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People Directorate

Family and Friends Care – Practice Guidance

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Accessibility

This document can be made available in large print, Braille, audio or electronic format.

Copies in alternative languages may also be obtained.

Please contact:-

Commissioning & Information Systems
Informatics and Research
Cleethorpes Civic Offices,
Knoll Street,
Cleethorpes,
North East Lincolnshire,
DN35 8LN

Telephone Number: 01472 326426

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1.0 Introduction

This policy sets out a framework by which we shall provide support to family and friends who may find themselves caring for children and young people because they are unable to live with their parents.

A fundamental principle of the Children Act 1989 is that wherever possible, a local authority must aim to reunite a child with the family. The preferred outcome for a child who cannot live with their parents is therefore that wherever possible, they are best brought up within their family. The family has a wide definition and can include relatives, friends and other significant people in a child's life.

This policy aims to improve outcomes for children and young people who are being brought up by members of their extended families, friends or other people who are connected with them. The statutory guidance makes it clear that these children and young people who with 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.

This document should be read in conjunction with the following related policies and legal framework:

- Looked after children policy and procedure.
- Private fostering policy and procedure.
- Immediate Placement with Family Policy
- The Children Act 1989
- The Children and Young Persons Act 2008
- The Care Planning Placement and Case Review (England) Regulations 2010
- The Fostering Services (England) Regulations 2011
- A Practical Guide to Friends and Family Care – North East Lincolnshire Council

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2.0 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 <ol style="list-style-type: none">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;his/her health or development is likely to be significantly impaired, or further impaired without the provision for him of such services or;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 half-board 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.

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3.0 Family and Friends Care

This policy document uses the term 'family and friends care' because 'kinship care' limits the understanding of what is happening in practice. A family and friends placement can be defined as one where: –

- The child cannot live with their parents, and is away from the parental home with a relative or friend;
- The placement has, in some way, been assisted, initiated and/or supported by Children's Social Care.
- The child would otherwise be with Foster Carers, in residential care, independent living or have been adopted.

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. These children may or may not be looked after by the local authority, or even known to it. The majority of the relatives who provide care are grandparents, aunts and uncles but the group includes others such as older siblings.

Many children who live in family and friends care do well in life, but others are vulnerable and failing to achieve good outcomes. Many family and friends carers both want and need support to enable them to meet the needs of the children they care for. Whilst every child must be considered on an individual basis according to their needs, this policy sets out the framework by which Children's social care will assess the need for, and provision of, such support.

Not all children who are cared for by family and friends carers will be looked after by the local authority. Some arrangements may simply require the kind of support which the local authority can offer under section 17 of the Children Act 1989 as set out in section 5.0 of this document. In such informal arrangements, this support can be seen within the broader context of enabling family members to provide support and care to each other, supported by Adults and Children's social care working together. Children's social care also aim to provide integrated public services working in partnership with the private and voluntary sector to help ensure easy access to services to provide effective early interventions to meet the needs of children and their families.

4.0 The Views and Needs of the Child

This policy is underpinned by the principle that any support provided by Children's social care to a child or their carers will be based on assessment of the needs of the child rather than merely the child's legal status.

In accordance with key principles enshrined in the Children Act 1989, it is important that children are encouraged to be active participants in the assessment process and that their wishes and feelings are taken into account in all relevant processes when adults are trying to solve problems and make decisions about them.

5.0 Assessing Informal arrangements

Children's social care do not have a duty to assess informal family and friends carer arrangements unless it appears to them that services maybe 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) will be used to determine that the informal family and friends

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arrangements are appropriate to meet the needs of individual children. The assessing social worker will provide information to the parents and carers about the stages of the assessment process, the likely timescales and the contact point for enquiries.

The Assessment Framework will assist Children's social care in considering what support might be required to enable the arrangements to be successful either Informally or by way of special guardianship order / Child arrangement orders.

The Assessment Framework tool will also highlight any issues where effective support should be given to ensure that the carers are able to safeguard the child and promote his or her welfare, and so to achieve their full potential.

When assessing wider family and other factors within a core assessment, Children's Social Care will endeavour to consider the capacity and willingness of other extended family members to care for the child on a short or longer term basis. This means that voluntary arrangements for the provision of services to children and families including the consideration of potential alternative carers, may be fully explored before the application is made under section 31 of the Children Act 1989 for a care or supervision order.

Whilst support can be provided to informal arrangements As outlined above, there are some differences between the entitlement to different forms of support by informal family and friends carers by those who are Foster carers to a child accommodated by Children's Social Care. The main differences are summarised in the table set out at appendix 1.

Informal carers can claim child benefit and child tax credit for the child or children if these are not being paid to the parents.

Financial responsibility to maintain the child remains with the parents or holders of parental responsibility.

A guardians allowance may be payable if both parents have died or the only surviving parents cannot be found or reserving two years or more of a prison sentence

A child cared for under an informal arrangement will not have a care plan but there may be a child in need plan or a child protection plan. If there is a child in need plan or a child protection plan a social worker or other worker may visit the child on the carers.

The carers will not usually have a separate social worker.

Child benefit and child tax credit may be payable to the carers if these are not being claimed by the child's parents.

The child or children will not be entitled to leaving carer support.

Any support offered will cease when the young person becomes 18 unless they meet the criteria for support from Adult Services.

