**Family and friends foster care**

**Legislation and guidance**

Section 22C of the Children Act 1989 requires a local authority, when considering where to place a looked after child, to give preference to placement with a connected person who is a foster carer, if that is the most appropriate placement.

The Fostering Services (England) Regulations 2011 (as amended) govern the assessment, approval and support of foster carers and related statutory guidance is contained in The Children Act 1989 Guidance and Regulations Volume 4: Fostering Services (amended July 2013).

Standard 30 of the Fostering Services National Minimum Standards sets out what should be done to ensure that family and friends foster carers receive the support they require to meet the needs of children placed with them.

Regulations 24 and 25 of the Care Planning, Placement and Case Review (England) Regulations 2010 permit local authorities to give a connected person temporary approval as a foster carer. Statutory guidance is contained in paras 3.93 – 3.102 of The Children Act 1989 Guidance and Regulations Volume 2.

Family and Friends Care: Statutory Guidance for Local Authorities explains the requirements in the wider context of all children being cared for by family and friends, and chapter five addresses the approval of family and friends as foster carers.

**Introduction**

This policy applies in respect of the placement of looked after children with family and friends foster carers. Many other children are not looked after by the local authority but live with family and friends under a special guardianship or child arrangements order, under private fostering arrangements, or informally with relatives.

**Connected persons**

A connected person is someone who is a relative, friend or other person connected with a looked after child. A person in the last category may be someone who knows the child in a professional capacity, such as a childminder, teacher or youth worker. Relative means grandparent, brother, sister, uncle or aunt (whether of full blood, half blood or by marriage or civil partnership) or a step parent.

In this policy the term family and friends foster carer is used to mean a connected persons foster carer.

**Role of family and friends foster carers**

The role, rights and responsibilities of family and friends foster carers is the same as that of other foster carers, and the fostering service will provide supervision and support in accordance with the policies of the service. This includes the same financial support as for other foster carers. However some services may be delivered in a different way where this better meets the needs of the carer.

**Temporary approval of a connected person as a foster carer**

**(‘Regulation 24 placements’)**

Exceptionally, in unforeseen circumstances the head of service, as the designated officer, may give a connected person temporary approval as a foster carer for the specific child or children. This is applicable only if placement with the connected person is considered the most appropriate way to care for the child but the placement cannot wait for a full fostering assessment under fostering regulations to be completed.

Before granting temporary approval a brief assessment must be undertaken by the child’s social worker. This assessment must take account of the matters listed in Appendix one of this policy. Given the short timescale it will not be possible to fully address all aspects, but every effort should be made to maximise the information obtained. The brief assessment will always include:

* a home visit to assess the suitability of the accommodation and all adult members of the household;
* discussion with adult members of the household about any criminal convictions, and application being made for enhanced DBS disclosures;
* information about the quality of the existing relationship between the child and the potential foster carers;
* a visit by the child to the family, in the event that they do not already know each other;
* a statement of the child’s wishes and feelings;
* reasons that the carer came forward to offer a placement; and
* any potential obstacles to approval as a foster carer under fostering regulations.

A report of the brief assessment should be passed to the head of service who will make a decision about whether or not to grant temporary approval and notify the relevant parties accordingly. The child must not be placed in advance of the decision.

If granted, approval lasts for a maximum of 16 weeks from the date of the decision, during which period a full foster carer assessment must be undertaken in accordance with the fostering regulations. If, however, the assessment results in a qualifying determination to not approve, and the person has applied for a review by the Independent Review Mechanism, the temporary approval will continue until the final outcome is known. Alternatively if the full assessment takes longer than anticipated, the decision maker may, once only, extend temporary approval by another eight weeks to allow it to be completed and a decision made regarding approval. The fostering panel must be consulted, and the IRO informed, before such a decision is made.

Once temporary approval is granted the foster carer must sign a foster care agreement and a placement plan must be agreed. A child placed with a foster carer having temporary approval must be visited by their social worker at least weekly until the first child looked after review and at least four weekly thereafter.

If approval under fostering regulations is not granted before the temporary approval expires any child placed must be removed.

**Full assessment process**

Whether or not they are initially given temporary approval, family and friends who apply to be approved as foster carers will be assessed in accordance with the agreed policy, although the assessment will focus on their ability to meet the needs of the specific child and there is no need to consider their suitability to care for other children. The likely length of the placement, the age of the child concerned and the capacity of the wider family to contribute if required to the child’s long term care should be taken into account. CoramBAAF Form C will be used to record the assessment. **See** **Assessment of foster carers**.

In addition to other aspects the assessment report in respect of family and friends foster carers should address the following:

* Family relationships and safeguarding the child
* Timing of, and attitude towards, the assessment
* Motivation and impact on the family
* Carers’ own feelings
* Accommodation
* Location
* Health
* Parenting capacity
* Criminal convictions

Detailed statutory guidance on these matters is reproduced as Appendix two of this policy.

**Appendix one**

**Care Planning Placement and Case Review (England) Regulations 2010 Schedule 4**

Matters to be taken into account when assessing the suitability of a connected person to care for C [where ‘C’ is a looked after child]:

In respect of the connected person:

(a) the nature and quality of any existing relationship with C;

(b) their capacity to care for children and in particular in relation to C to:

(i) provide for C’s physical needs and appropriate medical and dental care;

(ii) protect C adequately from harm or danger including from any person who presents a risk of harm to C;

(iii) ensure that the accommodation and home environment is suitable with regard to the age and developmental stage of C;

(iv) promote C’s learning and development; and

(v) provide a stable family environment which will promote secure attachments for C, including promoting positive contact with P and other connected persons, unless to do this is not consistent with the duty to safeguard and promote C’s welfare;

(c) their state of health including their physical, emotional and mental health and medical history including any current or past issues of domestic violence, substance misuse or mental health problems;

(d) their family relationships and the composition of their household, including particulars of:

(i) the identity of all other members of the household, including their age and the nature of their relationship with the connected person and with each other, including any sexual relationship;

(ii) any relationship with any person who is a parent of C;

(iii) any relationship between C and other members of the household;

(iv) other adults not being members of the household who are likely to have regular contact with C; and

(v) any current or previous domestic violence between members of the household, including the connected person;

(e) their family history, including:

(i) particulars of their childhood and upbringing including the strengths and difficulties of their parents or other persons who cared for them;

(ii) their relationships with their parents and siblings, and their relationships with each other;

(iii) their educational achievement and any specific learning difficulty or disability;

(iv) a chronology of significant life events; and

(v) particulars of other relatives and their relationships with C and the connected person.

