

Foster Wales Torfaen: Family and Friends Care Policy

(Connected Persons Foster Care / Private Fostering / Regulation 26 Temporary Approval of Connected Persons Foster Carers and Special Guardianship)



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Torfaen

Torfaen County Borough Council
Foster Wales Torfaen – Family and Friends Care Policy

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Section 1 – Purpose and Scope

1.1 Purpose

The purpose of this policy is to set out Torfaen County Borough Council's Children and Family Services approach towards promoting and supporting the needs of children and young people who are unable to remain living at home, or with an adult with Parental Responsibility, and are, therefore, residing with family and friends carers in a range of legal circumstances.

Friends and family care means that a relative or other adult known to the child or young person is caring for them. Under **section 81(6) Social Services and Well-being (Wales) Act (2014)** (previously section 23 (6) (b) Children Act 1989), a Local Authority placing a Child Looked After should give priority to a placement with '*a relative, friend or other person connected with C (the child)*'.

This document must not be taken as a statement of the law in this area.

1.2 Scope

The Social Services and Wellbeing Act (Wales) (2014) states that only a minority of children who cannot live with their parent/s, for whatever reason, are looked after by their Local Authority. Many more children and young people are being brought up by members of their extended families, friends or other people who are connected to them. These arrangements are generally referred to as being placed with 'kinship foster carers'. Informal arrangements with family and friends can often prevent a child or young person from becoming Looked After.

Section 2 – Legal Framework and Powers and Duties

Local Authority Fostering Services (Wales) Regulations 2018 – available at:

<https://www.legislation.gov.uk/wsi/2018/1339/contents/made>

Social Services and Well Being Act (2014) – available at:

http://www.legislation.gov.uk/anaw/2014/4/pdfs/anaw_20140004_en.pdf

Code of Practice on the exercise of Social Services functions in relation to Part 6 (Looked After and Accommodated Children) of the Social Services and Well-being (Wales) Act 2014. – available at:

part-6-code-of-practice-looked-after-and-accommodated-child/young_person.pdf
(gov.wales)

Special Guardianship Regulations 2018 – available at:

[The Special Guardianship \(Wales\) \(Amendment\) Regulations 2018 \(legislation.gov.uk\)](http://The_Special_Guardianship_(Wales)_Amendment_Regulations_2018_(legislation.gov.uk))

Special Guardianship – Code of Practice 2018 – available at:

code-of-practice-on-the-exercise-of-social-services-functions-in-relation-to-special-guardianship-orders.pdf (gov.wales)

Regulation 26 (temporary approval of kinship foster carer) - available at:

[The Care Planning, Placement and Case Review \(Wales\) Regulations 2015 \(legislation.gov.uk\)](http://The_Care_Planning,_Placement_and_Case_Review_(Wales)_Regulations_2015_(legislation.gov.uk))

Private Fostering Regulations 2006 – available at:

[The Child/young person \(Private Arrangements for Fostering\) \(Wales\) Regulations 2006 \(legislation.gov.uk\)](http://The_Child/young_person_(Private_Arrangements_for_Fostering)_Wales_Regulations_2006_(legislation.gov.uk))

Section 3 – Placement Options

Section 74 of the Social Services and Well-being Act (2014) defines the term ‘Looked After’ as referring to a child or young person who is either in the Local Authority’s care, i.e. is subject to a Care Order or an Interim Care Order under section 31/38 of the Children Act 1989 or who is provided with accommodation by the Local Authority for a continuous period of more than 24 hours in the exercise of any of its Social Services functions.

The circumstances in which a Local Authority must provide accommodation for a child or young person are set out in section 76 of the Act. It is important to note that the term ‘Child or Young Person Looked After’ includes both children and young people who are ‘in care’ and those who are not in care but who are, nonetheless, accommodated by the Local Authority with the agreement of those who have Parental Responsibility for the child or young person.

A child or young person who is accommodated in this way will cease to be a Child Looked After when the Local Authority considers that the child or young person no longer requires accommodation. However, a child or young person who is in care will continue to be ‘Looked After’ until the Care Order is discharged. This document sets out the placement options for Children Looked After, whether or not they are in care.

When a child or young person becomes looked after by the Local Authority, either voluntarily, with the agreement of the parent/s, or as a result of a Court Order, the Local Authority has a duty to consider placing the child or young person in the care of someone who is a member of their family, or a friend who already has a relationship with the child or young person.

Family and friends care includes a number of different types of arrangement, covered by a range of legal statuses. A child or young person may be living with family members or friends under any of the following arrangements:

3.1 Family and Friend Care (Informal)

If they are not Looked After by the Local Authority, children and young person can live with a ‘close’ relative - their aunts, uncles, brothers, sisters, stepparents or grandparents - without outside involvement.

The relative does not have Parental Responsibility which would remain with the parent/s but may do what is reasonable to safeguard or promote the child or young person’s welfare.

