



Children in Wales  
Plant yng Nghymru

# Kinship Care Guide for Wales

Children cared for by family or friends



*Thousands of people care for children because their birth parents are unable to do so. These people are called kinship carers. They are grandparents, brothers, sisters, aunts, uncles or close family friends. Are you one of these?*

**If so, you are not alone!**



Ariennir gan  
Lywodraeth Cymru  
Funded by  
Welsh Government

# Opening Statement

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This Guide, sponsored by the Welsh Government, and developed by Children in Wales is designed to offer information to kinship carers. Kinship carers may also be called family and friends carers. It aims to offer a step by step guide through the process of becoming a kinship carer, signposting the services that can offer advice, support and assistance.

As each kinship care situation is unique, with every child having individual needs, the information presented here is given as a guide, and is not legally binding. It would not be possible to describe the wide range of situations that families will encounter.

Children in Wales would recommend that kinship carers should always contact the Children's Services Department within their Local Authority (LA) to establish and confirm that the details in this Guide apply locally. Whilst every effort has been made to ensure the information in this Guide is correct at the time of publication, changes to law, policy and practices take place all the time. For advice about your specific circumstances please see details for organisations that can help in Section 5 - Support Organisations.

This Guide is aimed at kinship carers of children of all ages, including teenagers up to the age of 18. The term 'child' is used throughout this Guide and refers to children and young people aged 0-18.

# Acknowledgements

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Children in Wales would firstly like to thank the Welsh Government for sponsoring this Guide. It is the first of its kind in Wales and will be a valuable resource for kinship carers across the country.

Many thanks go to members of the Steering Group who helped with the development of this Guide, namely: Buttle UK, Cardiff Parent Network (Action for Children), Citizens Advice Cymru, Families First Newport (GAVO), Grandparents Association, the Older People's Commissioner for Wales, Mentor Scotland and Merthyr Tydfil County Borough Council. In addition, thanks go to Ceredigion County Council for providing us with feedback during the Guide's development.

Huge thanks go to the kinship carers themselves, particularly those from the Cardiff and Newport support groups, for their valuable input and for helping to ensure that this Guide provides the information that kinship carers need and want.

We are grateful to Citizens Advice Cymru for their support and for providing all the information on benefits and financial information that is contained in this Guide.

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*“We were told that having care of our grandchildren would not be easy but no-one said exactly how hard it would be or where to get help. The past years have been very hard but there have been a lot of good times too. We wouldn’t change anything and would never part with them. The rewards far outweigh the pitfalls.”*

Gill and Mark, grandparents from South Wales



# My Personal Information

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My name: . . . . .

Child/Children's Name(s): . . . . .

. . . . .

My GP: . . . . .

Children's GP: . . . . .

Health Visitor: . . . . .

LA/ Children's Services : . . . . .

Social worker (1): . . . . .

Social worker (2): . . . . .

Children's school: . . . . .

. . . . .

Local hospital: . . . . .

Benefits Office: . . . . .

Solicitor: . . . . .

Citizens Advice: . . . . .

Local support group: . . . . .

. . . . .

# My Notes

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# What this Guide is about

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This Guide has been developed to help you as a kinship carer to gain a better understanding of the issues involved in taking on the care and responsibility of a child, or children, aged 0-18, when their birth parents are unable to look after them.

The support available to kinship carers varies across Wales depending on where you live. It can, therefore, be a confusing and bewildering time.

This Guide will offer you information on:

- What your Local Authority's responsibilities are.
- What your responsibilities are.
- Information on your legal rights.
- Information on your financial rights.
- The range of support services that can help you.
- Understanding complicated legal terms.

The Guide will also describe some case studies that outline the experiences of carers and the children they care for in kinship carer arrangements.



# What is Kinship Care?

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Kinship care is providing the care, protection and nurturing for children who are separated from their parents, or whose parents are unable to provide care and support for them. **A kinship carer is an adult who is looking after the child or children of a relative or friend on a full time basis.**

This arrangement may be a temporary or permanent arrangement.

All across Wales, thousands of people, such as grandparents, older brothers and sisters, aunts and uncles, more distant relatives and close family friends are caring for children. There are between 200,000 and 300,000 children living with kinship carers in the UK and there are many circumstances which can lead to kinship care situations. The arrangements may be made informally or formally with a legal order from the Court.