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6.0 Family Support Services under Section 17

Section 17 of the Children Act 1989 imposes a general duty on a local authority to safeguard and promote the welfare of children within its area who are in need, and so far as is consistent with that duty, to 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.

A child in need may be one 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 under section 17 is wide. As well as practical support, family and friends carers may need advice, guidance or counselling about how to manage issues such as those arising from contact or from caring for children with emotional or behavioural difficulties due to their earlier experiences. Such services may be provided to support both formal and informal family and friends care arrangements. The Children Act does not impose limits on the amount of support which may be provided under section 17. This can include giving assistance in kind and may also include giving financial assistance to the family in certain circumstances.

The financial means of the carer must also be taken into account and advice provided to ensure they are receiving all welfare benefits to which they are entitled.

For further guidance on the provision of support services under section 17 please follow the link to page 13 of [eligibility criteria in relation to support services under section 17](#).

7.0 The Provision of Accommodation under Section 20

Section 20 (1) of the Children Act 1989 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 him being prevented (whether or not permanently, and for whatever reason) from providing them with suitable accommodation or care.

The question at (c) above will be particularly relevant when Children's Social Care is considering whether a child cared for by family and friends "requires accommodation."

If it appears that the child does require accommodation, then Children's Social Care must provide that accommodation.

Under section 20 (4) Children's Social Care 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 often provided under this

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provision.

Before providing accommodation under section 20 Children's Social Care 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. If a person with parental responsibility for the child, who is willing and able to provide accommodation or arrange for accommodation to be provided to them, objects to Children's Social Care providing accommodation, Children's Social Care should consider whether the child is suffering or is likely to suffer significant harm unless she becomes looked after, and, if so, seek care order under Part 4 of the Children Act.

8.0 Family and Friends Carers for Children subject to Care Proceedings or Care Orders

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 [Fostering Services regulations 2011](#).

In the short term, carers can be temporarily approved as foster carers under the [Care Planning Placement and Case Review \(England\) regulations 2010](#).

Approval of family or friends as foster carers for children in care proceedings or subject to care orders will be exceptional and, ideally short-term. Children's Social Care will aim to work together with the family to rescind any care order at the earliest point that it is safe to do so.

If the parents or carers responsible for the risk or harm giving rise to care proceedings objects to a placement in the extended family or with friends, then this may only happen through a court order. This can be by an interim Children Arrangement Order where there is a reasonable likelihood of the arrangement becoming permanent.

In very exceptional circumstances it is recognised that an interim care order maybe necessary in order to protect the child and to assist the carers to undertake their role as the child's primary carer. In the circumstances the approval of the designated Head of Service should be sought.

If a placement under an interim care order is made the family and friends carer should be made aware that this is seen as a temporary measure. In the short term a supervision order may provide the additional support needed instead for the carer and child. In the longer term the care plan should be for a residence, special guardianship or adoption order within the extended family rather than the child remaining in long term care. This should be achieved as soon as it is possible and appropriate to do so.

If a child is placed outside of the family during care proceedings, rehabilitation to the parents or placement with the extended family network must be fully explored. If placement within the extended family is the preferred option than the care plan should explore all the ways this can be achieved, taking into account the 'no order' principle in section 1 (5) of the Children Act 1989. In certain cases a Children Arrangement Order may be preferable to no order where the child is to live with someone who would not otherwise hold parental responsibility.

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9.0 The Temporary Approval of Family and Friends Carers for Looked After Children or those subject to Care Proceedings or Care Orders

There will be circumstances when the most appropriate placement for looked after child is with a connected person and the need for such a placement is urgent, but it is not possible to fulfill all the requirements of the fostering services regulations in approving the person as a local authority Foster carer before placing the child. In this case, temporary approval of a connected person as a Foster carer under the 2010 regulations (regulation 24 and 25) can be made to allow an immediate placement. Children services must be satisfied that the placement is the most suitable means to safeguard and promote the child's welfare, and that the placement cannot wait until the full approval process can be completed. The other than the fact this is a temporary approval, a person approved under the 2010 regulations is in all respects a local authority Foster carer.

Subject to the successful completion of the assessment/checks required by the regulations, the connected person may be Immediately approved as a local authority foster carer for a period not exceeding 16 weeks.

This time period has been set to allow sufficient time for the foster carer approval process to be undertaken including any criminal records checks required. In certain situations the time period can be extended where, for example the assessment has taken longer than anticipated or, the carer seeks a review of the initial determination.

Children's Social Care must carry out an initial assessment of the placement in order to prove the connected person as a temporary carer for the child. The type of checks children services must carry out are set out in schedule 4 to the 2010 regulations. These are the minimum requirements for assessing the connected persons suitability.

9.1 Responsibility for carrying out temporary assessments

The **CASS** holds responsibility for the assessment and approval of all family and friends carers as temporary foster carers for the child or children involved. Often this will be conducted by the social worker already known to the child and family. The CASS social worker will:-

- Undertake the viability assessment of family and friends carers being assessed as temporary foster carers in accordance with the Care Planning, Placement and Case Review Regulations 2010.
- Present the case to the Head of Service for temporary approval
- Prepare a care plan and placement plan for the child.
- Advise looked after reviews of looked after children in temporary family and friends placements and family group conferences where such placements are being considered.
- Provide ongoing support, equipment and advice where necessary to individual carers.
- Undertake regular visits to the placement.
- Provide information and advice on all aspects of family and friends care to the prospective foster carers.
- Refer the case to the Fostering and Adoption Team for assessment of the temporarily approved carers as full foster carers for the child or children.

