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Kinship Care in the UK and the Republic of Ireland

1 Introduction

The following paper briefly discusses Kinship Care in Northern Ireland, Scotland, England, Wales and the Republic of Ireland.

Please note information for this paper sourced in part from NIAR 914-11 “Kinship Care”. A copy of that paper is available on the NI Assembly’s website.¹ Where appropriate, information has been updated.

2 Key Points

Northern Ireland:

- In 2007 the DHSSPS developed a departmental strategy entitled “Care Matters – a bridge to a better future”. It found that Kinship Care was not considered often enough as a first option for children;
- In 2014, the DHSSPS updated its “Minimum Kinship Care Standards”.
- The standards were developed as:

¹ Northern Ireland Assembly, RaiSe, February 2012, Kinship Care,
<http://www.niassembly.gov.uk/Documents/RaiSe/Publications/2012/health/4112.pdf>

Practice has indicated that it is unrealistic to apply exactly the same arrangements for caring for looked after children in kinship and non-familial settings. The nature of each type of arrangement is different.

- Each standard is expressed in broad terms and is supported by a number of detailed criteria, all of which must be satisfied in order to meet the standard;
- NI Direct provides details on the support available to Kinship Carers;
- This includes:
 - Access to 24 hour fostering social work support;
 - Support groups – many foster carers meet together in a support group with the assistance of their supervising social worker;
 - Respite – The Trusts can provide foster carers with respite when needed;
- All foster/Kinship Carers get an allowance to cover the cost of caring for a child in their home and some may also get paid in recognition of their skills, commitment or time;

Scotland:

- In Scotland Kinship Carers are defined as:

A person who is related to the child (through blood, marriage or civil partnership) or a person with whom the child has a pre-existing relationship.

- In 2007 the Scottish Government and COSLA (the Scottish local government association) published *Getting it Right for Every Child in Foster and Kinship Care*;
- For traditional foster carers in Scotland, there is no statutory minimum allowance, however the Scottish government has recommended that approved Kinship Carers receive the same levels of allowance as traditional foster carers. In practice, this does not always happen and payments for approved Kinship Carers vary between local authorities;
- Scotland has also developed Looked After Children (Scotland) Regulations 2009 which provides for the assessment of Kinship Carers and enables local authorities to pay an allowance to approved carers;
- Children 1st (a charity group, previously known as the Royal Scottish Society for the Prevention of Cruelty to Children) were commissioned by the Scottish Government in March 2011 to develop and implement a national service for Kinship Carers;
- March 2011 to develop and implement a national service for Kinship Carers.
- The service includes:
 - A helpline run by ParentLine Scotland, open seven days a week, 365 days a year, with call takers trained on Kinship Care issues;
 - Skills development: informal workshops on a range of issues about raising children;

- Engagement: to find out more about Kinship Care families and what needs to change for them;

England:

- In England, the term “Family and Friends care” is used rather than Kinship Care;
- The Children Act 1989 states that local authorities are under a duty to make arrangements for “looked after” children to live with relatives/friends if it is consistent with their welfare;
- Statutory guidance on “Family and Friends Care” was issued to local authorities in England in 2011;
- It states that children should receive the support that they and their carers need to safeguard and promote their welfare, whether or not they are “looked after” or in informal arrangements;
- A Department for Education leaflet produced in May 2014, provides guidance on Family and Friends Care. It includes key facts for carers, including:
 - If a child comes to live with you at the request of the local authority then the child is ‘looked after’. In this case you must be approved as a foster carer;
 - All foster carers are entitled to an allowance to meet the costs of caring for the child as well as a wide range of services and support for the child;
 - Children who came to stay with you without the local authority being involved are not looked after. In this case, you do not have to be approved as a foster carer;
- It should be noted that if a carer wishes to care for a child long term they can apply for parental responsibility via a Child Arrangement Order or a Special Guardianship order;

Wales:

- The Welsh Government has no specific programme or policies for Kinship Care, other than the current UK legislation and the Fostering Regulations Wales, 2003;
- Determining support is left to each local authority based on their assessment of the child’s needs, and their interpretation of the legislation;
- In guidance from Pembrokeshire County Council on Kinship Care within the local authority, it states that:

Kinship Carers must be approved as foster carers. The Local Authority must support family members or friends approved as foster carers as they would “professional” carers.