The rights and responsibilities of kinship carers and the support and services available to them can be complicated, and vary depending on:

1. How the child came to live with you.
2. Where you live.





# Glossary

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- **Accommodated** – this is when a child is looked after by the Local Authority with agreement from the parents, under section 20 of the Children Act 1989.
- **CAFCASS** – Children & Family Court Advisory and Support Services.
- **Care order** – this is when the Local Authority goes to court for a care order as they have concerns that the child is at risk of significant harm, under section 31 of the Children’s Act 1989.
- **Child ‘in need’** – a child is ‘in need’ if they are assessed as being in need of extra support for their safety, health and/or development. A child is also classed as a child ‘in need’ if he or she is disabled. Please note that there will be changes to the law regarding a child ‘in need’ when the Social Services & Well-being (Wales) Act comes into force in 2016.
- **Children’s Services** – this means the department in your LA with responsibility for social care services to children and families. It may be called something different in your LA, for example, Health & Social Care, Children & Family Care.
- **Emergency** – something that cannot safely wait until the next working day.
- **Kinship carer** – an adult who is looking after the child or children of a relative or close friend on a full-time basis.
- **Kinship fostering** - this is an arrangement whereby the LA has legal responsibility for a child and places the child with a family member or close friend.
- **Informal kinship carer** – an adult who is looking after the child of a close relative or friend on a permanent basis. An informal kinship carer does not have parental responsibility and the child is not ‘looked after’ by the LA.
- **Local Authority (LA)** – this means your local council. There are 22 Local Authorities in Wales.
- **A looked after child** - means a child or young person under 18 years of age who is being cared for by the LA. They arrange for the child to live somewhere other than home. This can include relatives, foster carers and residential children’s homes.
- **Parental responsibility** – important decisions about how a child is raised can only be made by someone who has parental responsibility for the child. The person who has parental responsibility can vary depending on the legal status of the child.
- **Private fostering** - Private foster care occurs when a child under 16 (or 18 if disabled) is looked after for more than 28 days by an adult who is not a close relative, by a private arrangement made between their parent and the carer.
- **Child arrangements order** – this is a court order which states who the child should live with and gives the holder of the child arrangements order some parental responsibility (this is shared with others who have parental responsibility).

- **Special guardianship** – this is a court order which gives the holder parental responsibility for the child. This could be a grandparent, close relative or even a family friend. They do not usually need the agreement of anyone else who has parental responsibility before making decisions in relation to the child.
- **United Nations Convention on the Rights of the Child (UNCRC)** - this is an international agreement that protects the rights of children from birth to 18. There are 54 articles and they say how children should be treated by adults, for example, their right to be safe and their right to give their opinion on matters that affect them.

# How to use this Guide

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This Guide will help you identify what sort of kinship carer you are and help you find information to support you and the child or children you care for.

**STEP 1** Go to the flowchart on the next page called ‘What kind of kinship carer are you?’ Follow the flow chart and when you reach the bottom it will identify you as one of the following types of carer:

**An informal kinship carer**

**Kinship foster carer of a ‘looked after child’**

**Kinship carer with parental responsibility**

**Private foster carer**

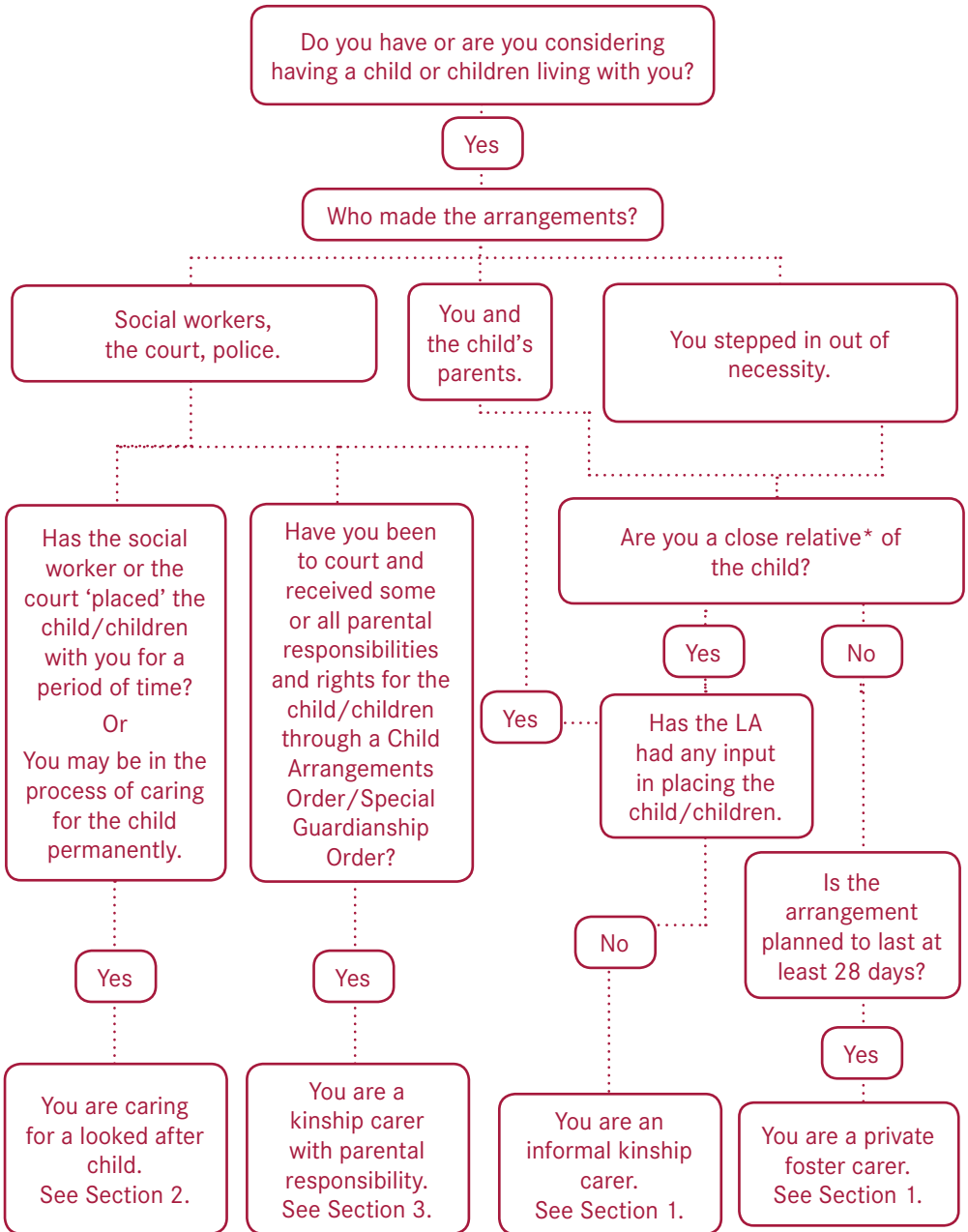
**STEP 2** When you have identified what type of carer you are, please go to the relevant section in the Guide. Each section is colour coded.

**STEP 3** Before you go to the section that is relevant to you, you may want to look at the Glossary on pages 9-10, which will explain some of the terms that are used in this Guide.

**STEP 4** Within each section you will find information relevant to you, outlining your legal rights and responsibilities, and support and benefits you may be entitled to.

**STEP 5** At the back of the Guide you will find a section listing organisations that may be able to offer you support, information and advice.

## What type of kinship carer are you?



\*grandparent, sister, brother, uncle, aunt or step-parent of a child.

# Section 1: Informal Kinship Carer

*Julie is a 67 year old grandmother who is looking after her 6 year old grandchild, Maisie. Her daughter was in a violent relationship with Maisie's father and also had drug and alcohol problems. Julie decided it wasn't safe for Maisie to continue living with her parents and they agreed it would be better for Maisie to live with her grandmother.*



*Maisie suffered from terrible nightmares and would often hit out and throw things. Julie found it difficult to cope. She was also struggling financially and couldn't afford to buy shoes and clothing for Maisie. The strain was really getting to Julie and she started to feel depressed and very tired all the time.*

*She thought about contacting social services in her local authority to ask for help, but she was worried they may take Maisie off her if they thought she wasn't coping. Finally, she decided to contact them and although they were not able to offer her any financial support or any concentrated support as Maisie is not a 'looked after child,' they were able to give her some information and advice, as well as the contact details of support organisations that could help her.*

*The social worker she contacted said they would carry out a 'child in need' assessment on Maisie because of the emotional and behavioural difficulties Julie had told them about.*

*Julie also found out about a kinship care support group in her area, and is now a committed member and able to give support to new kinship carers who join.*

# Informal kinship carer: what does this mean?

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You have come to this section because you are an informal kinship carer. This means:

- You are looking after a child/children who is a close relative of yours, for example, grandchild, niece, nephew, sibling.
- It is an arrangement you have made with the child's parents or you have stepped in out of necessity. This could include circumstances such as, you did not want to see the child go into LA care, or the parents are deceased.