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9.2 Criteria for immediate placement

- An immediate or emergency placement is required.
- The identified placement is deemed to be in the best interests of the child.
- The placement may only last for 16 weeks unless Children's Social Care can demonstrate the assessment of the child's needs and the assessment for the approval of the family and friends carer as a foster carer are imminent.
- The prospective family and friends carer has been interviewed and a Viability Assessment carried out. This should include an assessment of the physical surroundings and the suitability of the accommodation for the child, the connected persons reasons for wishing to be considered as a carer for the child and what support or services may be needed in order to meet the welfare needs of the child.
- An assessment of the current relationship between the child, connected person
- The prospective accommodation has been inspected.
- Information has been obtained about others living in the household.
- The views of the child concerning the proposed placement have been ascertained
- A history of those children currently residing within the home has been undertaken and their views in respect of the connected person caring for the child have been considered.
- Criminal records checks have been undertaken although the placement may still be made pending receipt of these checks

Please refer to the [Emergency and Immediate Placement](#) in addition to this policy.

9.3 Obtaining temporary approval

The social worker will refer the assessment and request for temporary approval to the Head of Service for Safeguarding for formal approval of the connected person as a carer for the child.. 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.

9.4 Practical and Financial Support

Once a connected person is approved as a temporary foster carer for a child they will be entitled to the same support, services, and financial assistance as other unrelated local authority foster carers. Financial support will include the payment of a weekly fostering allowance.

There is no entitlement to child benefit or child tax credits.

A supervising social worker will be appointed to support and advise the family and friends foster carers. The child will retain a separate social worker.

If the assessment of need identifies specific needs which may require additional financial support, approval must be sought from the Head of Service for Safeguarding.

For the current rates of financial support click on the following link: [financial support for Foster carers.](#)

Training and support will be offered to the family and friends Foster carers.

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9.5 Day-to-day arrangements

As the connected person will be temporarily approved as a Foster carer they will be required to comply with the 2002 Fostering Regulations and sign a foster care agreement. The carer may be asked to agree:-

- To care for the child as if the child were a member of the family.
- To sign agreements for full checks to be undertaken with the police, health agencies, local authority and education references on all persons over 16 years who live in or have regular and substantive contact with the household.
- To allow the social worker to visit at any time.
- To keep information confidential.
- To comply with any court orders and/or local authority requirements about contact.
- To permit the child to be removed at any time if a local authority decides it is no longer suitable placement.

9.6 Child's Care and Placement Plan

The social worker will prepare a looked after care plan for the child together with a placement plan. In normal circumstances the care plan will be prepared prior to the child being placed. However, in urgent or emergency situations the care plan may be prepared up to 5 working days following placement. The care plan will be kept under review in accordance with the changing needs of the child.

9.7 Visits to the Placement

The social worker will undertake regular visits to the placement during which the child and the carers ongoing need for any support will continue to be reviewed. It is important that the social worker has an opportunity to speak to the child alone during the visit unless the child refuses or the social worker considers it inappropriate to do so. Visits to temporarily approved foster carers will be more frequent than those to fully approved foster carers.

The information obtained during visits will be recorded on the child's case file and shared with the child's parents, those with parental responsibility and the family and friends carers.

9.8 Notification of the Placement

The child's social worker must notify and consult all of those involved in the decision-making process of the proposed placement prior to the child being placed. In exceptional circumstances this must be within five working days of the placement commencing.

The child's social worker must complete a change of circumstances form providing the necessary information to the relevant administrative staff so that the child is electronic records system can be updated.

The child social worker should ensure that appropriate arrangements to consider financial assistance to the carers are in place.

The social worker must undertake the specified tasks below and notify in writing the following: –

- Childrens Safeguarding and Reviewing Service which will trigger the appointment of an independent reviewing officer who will contact the social worker and make

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arrangements for a looked after review within 28 days of placement.

- If an independent reviewing officer is already allocated the written notification should be sent direct to this person.
- The appropriate health agency, local education service and Children's Social Care Authority for the area where the child is placed. The written notification must advise of the placement decision and the name and address of the home where the child is to be placed.
- The social worker must ensure that the child is registered with a GP, dentist and optician in the area where they are to be placed.
- If this is the first Looked After placement, the social worker will need to arrange a healthcare assessment. If it is a change of placement the new placement address must be notified to the Designated Nurse for Looked After Children and the health clerical officer so that arrangements for subsequent healthcare assessments can be made with the relevant medical practitioner.
- The social worker must also complete a Personal Education Plan.

9.9 Case Reviews

Children's Social Care have a statutory duty to review the case of a looked after

child at regular intervals. The first review must take place within 28 days of placement. The second review must take place no later than three months after the first review. The third and subsequent reviews must take place at no more than six monthly intervals. For detailed information about the operation of case reviews in North East Lincolnshire please click on the following link to North East Lincolnshire's [Policy on case reviews for looked after children.](#)

Copies of the child's care plan and placement plan must be given to the child (if appropriate), the child's parents, anyone with parental responsibility and anyone else considered to be relevant e.g. the child's carer.

