

THE EXECUTIVE

23 NOVEMBER 2004

REPORT OF THE DIRECTOR OF SOCIAL SERVICES

CHILDREN AND FAMILIES - FOSTERING AND ADOPTION		FOR DECISION
<p><i>This report concerns a policy issues within the remit of the Executive.</i></p> <p>Summary</p> <p>A ruling in the High Court in respect of payments made to Kinship Carers under Fostering Regulations necessitates a review of our current policy in this area together with our position on Supported Residence Orders/Special Guardianship.</p> <p>The introduction of the Adoption (Bringing Children into the UK) Regulations 2003 requires the Authority to confirm its position and policy in relation to applicants seeking to adopt children from overseas.</p> <p>Recommendations</p> <p>The Executive is asked to agree:</p> <ol style="list-style-type: none">1. The revised schedule of allowances for Kinship Carers and Supported Residence Orders/Special Guardianship in line with the minimum recommendations made by the Fostering Network;2. The suggested policy in respect of applicants seeking to adopt children from overseas in line with the British Association for Adoption and Fostering recommended levels; and3. The specific package of support outlined in 3.6 of this report, to enable the disabled looked after child PM to move from residential care into a family placement. <p>Reason</p> <p>Approval is sought for a specific package of care to enable a profoundly disabled looked after child to move from residential care into a family placement.</p>		
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1. Allowances for Kinship Carers and Supported Residence Orders/Special Guardianship

- 1.1 In common with other Local Authorities, Barking & Dagenham has applied a differentiated schedule of allowances for extended family members and friends who are approved under fostering regulations to care for a child who is already known to them. The authorised current level of allowance is £63.00 per week.
- 1.2 The Fostering Network is a national organisation that serves to promote the development of fostering services across the country. As part of their campaign to ensure consistency of care in the UK the Fostering Network undertake an annual Research Project, from which a minimum recommended schedule of allowances for fostered children is published. These recommended minimum allowances represent the basic cost of caring for a child without any reward element. The schedule is given as appendix A.
- 1.3 This general policy has been challenged in the Courts and a benchmark has been set by the ruling of a high court Judge Justice Munby, in a case brought against Manchester Council. Justice Munby ruled that Manchester had acted illegally in making unreasonable payments to extended family members caring for children who were in the care of the Local Authority. He considered this to be a breach of Article 8 of the Human Rights Act.
- 1.4 In the light of the Manchester ruling, legal advice has been sought from Counsel in this matter. Advice given is that our current policy would be viewed as illegal and be subject to Judicial Review.
- 1.5 As a result of legal challenges in recent Court cases, it has been necessary to agree exceptional additional payments for some Kinship Care arrangements, in line with the minimum recommended Fostering Allowance set by the Fostering Network. This position needs to be regularised and a revised Policy approved.
- 1.6 Legal advice has confirmed that a revision to payments made to Kinship Carers in line with the minimum levels recommended by the Fostering Network would be an acceptable position.
- 1.7 Allowances made to Kinship Carers have also been applied in relation to supported Residence Orders/Special Guardianship. This relates to cases where we agree to provide financial support to enable a Residence Order to be made out to an individual rather than a Care Order to the Local Authority.
- 1.8 It is to be stressed that the care of children within the extended family network is generally a private matter, which does not require the involvement or financial support of Social Services. Agreement to any form of financial support via Kinship Care approval under Fostering Regulations or a Supported Residence Order/Special Guardianship allowances is subject to robust gate-keeping and is only considered as a result of statutory intervention where children are subject to court proceedings or require safeguarding.
- 1.9 The additional costs associated with regularising the proposed enhancement will be £80K. This will be absorbed within the existing Placements budgets.

2. Policy for applicants seeking to adopt children from overseas

- 2.1 The changes brought about by the introduction of the Adoption (Bringing Children into the UK) Regulations 2003 now require that anybody seeking to adopt a child from abroad has to be formally assessed and approved by a registered Adoption Agency.
- 2.2 There is an expectation that all Adoption Agencies will charge for assessments undertaken in respect of people wishing to adopt children from overseas. The British Association for Adoption and Fostering (BAAF) recommend a fee in line with one third of their current inter agency fee of £11,656.
- 2.3 There is a need to confirm our policy in line with other Local Authorities, otherwise we risk being overwhelmed with requests for assessment from applicants across London and the South East.