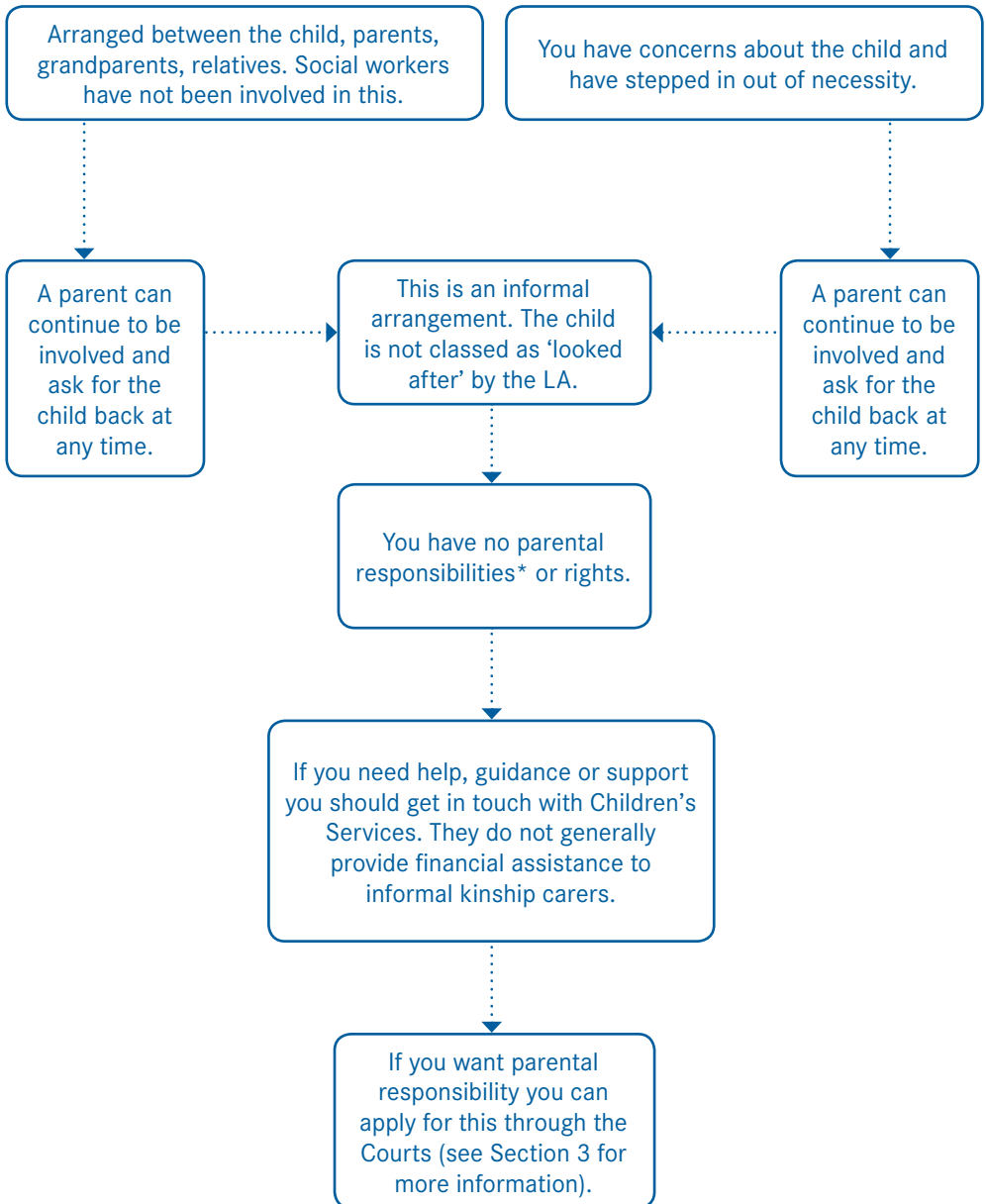
As an informal kinship carer you have a responsibility to keep the child safe, and look after the child's welfare whilst they are living with you, but the child's parents can continue to be involved and can have the child back whenever they want. You do not have any parental rights or responsibilities for the child and cannot go against the wishes of the child's parents. If you want to or need to make major decisions, you will need the consent of the child's parents.