Republic of Ireland:

- The Republic of Ireland (RoI) does not have a specific Kinship Care policy despite the substantial number of children who live in foster care with relatives;

- Relatives who apply to care for a child or young person under the Child Care Act (1991) participate in a comprehensive assessment of their ability to care for the child and are approved by the Health Board;
- Relative foster care occurs when another family member becomes foster parent of the child. For example, a grandparent, aunt, uncle, adult sister/brother;
- As with standard foster care, the relative of the child is assessed by the Child and Family Agency (CFA) for their suitability;
- Support for foster carers in the RoI includes:
 - Regular home visits and telephone contact from an assigned fostering link worker;
 - Each child in care has a social worker who visits the child and maintains a link with the child's birth family; and
 - Foster carers are able to apply for child benefit for each child in their care.

3 Northern Ireland

In 2007 the DHSSPS developed a departmental strategy entitled “**Care Matters – a bridge to a better future**”. It found that Kinship Care was not considered often enough as a first option for children.² In turn, *Care Matters* sets out a number of proposals to reduce the number of children entering the care system, and to improve the number of Kinship Carers and the supports available to them:

*We need measures to encourage extended family members to become involved and sometimes to help care for children who would otherwise become “looked after”.*³

In 2014, the DHSSPS updated its “Minimum Kinship Care Standards”.⁴

The standards were developed as:

Practice has indicated that it is unrealistic to apply exactly the same arrangements for caring for looked after children in kinship and non-familial settings. The nature of each type of arrangement is different.

The standards are based on the following:⁵

- Standard 1: Kinship Care policy;
- Standard 2: The centrality of the looked after child;
- Standard 3: Effective and proportionate process of assessment, approval, monitoring and review;
- Standard 4: Support for Kinship Carers; and

² DHSSPS (2007) *Care matters in Northern Ireland – A bridge to a better future* 2007 page 26.

³ DHSSPS (2007) *Care matters in Northern Ireland – A bridge to a better future* 2007 page 13.

⁴ DHSSPS (2014), *Minimum Kinship Care Standards Northern Ireland*, <http://www.dhsspsni.gov.uk/kinship-care-standards.pdf>

⁵ Ibid

- Standard 5: Support for looked after children in Kinship Care.

Each standard is expressed in broad terms and is supported by a number of detailed criteria, all of which must be satisfied in order to meet the standard.

NI Direct provides details on the support available to Kinship Carers. This includes:⁶

- All foster/Kinship Carers are reviewed every year and receive any training that is needed to ensure they can continue fostering. They get regular visits from their own supervising social worker who can offer advice and support;
- Access to 24 hour fostering social work support;
- Support groups – many foster carers meet together in a support group with the assistance of their supervising social worker;
- Respite – The Trusts can provide foster carers with respite when needed;
- Access to addition support including education support, specialist social work support and psychological support; and
- Support and training is also available through the Fostering Achievement Initiative. This gives foster/Kinship Carers help with the educational needs of the children they are caring for. This includes credits to provide equipment and tuition for children and to help develop the carer's own knowledge and skills.

All foster/Kinship Carers get an allowance to cover the cost of caring for a child in their home and some may also get paid in recognition of their skills, commitment or time.

In regards the provisions of the Work and Families Bill and the inclusion of Kinship Care, the Department for Employment and Learning has stated that:⁷

The Department's preliminary investigations into addressing this matter by way of the present Bill have indicated that incorporating such a provision is likely to be very challenging and would comprise the ability to secure passage of the Bill.

The Department identified a number of issues which would have to be considered in regards Kinship Care, including:⁸

- There does not appear to be an established and accepted legal definition of Kinship Care;
- Introducing such a provision at the same time as shared parental leave is likely to be perceived as an additional burden on employers;
- Although formal Kinship Care arrangements should be easier to evidence as, typically, they concern fostering and the involvement of Social Services, it may be

⁶ NI Direct, Training and financial support for foster/Kinship Carers , <http://www.nidirect.gov.uk/training-and-financial-support-for-foster-carers>

⁷ Committee for Employment and Learning, Clerks Memo – Deliberation of the Bill, 24 September 2014

⁸ Ibid

legally problematic to establish differential treatment between formal arrangements for foster parents who are not Kinship Carers and those who are; and

- Kinship Carers are provided with an allowance where formal kinship arrangements are in place. This is not available to working parents or adoptive parents. Provision of two types of payment to Kinship Carers and only statutory shared parental pay to birth or adoptive parents is likely to give rise to questions of fairness.

The Department states that:

For all of these reasons, the Department believes it is not possible to bring Kinship Care arrangements within the scope of the Work and Families Bill that is currently before the Committee.