9.10 The Independent Reviewing Officer

The Independent reviewing officer is a suitably experienced professional separate from the child's social worker. An independent reviewing officer (IRO) must be appointed for every looked after child. The IRO makes sure that children have reviews; that their views and wishes are heard as well as those of their family, those working with them and making plans for them; and checks that the child's assessed needs are being met, that their welfare is paramount, and their rights are not being breached.

The IRO will normally chair the review meetings for looked after children.

Between reviews, if the care plan continues to meet the needs of the child, there may be no need for any communication between the IRO and the social worker or the child. However, in the event of a significant change/event in the child's life, the social worker must inform the IRO.

Such changes include:

- a proposed change of care plan for example arising at short notice in the course of proceedings following directions from the court;
- where agreed decisions from the review are not carried out within the specified timescale;
- A major change to the contact arrangements;
- changes of allocated social worker;

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- any safeguarding concerns involving the child, which may lead to enquiries being made under section 47 of the 1989 Act ('child protection enquiries') and outcomes of child protection conferences, or other meetings that are not attended by the IRO;
- complaints from or on behalf of the child, parent or carer;
- unexpected changes in the child's placement provision which may significantly impact on placement stability or safeguarding arrangements;
- significant changes in birth family circumstances for example births, marriages or deaths which may have a particular impact on the child;
- if the child is charged with any offence leading to referral to youth offending services, pending criminal proceedings and any convictions or sentences as a result of such proceedings;
- if the child is excluded from school;
- if the child has run away or is missing from an approved placement;
- significant health, medical events, diagnoses, illnesses, hospitalisations, or serious accidents; and
- panel decisions in relation to permanency.

There will be an IRO appointed whilst ever a child continues to be looked after by the local authority.

10.0 The full approval of family and friends carers for Looked After children or those subject to care proceedings or care orders

Once temporary approval has been sanctioned by Head of Service, the social worker will then refer the case to the Fostering and Adoption Team within Children's Social Care. A social worker from this team will then carry out the required assessments to fully approve the connected person as a local authority foster carer for the child.

10.1 Responsibility for carrying out full assessments

The [Fostering and Adoption Service](#) holds responsibility for the assessment and approval of all family and friends carers as full foster carers for the child or children involved.

Upon receipt of a referral from the CASS, the Fostering and Adoption Service will allocate a social worker to the case and:-

- Undertake the full assessment of family and friends carers being assessed as foster carers in accordance with the Fostering Regulations.
- Present the case to the Fostering Panel for approval
- Advise looked after reviews of looked after children in family and friends placements and family group conferences where such placements are being considered.
- Provide ongoing support, equipment and advice where necessary to individual carers.
- Ensure that family and friends carers receive a review one year after approval and then every other year thereafter.
- Provide information and advice on all aspects of family and friends care to the prospective foster carers.

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10.2 The assessment process

It is recognised that standard fostering assessment processes may disadvantage family and friends carers because they have a different profile to orthodox foster carers. They tend to be older, poorer and with more health problems. Family and friends carers should be approved on their ability to provide care that is in the best interests of the specific child they are caring for.

Assessments will therefore balance the strengths and limitations of the carers against risk and the child's needs. Providing that the safety of the child is not compromised a plan for addressing any identified concerns within the assessment should be put in place.

10.3 Matters to be dealt with in Fostering Assessment

The social worker undertaking the full assessment of the connected person will need to include the following information prescribed by the regulations in their assessment:

INFORMATION AS TO PROSPECTIVE FOSTER PARENT AND OTHER MEMBERS OF HIS HOUSEHOLD AND FAMILY

- Full name, address and date of birth.
- Details of his health (supported by a medical report), personality, marital status and details of his current and any previous marriage or similar relationship.
- Particulars of any other adult members of his household.
- Particulars of the children in his family, whether or not members of his household, and any other children in his household.
- Particulars of his accommodation.
- His religious persuasion and his capacity to care for a child from any particular religious persuasion.
- His racial origin, his cultural and linguistic background and his capacity to care for a child from any particular origin or cultural or linguistic background.
- His past and present employment or occupation, his standard of living and leisure activities and interests.
- His previous experience (if any) of caring for his own and other children.
- His skills, competence and potential relevant to his capacity to care effectively for a child placed with him.
- The outcome of any request or application made by him or any other member of his household to foster or adopt children, or for registration for child minding or day care, including particulars of any previous approval or refusal of approval relating to him or to any other member of his household.
- The names and addresses of two persons who will provide personal references for the prospective foster parent.
- In relation to the prospective foster parent, either an enhanced criminal record certificate, or details of any criminal offences of which the person has been convicted, including details of any convictions which are spent, for which he has been cautioned
- In relation to each member of the household aged 18 or over, details of any criminal offences.

The full assessment is a lengthy document and it is likely that the social worker will need to undertake several visits to the placement in order to complete the assessment. The report will include the social worker's assessment of the connected person's suitability to act as a foster parent for the particular child.

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10.4 Considerations in respect of Family and Friends Carers

A particular strength of family and friends foster carers is that they 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 arising from 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 of necessity also be a matching process of the child to the carer.

In order for the placement to be in the child's best interests, the carer will need to have the capacity to meet his or her needs for the duration of the proposed placement, whether this is short or long term. 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, should be taken into account.

The social worker will also include their proposals in respect of any terms and conditions which may apply to approval.

If the connected person lives in the area of another local authority be assessing the social worker is required to contact that local authority and take into account any views it may have in respect of the proposed approval.