3. Package of Support for Looked After Child PM

- 3.1 PM is one of four siblings on Full Care Orders to the local authority. PM is profoundly disabled as a result of injuries caused in part by parental neglect. The extent of brain injury means that PM is not weight bearing and is wheelchair dependent. PM is doubly incontinent with no speech and needs to wear a protective helmet to prevent self-injury.
- 3.2 Since coming into care initially in October 2001, PM has been placed in a specialist registered care home for disabled children. The annual cost of this placement is £110K. Whilst PM is well provided for within the care home, given PM's young age we have pursued a care plan to identify an appropriate long term foster family. The voluntary sector group Parents for Children were contracted for PM given their expertise in the permanent placement of disabled children.
- 3.3 Parents for Children have been successful in identifying an excellent family Mr and Mrs D. The family live in Surrey and have four children of their own one of whom is adopted. Mrs D in particular has considerable experience in caring for disabled children and they seem ideally suited to providing PM with a secure family placement into adulthood. Given the scale and complexity of PM's needs an extensive package of support is required before PM can be placed and approval is sought for this.
- 3.4 The full costs of the support package detailed below, whilst considerable, represent a one off cost which can be met from projected under-spends in the Placements budgets. Aside from the significant benefits for PM in being able to move from residential care into a family placement, it should be noted that the subsequent annual saving to the department will amount to approximately £84K per annum over the next nine years, even allowing for some element of respite to be provided.
- 3.5 We will enter into a formal legal agreement with Mr and Mrs D and Parents for Children in relation to the proposed package of care to safeguard PM and the Council's interests.

3.6 Care Package

3.6.1 Allowance

An enhanced fostering allowance of £500 per week is paid to Mr and Mrs D as an exceptional additional payment to reflect the level of PM's care needs and enable Mrs D to give up work to become a full time carer.

3.6.2 Transport

The family require a specialist adapted vehicle to transport themselves and PM together. Extensive research has been carried out by ourselves and Parents for Children as regards vehicles available under the government Motability scheme. Regrettably none of the vehicles under the scheme is suitable due to the size of the family. The only vehicle identified that can transport PM and the family safely is a Volkswagen Caravelle conversion which is not available under Motability.

It is therefore recommended that a one off interest free loans of £30,000 is made to Mr and Mrs D to enable them to purchase the necessary vehicle. The loan will be deducted at source at the rate of £116.50 per week over a subsequent five year period via the carers allowance.

The set of circumstances in this case are exceptional and we do not anticipate this to set a precedent for any further cases.

3.6.3 Set Up Grant

A one off payment of £500 is made for settling in costs.

3.6.4 Aids and Adaptations

PM requires the purchase of specialist equipment in relation to hoists, seating, a bed and showering facilities, the indicated costs of which will amount to approximately £14K. This will be funded from the existing Social Services revenue budget. Minor adaptations are also required to the property to provide a specialist en suite shower facility with overhead ceiling tracking hoist, and ramping and hard standing to the front of the house. Indicated costs for these works is approximately £10K to be funded via Social Services Choice Protects Government Grant.

As Mr D is in employment the family are unable to access a Disabled Facilities Grant without meeting the full costs themselves. It is therefore recommended that these costs are met by the Local Authority. The departmental contribution is thought reasonable as the intended adaptations will detract rather than add to the value of the property.

Fostering Network

Recommended minimum weekly allowance for Fostered Children

Age	0-4	£127.31
	5-10	£145.15
	11-18	£180.75

An allowance is also recommended for holidays, birthdays and Christmas. Within Barking and Dagenham these payments are currently.

Holiday Grant	£200.00
Birthday Grant	£ 50.00
Festival Grant	£ 50.00