4 Scotland

In Scotland Kinship Carers are defined as:⁹

A person who is related to the child (through blood, marriage or civil partnership) or a person with whom the child has a pre-existing relationship.

In 2006, the Scottish Executive consulted on proposals for a *National Fostering and Kinship Care Strategy*.¹⁰ A year later, the Scottish Government and COSLA (the Scottish local government association) published *Getting it Right for Every Child in Foster and Kinship Care*.¹¹

During 2007, the Scottish Government and COSLA also made a commitment through a Concordat that by 2011 Kinship Carers of “looked-after” children would receive support, including allowances, equivalent to that provided to foster carers.¹²

For traditional foster carers in Scotland, there is no statutory minimum allowance, however the Scottish government has recommended that approved Kinship Carers receive the same levels of allowance as traditional foster carers. In practice, this does not always happen and payments for approved Kinship Carers vary between local authorities.

In the past, the Scottish Government also funded the Citizens Advice Scotland ‘Kinship Care Advice and Information Service’ which provided advice to Kinship Carers, and a new advice line is being funded until 2014 and provided by Children 1st.¹³ The Scottish Government has also made various representations to the UK Government about the effect of welfare benefits on Kinship Care payments.

⁹ The Scottish Government, Kinship Care, <http://www.scotland.gov.uk/Topics/People/Young-People/protecting/lac/kinship>

¹⁰ Consultation available online at: <http://www.scotland.gov.uk/Resource/Doc/159529/0043403.pdf>

¹¹ The Scottish Government. Getting it right for every child in kinship and foster care. ISBN: 978-0-7559-5592-3

¹² Kidner, C. (2010) SPICe briefing for the Public Petitions Committee Kinship Care, Scottish Parliament p 1.

¹³ See Citizens Advice Bureau Scotland: <http://www.cas.org.uk/Projects/kinship-care> and Children 1st: <http://www.children1st.org.uk/services/171/useful-information>

Scotland has also developed *Looked After Children (Scotland) Regulations 2009* which provides for the assessment of Kinship Carers and enables local authorities to pay an allowance to approved carers.

As informal Kinship Carers do not fall under the regulations, local authorities have no obligation to make payments to Kinship Carers of children who are not 'looked after', but they can make payments if they believe it is in the best interests of the child.¹⁴ [Moving Forward in Kinship and Foster Care](#) (2009) provides further consideration of the work needed to strengthen Kinship Care.¹⁵ It also makes recommendations that:

*The eligibility of Kinship Carers for State benefits needs to be unravelled so that Kinship Carers receive adequate universal benefits.*¹⁶

Children 1st (a charity group, previously known as the Royal Scottish Society for the Prevention of Cruelty to Children) were commissioned by the Scottish Government in March 2011 to develop and implement a national service for Kinship Carers.¹⁷

The service includes:

- A helpline run by ParentLine Scotland, open seven days a week, 365 days a year, with call takers trained on Kinship Care issues;
- Skills development: informal workshops on a range of issues about raising children;
- Engagement: to find out more about Kinship Care families and what needs to change for them;
- Resources: videos, factsheets, newsletter all available to download free or some can be posted out;
- Kinship Care guide: Mentor UK's guide on everything to do with Kinship Care is available free from the helpline; and
- Policy: working with Kinship Carers to improve policy and practice for families nationally and locally.

It should be noted that:¹⁸

All local authorities in Scotland now pay Kinship Care allowance to formal Kinship Carers to help cover the additional costs of caring for a child. The amount Kinship Carers receive differs dramatically across the country as local authorities are allowed to decide how much to pay and in what circumstances. This means that you may receive a different allowance for two children in the same household, for example, where one child is looked

¹⁴ Citizens Advice Bureau Scotland. Kinship Care. Available online at: http://www.adviceguide.org.uk/scotland/your_family/familyand_personal_issues_index_scotland/kinship_care_scotland.htm

¹⁵ Scottish Government Report available online at <http://www.scotland.gov.uk/Resource/Doc/262356/0078450.pdf>

¹⁶ Children Act 1989. Available at <http://www.legislation.gov.uk/ukpga/1989/41/contents>

¹⁷ Children 1st, What we do, <http://www.children1st.org.uk/what-we-do/our-services/search-our-services/kinship-care/what-we-do/>

¹⁸ Children 1st, What you need to know, <http://www.children1st.org.uk/what-we-do/our-services/search-our-services/kinship-care/what-you-need-to-know/>

after and the other is not. It also means that some local authorities pay an allowance to informal Kinship Carers whilst others do not.

5 England

In England, the term “Family and Friends care” is used rather than Kinship Care.