10.5 The Provision of Support Services including Financial Support

The carers will be invited to attend fostering support groups and take part in training programme is available for Foster carers. Family and friends carers for looked after children will be given the same information as is provided to North East Lincolnshire foster carers. This may include information on practical issues such as overnight stays and contact as there are sometimes legal implications arising from these situations.

Where it is assessed that the family and friends 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. Subsequently the report of the foster carer's annual review 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 family and friends carer will continue to be entitled the same financial support they received as a temporary foster carers. For the current rates of financial remuneration click on the following link: [financial remuneration for Foster carers.](#)

10.6 Referral to the Fostering Panel

Once a foster carer is approved, they must be notified in writing of this fact and of any terms of the approval. For a family and friends 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 section 9.0 above.

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The fostering and adoption social worker will then refer the case to the fostering panel together with a copy of the assessment report to seek recommendation of the family and friends carer as a foster carer for the child or children concerned.

The fostering panel is a multidisciplinary body of people with appropriate qualifications and experience within fostering. It is independent of the Local authority's fostering service. The fostering panel cannot decide whether or not a family and friends carer will be approved as a foster carer as that determination lies with the fostering services decision maker. However, the fostering services decision-maker must make a decision taking into account the Fostering Panel's recommendation.

10.7 The functions of the Fostering Panel

The fostering panel plays an important role in providing an objective view and sometimes challenging practices which may fall short of requirements or may not be in the interests of the child. The fostering panel has five main functions:

- To consider applications for approval and to recommend whether or not a person is suitable to act as a foster carer, and if so the terms on which they should be approved (e.g. number and age of children to be placed);
- To consider the first review of newly approved foster carers, and any subsequent reviews referred to it by the fostering service, and recommend whether or not the foster carers remain suitable to act as such, and if the terms of their approval remain appropriate;
- To oversee the conduct of assessments carried out by the fostering service;
- To advise on, and monitor the effectiveness of, the procedures for undertaking reviews of foster carers.
- give advice and make recommendations on any other matters or cases referred to the panel by the fostering service.

10.8 How the panel makes a decision

In considering whether or not a person is suitable to become or continue to be a foster carer, the fostering panel is required to take account of all the information passed to it, and may request any further information which it feels may assist in making a recommendation, including taking legal or medical advice. The fostering service must obtain any information which the panel feels necessary, and provide any other assistance the panel requests, so far as is reasonably practicable.

Applicants seeking a recommendation can attend at a panel meeting which is considering their approval, and may make representations to support their application. They will be supported at the panel by the fostering social worker. The panel may also be assisted by legal and medical advisers.

Approved foster carers should be given the same opportunity to be heard when a panel is considering a review of their approval or other matter concerning their approval. Subject to the need to protect children and deal sensitively with third party information Applicants will be able to read in advance any reports concerning them.

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10.9 Decision by the Agency Decision Maker

The panel makes a recommendation by majority and then passes its recommendation on to the decision maker (By the provision of written minutes) for a decision to be made on behalf of the fostering service.

The panel must keep written minutes of its business, including the reasons for recommendations made. It is important that these are full and accurate so that the fostering service is clear about matters discussed and the reasoning behind recommendations, as they will form the basis of decision making by the fostering service.

10.10 Terms of Approval

Once a foster carer has been approved by the fostering service's decision marker, they will be notified in writing of this fact and of any terms of the approval. Terms may specify, for instance, that they may foster only a specific named child or children, (likely to be the case with most family and friends Foster carers) any one time or an age range for children fostered. Terms may also include factors such as short term or long term placements, short break care, or inclusion in a particular fostering scheme. Foster carers must also enter into a foster care agreement, covering the matters set out in Schedule 5 to the Regulations as set out above.

10.11 Being a foster carer in North East Lincolnshire

Fostering today is more like a career, it demands a great deal of effort and commitment. Our foster carers must be available to meet the needs of the children placed with them, which can be a tough challenge as many children have complex histories and may be hurt, sad and angry. Foster carers also need to attend training to equip them with the skills they need as well as attend meetings, appointments, reviews and respond to emergencies if they arise.

10.12 Leaving care

Upon leaving care the young person may be eligible for ongoing support under the Children Act 1989 as amended by the Children (leaving care) Act 2000.

If the local authority is able to offer continuing support, including financial support to the carers until the young person is 21, and to support the young person in respect of education and training until they become 25.

11.0 Private Fostering

In addition to situations where a child may have been placed with family and friends carers and become looked after by the local authority, there are often situations where parents may have made their own arrangements about the care of their children.

Any voluntary placement by a parent of a child under 16 (or 18 if disabled) with someone who is not a grandparent, brother, sister, uncle or aunt (either full blood, half-blood or by marriage or civil partnership) or step-parent for longer than 27 days will be subject to the Children (Private Arrangements for Fostering) Regulations 2005.

For further details of the relevant procedure please see [Private Fostering Policy and Procedure](#).

At age 16 Private Fostering will cease to apply unless the child is disabled and the

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arrangement will revert to informal family and friends care.

A child who is privately fostered may also be assessed as a Child in Need and be provided with services under section 17 of the Children Act 1989 as set out earlier in this policy document. Where a request for assistance is received or the social worker believes that the child's health or development may be impaired and the provision of support services may be necessary to promote the welfare of the child, the child's social worker will undertake an assessment to ascertain what support or services may be required under section 17.

