
To: Education and Children Policy Board

On: 5 November 2015

Report by: Director of Children's Services

Heading: Kinship Care

1. Summary

- 1.1. In Renfrewshire we recognise the significant role that kinship carers undertake in providing care and support to children who would otherwise have to be cared for in either foster or residential care settings.
- 1.2. In the summer of 2014 the European Human Rights Commission (ECHR) raised human rights concerns about the policy of some councils which pay lower allowances for children in kinship care compared to foster care. Since then ECHR has been working with those local authorities, Scottish Government and others to achieve equivalence in the allowances for the child given to kinship carers with that paid to foster carers.
- 1.3. As these discussions are now drawing to a conclusion with the other local authorities Renfrewshire will consider the implications for our policies for payments to both kinship carers and foster carers. In doing this we would wish to fully understand the implications for kinship carers in terms of current benefits and as far as possible the introduction of universal credit.
- 1.4. A revised policy will be brought to a future meeting of the Education and Children Policy Board.
- 1.5. Scottish Government is providing some additional funding to support the implementation of these changes. It is their intention that any changes to the rates paid to kinship carers are effective from 1 October 2015. This would be reflected in the revised kinship care policy. We are also required to publish payment rates for kinship carers from 1 November 2015. This information will be added to the information on kinship care already published on the Council website. The current fees for foster carers are already published on the Council website.

2. Recommendations

- 2.1. The Education and Children's Services Policy Board is asked to
- (a) note the content of this report.
 - (b) be advised that a revised policy for the payment of kinship carers and foster carers will be brought to a future meeting of the Board.
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3. Background

- 3.1. In the summer of 2014 EHRC raised concern regarding the policy of some councils which result in lower allowances for children being paid in kinship care placements compared to foster care. The challenge raised by the EHRC was in respect of formal kinship carer placement i.e. those children who are in the care system but looked after by a member of the extended family and not their own parent(s).
- 3.2. Following discussions with ECHR, Scottish Government, those local authorities directly affected and Social Work Scotland it was agreed to work towards equivalence in relation to the allowances for children paid to kinship carers with those paid to foster carers. The Scottish Government has made an additional financial allocation to local authorities, commencing from 1 October 2015 but it remains to be tested if this funding will meet any additional costs of the new model.
- 3.3. Within Renfrewshire we have approximately 240 kinship care placements that are supported by children's services. At present kinship carers are paid an allowance based on the age of the child. Renfrewshire currently has 86 fostering households. At present foster carers are given a single payment for each child which reflects a fee for them undertaking this role and an allowance for the care of the child. Both policies will now have to be reviewed and brought back to board for consideration.
- 3.4. The expectation from the Scottish Government is that the kinship care allowances should be paid at the same level as foster care allowances from the 1st of October 2015 or as soon as possible thereafter and backdated payments made as necessary. This matter will be addressed through the revised Policy.
- 3.5. Local authorities have also been asked to publish a Kinship and Fostering Allowances policy by the 1st of November 2015. It is noted that the single payment for Renfrewshire foster carers is already published on the council website. Steps will be taken to add the allowance policy to the kinship care information that is currently published on the website.

Implications of this report

- 1. Financial Implications**

Scottish Government have provided additional funding of £175,727 for 2015/15 anticipating payments are available from 1 October 2015, with full year funding of £351,454 for 2016/17.
- 2. HR and Organisational Development Implications**

None.
- 3. Community Plan/Council Plan Implications**

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| Children and Young People | - Providing additional support to vulnerable children in kinship care placements is welcomed and supports the vision of the community plan to ensure that children and young people enjoy good physical, emotional and mental health and wellbeing. |
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- 4. Legal Implications**

ECHR have indicated an intention to other local authority areas to proceed to judicial review if equivalence in the allowance paid for children in kinship care and foster care was not achieved.
- 5. Property/Assets Implications**

None.
- 6. Information Technology Implications**

None.
- 7. Equality and Human Rights Implications**

The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report because it is for noting only. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.
- 8. Health and Safety Implications**

None.
- 9. Procurement Implications**

None.
- 10. Risk Implications**

The Kinship care policy requires to be reviewed to ensure that there are no human rights concerns that may be challenged by ECHR. The full costs of the new arrangements are still to be identified.

11. Privacy Impact
None.

List of Background Papers
None.

Children's Services
DH/LG
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