However, the Local Authority may become involved if it appears that services may be necessary to safeguard or promote the welfare of a child or young person who may have care and support needs. This could arise, for example, if the child or young person is referred by any service working with them for assessment, including if there were safeguarding concerns, or as a result of a referral by the child or young person’s family or by the relatives looking after the child or young person asking for assessment of their support needs.

In these circumstances, the Local Authority has a responsibility to assess the child or young person's needs and, if a need is identified, to provide support under a Care And Support Plan (CASP), which may include discretionary financial support.

3.2 Connected Persons Foster Carers

Where a child or young person is Looked After by the Local Authority, the Local Authority has a responsibility, wherever possible, to make arrangements for the child or young person to live with a member of their family.

The child or young person may be accommodated voluntarily with the agreement of the parent/s or may be subject to an Interim Care Order or Care Order. If it is a voluntary agreement, Parental Responsibility remains with the parent/s. The Local Authority will share Parental Responsibility if the child or young person is subject to an Interim Care Order or Care Order and will share limited Parental Responsibility to safeguard and promote the welfare of the child or young person if s/he is subject to an Emergency Protection Order.

Where a child or young person is placed with carers who are temporarily approved as Connected Person's Foster Carers under Regulation 26, arrangements will be made to assess the suitability of the connected person to care for the child or young person. A Regulation 26 Assessment will be carried out by the child or young person's Social Worker and Regulation 26 Agreement will be put in place, signed by the temporarily approved carers and authorised by the relevant Group Manager. A Connected Person's Viability Assessment will then be completed by an Assessing Social Worker from the Family Placement Team or an Independent Social Worker and will require sign off at Group Manager level for the placement to continue whilst assessments are ongoing.

The child or young person can be placed with the connected person's prior to full approval as foster carers for up to 16 weeks from the date of placement. This temporary approval can only be extended in exceptional circumstances and would require presentation at Fostering Panel to extend for a further 8 weeks. During the period of temporary approval, the carers will receive an allowance to support them to care for the child or young person.

An Assessing Social Worker will carry out a full Connected Person's Assessment and provide practical help and advice, as well as emotional support. They can also provide essential equipment that the carer may need to care for the child or young person.

If the temporarily approved carers are subsequently approved as Connected Person's Foster Carers, the carers will have a Supervising Social Worker from the Family Placement Team to provide ongoing support, supervision and, at least, Annual Reviews. The connected person's foster carers will continue to receive fostering allowances for as long as they care for the child or young person as a foster carer.

All foster carers are expected to ensure that the child or young person receives appropriate care and support, for example, engaging with the child or young person's Social Worker, attending meetings as requested, facilitating and promoting contact, promoting the child or young person's education, health needs and overall wellbeing. All foster carers are expected to adhere to the policies and procedures that are in place which guide them.

There is a Delegated Authority Policy and agreement which is put in place once the child has been placed and this is reviewed regularly. This clearly sets out any areas of caring for the child or young person that are delegated to the foster carers and is subject to agreement with those who have Parental Responsibility for the child or young person.

3.3 Special Guardianship Orders

Relatives/carers may apply for a Special Guardianship Order after caring for a child or young person for a period of at least one year. Once a Special Guardianship Order is granted, the Special Guardian/s have enhanced Parental Responsibility for the child or young person. Parental Responsibility is still shared with the parent/s of the child or young person but Special Guardian/s can exercise their Parental Responsibility with greater autonomy on day-to-day matters such as education and health.

The Local Authority has a responsibility to assess the support needs of the child or young person, parent/s and Special Guardian/s, including financial support. As part of the Special Guardianship Order Assessment a Support Plan is agreed, including any commitment to financial support. A Keeping in Touch visit is completed on a yearly basis, which will include a financial assessment and a review of any ongoing payments.

The Local Authority has a Special Guardianship Support Team, who can offer support and guidance to all Special Guardians throughout the duration of the Special Guardianship Order. For further information please see: [Special Guardianship Orders | Torfaen County Borough Council](#).

3.4 Private Fostering

Private fostering is when a child or young person under the age of 16 (under 18 if disabled) is cared for by someone who is not their parent or a 'close relative' for 28 days or more. A close relative is defined as 'a grandparent, brother, sister, uncle or aunt (whether of full blood or half blood or by marriage or civil partnership) or step-parent'. It does not include a child/ or young person who is looked after by the Local Authority. This is a private arrangement made between a parent and the carer, the parent still holds Parental Responsibility and agrees the arrangement with the private foster carer.

The parent and carer have a legal responsibility to inform the Local Authority; failure to do so constitutes a criminal offence. When the Local Authority knows of a proposed or existing arrangement, it must assess the situation to ensure the arrangements are satisfactory and that they are in the best interests of the child or young person. If, following the assessment, it is decided that the arrangement can continue, a Social Worker will visit the child or young person and family on a regular basis (minimum 6 weekly in first year, then 12 weekly, thereafter) to safeguard the welfare of the child or young person and ensure the arrangements remain satisfactory.