Where children have been placed under private fostering regulations an assessment of the child's needs must be carried out and Children's Social Care satisfied that the arrangements meet the child's welfare needs. The assessment will take into account the various issues outlined in regulations. Police and local authority's checks should be completed on all adults resident within the household at the earliest opportunity. Please refer to North East Lincolnshire's private fostering policy and procedures document for fuller information.

Private Foster carers can claim child benefit and child tax credit if these are not being paid to the parent. The parents all those holding parental responsibility, remain financially responsible to maintain the child.

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12.0 Summary Table of main differences between informal and formal family and friends carers

Child in need supported under section 17 (in an informal or private fostering arrangement)	Child accommodated under section 20
<p>the child is not looked after by the local authority</p>	<p>the child is looked after by the local authority</p>
<p>the child will not have a care plan but there may be a child in need plan or child protection plan</p>	<p>the child must have a care plan (including health plan and personal education plan) which will be reviewed by an independent reviewing officer</p>
<p>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</p>	<p>a social worker will visit the child and carers and oversee the child's welfare</p>
<p>the child must be offered access to an advocacy service where they make or intend to make representations under section 26 of the 1989 Act</p>	<p>the child must be offered access to an advocacy service where they make or intend to make representations under section 26 of the 1989 Act</p>
<p>the carers will not usually have a separate social worker</p>	<p>a supervising social worker will be appointed for the foster carers</p>
<p>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)</p>	<p>a weekly fostering allowance will be paid</p>
<p>Child Benefit and Child Tax Credit may be payable</p>	<p>there is no entitlement to Child Benefit or Child Tax Credit</p>
<p>support may be offered to the carers and/or child but is discretionary</p>	<p>training and support must be offered to the foster carers</p>
<p>there is no entitlement to leaving care support</p> <p>any support offered will cease when the young person becomes 18, unless criteria are met for support from adult services</p>	<p>on leaving care the young person may be eligible for ongoing support under the 1989 Act (as amended by the Children (Leaving Care) Act 2000)</p> <p>the local authority is able to offer continuing support (including financial support) to the carers until the young person is 21, and to support the young person in respect of education and training until 25 yrs</p>

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13.0 Family Group Conferences

Family group conferences are a way of giving families the chance to get together to try and make the best plan possible for children.

The decision makers at a family group conference are the family members, and not the professionals. It is here that the mother or father or aunt or grandfather gets together with the child or young person and the rest of the family to talk, make plans and decide how to resolve the situation.

The aim of the Family Group Conference is to achieve the best possible decisions and outcomes for children through collaboration. Family group conferences promote the involvement of the wider family in the decision making process to achieve a resolution of difficulties and permanence for the child. They can make a valuable contribution to the decision making process and often empower the family to develop the supports that are required.

The key principles underpinning the Family Group Conference model are: –

- The coordinator should be independent
- Agencies should facilitate family members attending
- Agencies should give families the information they need to make a decision
- There should always be private time for the family, and
- Family's plans should be supported by agencies unless the plan places a child at risk of significant harm.

Better outcomes in family and friends placements are more likely to result from family group conferences as the parents and family are involved in the planning and decision-making for the placement.

For further information on the use of family group conferences please see [Guidance for Family Group Conferences](#).

Family Group Conferences are currently in the early stages of development but the aim is to develop the service so that a conference is held in all appropriate cases prior to any decision to place a child with family and friends carers or enter into legal proceedings.

14.0 Longer Term Legal Options

In some cases reunification with the parents is not an option. In these cases permanent placement with the family and friends carer for should be fully explored.

There are essentially three ways of achieving long-term placements with family and friends carers: –

- The carers apply for a Children Arrangement Order in respect of the child.
- The carers become special guardians
- The carers subsequently adopt the child.

Children's Social Care must be satisfied that the proposed placement option is in the child's best interests.

The aim in deciding the most appropriate legal option should be to empower the family and friends carer and to minimise Children's Social Care role in caring for the child as long as this is consistent with the child's best interests.

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The case should be presented to the fostering panel to approve the plans.

15.0 Child arrangements orders

A Children Arrangements Order may only be made by application to the court under section 8 of the Children Act 1989. The order settles the day to day living arrangements for the child and gives parental responsibility to the holder. A Children Arrangements Order may be made in favour of one or more persons. If parental responsibility is shared with the child's parents and the holders of a Children Arrangements Order.

15.1 Application for a Children Arrangements Order

The child may be at risk of becoming looked after but for a friend or relative stepping into apply for a Children Arrangements Order. In other circumstances the child may have been looked after and their foster carer or other relative, friend or connected person applies for a Children Arrangements Order. Application can be made without the support of the parents or the local authority. Relatives may apply for an order after the child has lived with them for one year.

To support the stable placement of children within their families, the 1989 Children Act has been amended by the 2008 Act to allow relatives to apply for a Children Arrangements Order or special guardianship order without the permission of the court after caring for the child for one year, instead of three years as was previously the case.

15.2 Support for Children Arrangements Order holders

There is no right to an assessment for support for holders of Child arrangements orders, but local authorities have the power to pay a Children Arrangements Order allowance where this is the most appropriate way to safeguard and promote the child's welfare. If the child was a looked after child prior to the Children Arrangements Order being granted the local authority has discretion to pay a Children Arrangements Order allowance. Or exceptionally, if the granting of the Children Arrangements Order has avoided it becoming necessary for the child to become looked after. The allowance is equivalent to those allowances received by local authority foster carers.

