
Be an effective and efficient council	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Improve the health and well-being of all, especially vulnerable people	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Enable children, young people and adults to learn and be ready to work	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Increase jobs and strengthen the local economy	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Other sub-index where this document appears</b>	Fostering, FSS, Throughcare, Adoption, Private Fostering			

Review Date	Amendments made	By Whom (name/job title)	Stakeholders Approval (Name, Job title/Organisation)
October 2011	New Document	D Ferguson – Strategy and Planning Officer	D Mercer – Head of Safeguarding and Youth Offending
July 2014	New legislation/process	by Maria Chase, Julie Swinburn and Sam Scargall	