A private foster carer is responsible for the day-to-day care of the child or young person and the care should be continuous. The parent (or person with Parental Responsibility) retains the responsibility to safeguard and promote the welfare of the child or young person.

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The Local Authority has a duty to assess and monitor the welfare of all privately fostered children and young people. If the Local Authority thinks that an arrangement is unsuitable and the child or young person cannot be returned to his or her parents, the Local Authority must decide what action to take to safeguard the child or young person's welfare. This may mean finding alternative Local Authority accommodation.

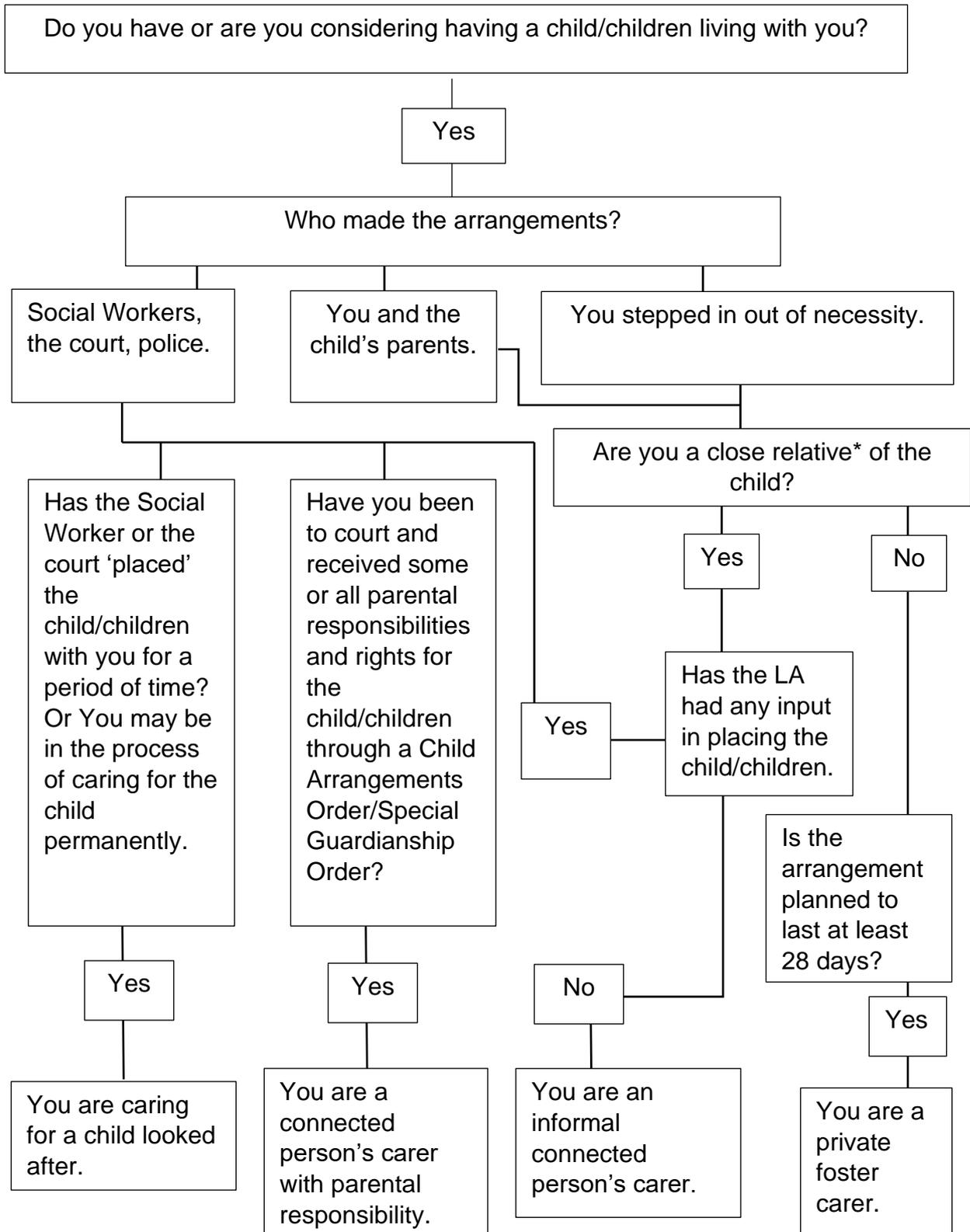
For further information please see: [Private Fostering | Torfaen County Borough Council](#)

Section 4 – Financial Support

All approved foster carers, including those temporarily approved under regulation 26 of the Care Planning, Placement and Case Review (Wales) Regulations 2015, will receive a weekly allowance for each child or young person placed in their care.

Please see the Foster Carers Allowances and Expenses Policy for further information.

Section 5 – What Type of Connected Person’s Carer Are You?



*grandparent, sister, brother, uncle, aunt or stepparent of a child

wales-kinship-care-guide-english-web.pdf (cysur.wales)