15.3 Child in Need support under Section 17 of the Children Act 1989

A child who is subject to a Children Arrangements Order may still qualify for support services under section 17 of the Children Act 1989 because the child is deemed to be a child in need.

A child in need may be one 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.

As stated earlier in this policy document, the range and level of family support services under section 17 is wide. They may include practical support, advice, guidance or counselling about how to manage issues such as those arising from contact or from caring for children with emotional or behavioural difficulties due to their earlier experiences. Such services may be provided to support both formal and informal family and friends care arrangements. The Children Act does not impose limits on the amount of support which may be provided under section 17. This can include giving assistance in kind and may also include giving financial assistance to the family in certain circumstances.

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The financial means of the carer must also be taken into account and advice provided to ensure they are receiving all welfare benefits to which they are entitled.

The holder of a Children Arrangements Order can claim child benefit and child tax credits for the child or children if these are not being paid to the parent.

16.0 Special Guardianship Orders

16.1 Application for a Special Guardianship Order

Special guardianship order may either be made on application to the court by one or more persons aged 18 or over, or on the court's own motion. The court cannot make an order unless it has a report addressing the issues set out in Annex B to the special guardianship regulations 2005.

The child's parents cannot become special guardians.

When considering making a special guardianship order the court should also consider whether to provide for a change of name and whether to make any contact order.

A special guardianship order expires upon the child's 18th birthday unless varied or discharged by the court before the child reaches 18 years.

16.2 Who may apply for a Special Guardianship Order

The following can apply for a special guardianship order: –

- Any Guardian of the child's appointed under section 5 of the Children Act 1989.
- Anyone who holds a Children Arrangement Order to respect the child.
- Anyone (including the local authority foster carer) with whom the child has lived for three out of the last five years. Local authority foster carers may apply for a special guardianship order after a child has been with them for one year.
- Where the child is in the care of the local authority, anyone with the authority's consent.
- In any other case, anyone who was the agreement of all those with parental responsibility for the child.
- Anyone else (including the child) who has permission of the court to apply.

Two people can jointly apply for a special guardianship order. They do not have to be married.

16.3 Completion of a Special Guardianship Report

Applicants must give three months written notice to the local authority of their intention to apply for the order. The local authority must then investigate and prepare a report to the court about the suitability of the applicants to be special guardians and any other relevant matters.

The court may also make a special guardianship order in family proceedings without an application, if it considers it in the interests of the child's welfare to do so. But the court cannot make an order unless it has received the report confirming the suitability of the people concerned to be special guardians.

As this is a Children Act 1989 order, the welfare checklist in section 1 (3) applies and the court has to treat the child's welfare as the paramount consideration in considering whether to make an order.

The local authority will allocate a social worker to prepare a special guardianship report

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together with support plans in respect of the child, the proposed special guardians and the birth parents.

16.4 The effect of a special guardianship order

Special guardianship order gives the special guardians parental responsibility for the child. The intention is that the special guardians will have clear responsibility for all the day-to-day decisions about caring for the child or young person undertaking any other decisions about their upbringing, for example their education. The provisions make it clear that a special Guardian may exercise parental responsibility to the exclusion of others with parental responsibility, such as birth parents. The only exceptions are:

- The special guardians may not change the child's surname or take him out of the country for three months or more without the consent of everyone with parental responsibility or the permission of the court.
- Where the law specifically provides that the consent of all those with parental responsibility is required (for a sample important medical decisions).
- Birth parents retain their rights in relation to adoption.

Unlike adoption, under a special guardianship order the birth parents remain the child's parents and retain parental responsibility, though their ability to exercise this responsibility is limited as described. This does, however preserve family relationships that may be very important to the child.

16.5 Financial and other Support for Special Guardians

Where a child lives, or is to live, with a person as a result of a Special guardianship order financial support may be provided: –

- To facilitate arrangements for a person to become the special guardian of a child where the local authority considers such arrangements to be beneficial to the child's welfare; or
- to support the continuation of such arrangements after a special guardianship order is made.

If the child was looked after prior to the making of the special guardianship order, the local authority must assess the placement for need for special guardianship support services. The local authority does have discretion as to whether to provide support.

Subject to assessment as above and for formal Foster carers, this can include an element of remuneration.

Financial support can be provided as a one-off payment e.g. to assist with setting up costs and/or regular payments.

All allowances are reviewed annually.

Special guardians can claim child benefit and child tax credit for the child or children if these are not been paid to the parent.

Young persons may also be entitled to leaving care support services if they were a looked after child prior to the making of a special guardianship order.

Any payments made in relation to a child subject to a special guardianship order will be in accordance with the children services policy in relation to the payment of special guardianship order allowances. For further information please click on the link to Part 3 (page 39) of [DIY Special Guardianship Orders – information for family and friends carers.](#)

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17.0 Adoption Orders

17.1 Application for Adoption Order

It is possible for a family and friends carer to adopt a child they have been caring for by application to the court.

The birth parent is an automatic party to adoption proceedings unless he or she has given notice that they do not wish to be informed of the proceedings. They will not receive notification of the application but will be given notice of the final hearing.

Adoption proceedings may continue beyond the young person's 18th birthday since an adoption order can be made at any time up to the 19th birthday.

Children's Social Care may decide that a looked after child should be placed for adoption. They can only do so with the consent of the birth parents or by applying to the court for a placement order.