(f) particulars of any criminal offences of which they have been convicted or in respect of which they have been cautioned;

(g) their past and present employment and other sources of income; and

(h) the nature of the neighbourhood in which their home is situated and resources available in the community to support C and the connected person.

*[‘P’ means either a parent of C, someone else who has parental responsibility, or someone who held a residence order immediately before C was placed on a care order.]*

**Appendix two**

**Family and Friends Care: Statutory Guidance for Local Authorities**

**Extracts from Chapter five**

**Specific considerations**

A number of matters will require specific consideration in the assessment of family and friends as foster carers.

**Family relationships and safeguarding the child**

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

Unrelated foster carers are assessed in the knowledge that any children placed with them will be previously unknown to them, and that part of their task as carers will be to build a trusting relationship with the child. For the majority of family and friends carers, a significant and possibly trusting relationship already exists with the child. However, the carers may have to negotiate a changed relationship with the child, since parenting requires a more authoritative relationship with the child than being a grandparent, aunt, uncle, sibling or friend in other circumstances. There may also be implications for other children and adults in the extended family which are hard to manage.

There is a greater complexity in the relationship between foster carers and parents when the carers are family members or friends. While family and friends foster carers are just as likely as unrelated foster carers to safeguard and promote the child’s welfare, this is sometimes at the cost of the loss of their relationship with the child’s parents, who may be the carers’ own child or sibling. Additionally, if parents are felt to be a potential threat, it can be easier to safeguard unrelated carers, by keeping their location secret from the parents. Family and friends foster carers may experience hostility from the parents of the children they are raising, who may blame them for taking the child away from them or for not supporting them against the local authority. This hostility can make managing contact particularly difficult for family and friends foster carers.

It is sometimes hard for family and friends foster carers to accept contact arrangements which have been set out by the court or the local authority, as they may have difficulty understanding the reasons for these or find it hard to stand firm with a parent who does not accept any restrictions set. On the other hand, some carers will welcome restrictions being put in place and would like structured and supervised contact to be available. The assessment of a relative or friend to be a child’s foster carer will need to address carefully the carer’s ability to manage contact arrangements outlined in the care plan, and any support which the local authority needs to provide to enable this.

In some families the tensions and difficulties that arise between family members may outweigh the benefits of making a placement within family networks. Some relatives live hundreds of miles from the child’s home. While the chance of developing a secure attachment with a relative may be of key significance to a younger child, the same may not be true of a teenager who may resent being cut off from peer networks or having to change schools at a critical time. It is important to discuss the priorities of placement with the child concerned and to take account of their wishes and feelings. A good understanding of the child’s priorities for placement, needs, wishes and feelings will provide a sound basis for exercising professional judgement and decision making.

**Timing of, and attitude towards, the assessment**

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

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

**Motivation and impact on the family**

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

**Carers’ own feelings**

Family and friends carers are often deeply affected personally by the events which have led to the need for a child to live away from their parents. They may for example be dealing with the death of their own child or a parent, or the deterioration in mental health or drug addiction of a sibling, at the same time as being assessed as foster carers. In the case of other potential foster carers, such events would be likely to make an assessment inappropriate until the applicants had been given time to come to terms with the issues, whereas with family and friends carers it may be the event itself which gives rise to the application, requiring particular sensitivity on the part of the social worker and the fostering panel.

**Accommodation**

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

**Location**

Most people who apply to a local authority to become foster carers live in the local authority area, and foster children from the local community. In contrast, relatives may live further afield, and the requirement to place a child or young person near their home must be balanced against other, competing, needs. Familiar surroundings may be less important than the ability to reinforce family ties, while some children who have been in trouble in their home area may benefit from a fresh start and the chance to develop new relationships and skills.

The requirement that a decision to place a looked after child out of the local authority area must be approved by the responsible authority’s nominated officer does not apply if the child is being placed with a foster carer who is approved by the same local authority, or who is a person connected with the child. However all relevant factors, including the wishes and feelings of the child and parents, must be ascertained and taken into account in making the decision.

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

Placements of looked after children with family and foster carers abroad are likely to be exceptional, particularly where the child has developed close ties within the UK or links to the family abroad are weak. The overriding priority remains the best interests of the child and authorities are legally required to ensure that any placement being considered meets and continues to meet the child’s needs.

**Health**

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

**Parenting capacity**

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

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

**Criminal convictions**

The Care Planning, Placement and Case Review (England) Regulations normally prevent anyone from becoming a foster carer if they, or any other member of their household, have been cautioned for or convicted of specified offences committed over the age of 18. However, the fostering service may consider the approval of a foster carer for a particular child even though they would otherwise have been debarred by these Regulations, if they or a member of their household are related to the child, providing the responsible authority is satisfied that the child’s welfare requires it. Such a decision should only be made when the decision maker is satisfied that approving the applicant is the most appropriate way to safeguard and promote the child’s welfare. The reasons for any such decision will need to be fully explained and recorded.