The *Children Act 1989* states that local authorities are under a duty to make arrangements for “looked after” children to live with relatives/friends if it is consistent with their welfare.¹⁹ The *Children and Young Persons Act 2008* also states that “family and friends care” should be the first option for such children.

Statutory guidance on “*Family and Friends Care*” was issued to local authorities in England in 2011.²⁰ It states that children should receive the support that they and their carers need to safeguard and promote their welfare, whether or not they are “looked after” or in informal arrangements. The guidance also sets out what local authorities should do to deliver more effective services:

Whilst recognising the requirements which may go with a particular legal status, it is essential that services are not allocated solely on the basis of the child’s legal status, and that commissioners and providers of services are aware that many children in family and friends care have experienced multiple adversities similar to those of children who are looked after by local authorities. Where support services are identified as necessary to meet the child’s needs, these should not be withheld merely because the child is living with a carer under an informal arrangement rather than in a placement with a foster carer or with a person with a residence or special guardianship order or an adopter.²¹

The guidance also states:

No child or young person should have to become a looked after child, whether by agreement with those holding parental responsibility or by virtue of a court order, for the sole purpose of enabling financial, practical or other support to be provided to the child’s carer.²²

A Department for Education leaflet produced in May 2014, provides guidance on Family and Friends Care. It includes key facts for carers, including:²³

- If a child comes to live with you at the request of the local authority then the child is ‘looked after’. In this case you must be approved as a foster carer;

¹⁹ The Children Act (1989). Available online at <http://www.legislation.gov.uk/ukpga/1989/41/contents>

²⁰ Department of Education “Family and Friends Care”. Available online at: <https://www.education.gov.uk/publications/eOrderingDownload/Family%20and%20Friends%20Care.pdf>

²¹ Department of Education “Family and Friends Care”. Available online at: <https://www.education.gov.uk/publications/eOrderingDownload/Family%20and%20Friends%20Care.pdf> p10.

²² Department of Education “Family and Friends Care”. p12

²³ Department for Education, 12 May 2014, Services and support for family and friends carers, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/307849/family_and_friends_leaflet.pdf

- All foster carers are entitled to an allowance to meet the costs of caring for the child as well as a wide range of services and support for the child;
- Children who came to stay with you without the local authority being involved are not looked after. In this case, you do not have to be approved as a foster carer;
- Whether or not you are a foster carer, you can receive support for the child you care for as a 'Child in need' from your Local Authority (under Section 17 of the Children Act 1989) to help a child to be cared for in their wider families. This includes financial support and guidance or counselling for those children with emotional or behavioural difficulties; and
- All local authorities must have a published policy on what services and support are available to meet the needs of all children in family and friends care, whether or not they are looked after children.

It should be noted that if a carer wishes to care for a child long term they can apply for parental responsibility via a Child Arrangement Order or a Special Guardianship Order. Once parental responsibility is established, a carer can:²⁴

- Get unpaid parental leave for a child under 5;
- Choose the child's school;
- Agree to the child's medical treatment;
- Look after the child's finances and property;
- Apply for a passport for the child; and
- Stop the child being taken abroad without your permission.

This also applies to Wales.²⁵ Scotland makes use of Permanence Orders which replicates many of the provisions of the Special Guardianship Order but with some of the powers granted lying with the local authority. In Northern Ireland some of the powers of the Special Guardianship order are replicated in Residence Orders which stipulate who the child will live with. This is decided by the court.

It should be noted that the DHSSPS is currently developing a Bill entitled the Adoption and Children Bill. It is intended that the Bill will introduce Special Guardianship Orders.²⁶ An Equality Impact Assessment is currently being carried out on the Bill.²⁷

6 Wales

The Welsh Government has no specific programme or policies for Kinship Care, other than the current UK legislation and the Fostering Regulations Wales, 2003.²⁸

²⁴ Gov.uk, Looking After Someone Else's Child, <https://www.gov.uk/looking-after-someone-elses-child>

²⁵ House of Commons Library, Support for family and friends carers looking after children , <http://www.parliament.uk/Templates/BriefingPapers/Pages/BPPdfDownload.aspx?bp-id=SN02967>

²⁶ Northern Ireland Assembly, 28 May 2014, Committee for Health, Social Services and Public Safety, Adoption and Children Bill: Departmental Briefing, <http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Committee-Minutes-of-Evidence/Session-2013-2014/May-2014/Adoption-and-Children-Bill-Departmental-Briefing/>