An approved Foster carer can apply for an adoption order after a year of caring for the child.

Other informal carers could apply for an adoption order if the child has lived with them for a period of three years.

17.2 Effect of an Adoption Order

An adoption order has the effect of permanently severing the legal ties between the child and the birth parents. Any orders which existed before the making of an adoption order will be extinguished and the birth parents will become former parents, no longer holding parental responsibility for the child.

And adoption order creates a permanent, lifelong relationship between the adoptive parents and the child.

17.3 Approval of prospective adopters

The adoption agency (Usually the local authority having placed the child) assesses and approves prospective adopters under prescribed regulations. The prospective adopters then apply to the court requesting it to make an order regarding the specific child. If the child is not looked after the notice of intention to adopt must be given to the local authority first. This will place a duty on the local authority to carry out an assessment report for the court. This report should be concluded within three months

17.4 Adoption support

Local authorities are also required to make a range of adoption support services available in their area to meet the needs of people affected by adoption, and adopted children and adopters have the right to be assessed for certain support services, the details of which are set out in separate statutory guidance and in Children's Social Care [Policy and Procedures in connection with adoption.](#)

Where the child has been placed for adoption by the local authority, the placement is supervised by a social worker from the Fostering and Adoption Service. There will be statutory reviews of the placement until and adoption order is made.

The prospective adoptive parents are entitled to an assessment for adoption support services which may be provided at the discretion of the local authority in accordance with adoption support regulations. For full details of adoption support available please click on the link to [policy on adoption support services.](#)

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Subject to financial assessment, financial support can be provided as one-off payments and/or regular adoption allowances.

18.0 Promoting Contact

18.1 The Duty to Promote Contact

Children services are under a duty to promote contact for all children in need, although there are differences in the way that duties expressed depending on whether Or not the child is looked after.

The children act 1989 requires local authorities to promote contact between the child who is not looked after but who is living away from home and his family's where it is necessary to do so in order to safeguard and promote his or her welfare.

The children act also requires local authorities to endeavour to promote contact between a looked after child and his or her family unless it is not practicable or consistent with the child's welfare.

18.2 Support and Assistance with Contact Arrangements

It is recognised that contact between children and their immediate families is generally a positive experience for children who are not living with their parents, helping them to maintain a sense of belonging and identity. Contact arrangements should meet the needs of the child. Most children living with members of their extended families will be in contact with one or both of their parents comments and often also with other relatives and this will often help to promote positive relationships.

However difficulties in contacts can often be a source of considerable anxiety and conflict for family and friends 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 others who are becoming 'second time round' carers. Children may not understand why they are being brought up by relatives; whilst parents may resent the fact that there children do not live with them.

Family and friends carers will find information in section 20 of this policy documents about local contact centres and family mediation services and how to make use of the services. Family mediation can help parties to communicate better and resolve disputes taking account of the children's wishes in a supported environment. Support and guidance may be required to ensure that the relationships between the adults to not get in the way of meeting the children's needs. Assessment of the child's needs in relation to contact with parents and other significant family members will be considered as part of the assessment process.

Where there are safeguarding concerns around contact there may be need for Children's Social Care to support safe contact arrangements. Contact may be limited through a court order and family and friends carers may need support in enforcing this, or may not understand the necessity of, and limitations placed on contact. Where necessary, contact will be managed, supported and monitored by Children's Social Care to ensure that it does not become unsettling and possibly harmful for the child.

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19.0 Complaints

19.1 How to make a complaint

We want to provide good quality services for everyone, but things can sometimes go wrong. If they do, we need to know so we can put them right and learn from them.

If you have any feedback about Children and Family services you can send us a complaint in the following ways:

Fill in the [Online Complaints Form](#)

Complete a Feedback Form available below

Complaint Forms

Complaints Leaflet - Word version

Complaints Leaflet - PDF version

Children and Young People Complaints Leaflet - PDF version

Children and Young People Complaints Leaflet - Word version

Alternatively you can speak to the complaint's team directly using the contact details below.

19.2 Contact information for Complaints Team

Contact: Information Governance and Complaints

Address: Cleethorpes Civic Offices, Knoll Street, Cleethorpes, North East
Lincolnshire, DN35 8LN

Telephone: 01472 326426 or 01472 326427

Fax: 01472 326480

Email: res-customerservices@nelincs.gov.uk

Opening Times:
Monday: 8.30am - 5.00pm
Tuesday: 8.30am - 5.00pm
Wednesday: 8.30am - 5.00pm
Thursday: 8.30am - 5.00pm
Friday: 8.30am - 4.30pm
Saturday: Closed
Sunday: Closed
Bank Holidays: Closed

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Related Documents

- [Private fostering policy and procedure.](#)
- [The Children Act 1989](#)
- [The Children and Young Persons Act 2008](#)
- [The Care Planning Placement and Case Review \(England\) Regulations 2010](#)
- [The Fostering Services \(England\) Regulations 2011](#)
- [A Practical Guide to Friends and Family Care](#)

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Background Information				
Document Purpose	Family and Friends Care Practice Guidelines			
Author	Strategy and Planning Team strategyandplanning@nelincs.gov.uk			
Subject	CASS			
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"/>

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 for Safeguarding and Youth Offending
August 2014	Updated	by Maria Chase, Julie Swinburn and Sam Scargall	