²⁷ DHSSPS, Current and Planned EQIA's, <http://www.dhsspsni.gov.uk/index/hss/equality/eq-regionwide-egia/equality-current-egias.htm>

Rather, determining support is left to each local authority based on their assessment of the child's needs, and their interpretation of the legislation.²⁹ According to the Fostering Network Wales:³⁰

It would appear from hearing of the experiences of members of the public and foster carers, that each local authority undertakes its own arrangements and do not work to any regional or Wales-wide standardised policy. In general terms, the response of local authorities regarding support appears to be varied, either:

Kinship Carers become registered foster carers in due course, or, Kinship Carers who are not registered foster carers do not receive any financial support, or, if the child is deemed "in need", the carer may receive payments from time-to-time under Section 17 of the Children Act.

In guidance from Pembrokeshire County Council on Kinship Care within the local authority, it states that:³¹

Kinship Carers must be approved as foster carers. The Local Authority must support family members or friends approved as foster carers as they would "professional" carers. The support for registered foster carers and expectations of foster carers are reflected in the Local Authority's procedures for foster care.

There appears to a leeway period for a child to be placed with a carer:³²

Where a Local Authority are satisfied that the immediate placement of a child is necessary, they may for a period not exceeding six weeks place the child with a specified person who has not been approved as a foster carer.

This person does not have to be a relative of the child in question, although they are subject to checks prior to the placement.

7 Republic of Ireland

The Republic of Ireland (RoI) does not have a specific Kinship Care policy despite the substantial number of children who live in foster care with relatives.

²⁸ Please note, additional information on kinship care in Wales can be found in: National Assembly for Wales, Kinship Care in Wales, <http://www.assembly.wales/Research Documents/Kinship care in Wales - Quick guide-25042012-232897/qg12-0009-English.pdf> and House of Commons Library, 7 August 2014, Support for family and friends carers looking after children, <http://www.parliament.uk/business/publications/research/briefing-papers/SN02967/support-for-family-and-friends-carers-looking-after-children>

²⁹ Information obtained from correspondence with the author to The Fostering Network Wales on 30.1.12.

³⁰ Ibid

³¹ Pembrokeshire County Council, March 2012, Policy and Procedure for Kinship Care, http://www.pembrokeshire.gov.uk/objview.asp?object_id=8580&language=

³² Ibid

Relatives who apply to care for a child or young person under the *Child Care Act* (1991) participate in a comprehensive assessment of their ability to care for the child and are approved by the Health Board.

The *Child Care (Placement of Children with Relatives) Regulations (1995)* provides the relevant statutory guidance. It notes that:³³

In the first instance, all possible efforts should be made to place the child in a situation that is familiar, preferably with family or friends.

The RoI has also published *National Standards for Foster Care (2003)* which only apply to formal relative carers.³⁴ There are no references regarding any plans to regulate informal kinship arrangements.

Relative foster care occurs when another family member becomes foster parent of the child. For example, a grandparent, aunt, uncle, adult sister/brother.³⁵

As with standard foster care, the relative of the child is assessed by the Child and Family Agency (CFA) for their suitability.

It should be noted that:³⁶

Children in Ireland are not taken into foster care in the first place, unless the CFA assesses that the child is at risk. In making their decision about the relative being foster parent to the child, the CFA will decide what is in the best interest for the child. Assessment will also take into account the needs of the child and the abilities, suitability etc. of the relative to be a foster parent.

Foster carers in the RoI receive foster care allowance. There are 2 weekly rates of Foster Care Allowance:³⁷

- For children aged 0 – 12yrs: €325.00
- For children aged 12yrs+: €352.00

Other supports include:

- Regular home visits and telephone contact from an assigned fostering link worker;
- Each child in care has a social worker who visits the child and maintains a link with the child's birth family;
- Foster carers are able to apply for child benefit for each child in their care;

³³ Department of Children and Youth Affairs, 2011, National Guidance for the Protection and Welfare of Children, <http://www.dcy.gov.ie/documents/Publications/ChildrenFirst.pdf>

³⁴ Oireachtas Library and Research Service (January 2012) Kinship policy in fostering briefing paper.

³⁵ Citizens Information, Fostering, http://www.citizensinformation.ie/en/birth_family_relationships/adoption_and_fostering/fostering.html

³⁶ Ibid

³⁷ Tulsa, Support and Allowances, <http://www.tusla.ie/services/alternative-care/foster-care/becoming-a-foster-carer/support-and-allowances>

- Support from a public health nurse if they are caring for a pre-school child;
- A comprehensive training programme pre and post approval;
- Each child in foster care will have their own medical card.