## Stephanie has been caring for her grandson for over two years

*"My daughter had a baby when she was very young. She and the baby lived with me, then one day I came home and she was standing on the doorstep with her bag packed and said, 'Bye, I'm off, you can look after him.' It's been really hard, I've lost my job, and I've lost all my jewellery as I had to pawn it. My grandson needed his immunisations but I couldn't take him as I don't have parental responsibility. I had to fight to get my daughter to take him to the doctors so he could be immunised. It's tough but you have to just keep on doing it. My grandson would have been fostered out to strangers if I hadn't stepped in."*

Sometimes, parents may make similar informal arrangements with a more distant relative such as a cousin, or with a family friend or neighbour. In these circumstances, if the arrangement is for a period of 28 days or more and the child is under 16, or under 18 if disabled, it is called private fostering. See page 17 for more information on this.

## Informal kinship care: The child has now come into your care



\*Parental responsibility means the legal right to make decisions about how a child is raised.



# Informal kinship care: your legal responsibilities and rights

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## The parents:

The law in Wales states that when a child is born the mother has full parental rights and responsibilities. The father also has rights and responsibilities if:

- He is married to the mother.
- He is named on the child's birth certificate (if the child was born after December 2003).
- The mother grants rights to him through a parental responsibility agreement.
- He applies to the courts.

Both parents have a legal responsibility to keep the child safe and promote their health, development and welfare.

## Your rights as an informal kinship carer:

- The parents retain full legal rights and responsibilities for the child.
- You as a carer have a duty to safeguard and promote the health and developments of the child's welfare.
- You are entitled to support and guidance from your LA.

## What does this mean for you?

- A parent must consent to any decisions you wish to make and so can intervene at any time.
- You cannot make major decisions about the child's health (unless in an emergency), schooling or foreign travel.
- The parent can demand the child back at any time.
- As an informal kinship carer, you do not have the automatic right to attend meetings about the child's welfare.

## What to do if you think you need support

Go to the Children's Services department of your LA and they must provide you with advice and guidance. The support provided by LAs varies greatly across Wales and you will need to speak with the relevant LA to find out what support they can offer you. They may suggest you contact Children's Services at the LA the child has come from if it is a different authority to where you live.

Please note, any support your LA provides to children in their area is also available to you as an informal kinship carer.

# Private foster carer:

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Sometimes, parents may set up an informal arrangement for their child/children to be cared for by a more distant relative or friend. This page will give you further information about this type of arrangement.

## You are a private foster carer if:

- You are looking after a child/children who is not a close relative of yours i.e. you are not the grandparent, aunt, uncle, brother, sister or step-parent of the child.
- It is an informal arrangement made privately between you and the child's parents which is intended to last more than 28 days.
- You knew the child/children or were connected to the child/children before you started caring for them, for example, you may be a distant relative or a friend of the family.
- The child is aged 16 or under or under 18 if disabled.
- The LA has had no involvement in setting up the arrangement.

Please note that if you are helping out by looking after a child for a short time, for example, whilst a parent is in hospital for a few days, then you are not a private foster carer. This is only the case if the arrangement is set to last for 28 days or longer.

The LA does not formally approve or register private foster carers, but they have a duty to make sure that children are kept safe and well.

## Rights and responsibilities of the parents

- Parents must tell the LA that they are making arrangements for their child to live with a private foster carer.
- Parents retain parental responsibility, including financial responsibility for the child.

## Your legal responsibilities and rights as a private foster carer

- If you are going to become a private foster carer then you must tell your Local Authority at least six weeks in advance or immediately if the fostering arrangement is due to start sooner. If you do not tell your LA then you are breaking the law.
- As the child's private foster carer you have a responsibility to keep the child safe and look after the child's welfare.
- You do not have parental rights or responsibilities for the child/children. If you need to make major decisions, you will need to consult the child's parents.
- You are entitled to support and guidance from the LA.

## Support from the LA

- Once they have been notified that you have become a private foster carer they will arrange for a social worker to visit you and the child. The social worker will check that the arrangements are satisfactory and will visit you and the child regularly to make sure that all is going well.
- As with informal kinship carers the LA does not make financial payments to private foster carers.
- The social worker can give you advice and support on how to care for the child.

As this is an informal arrangement, the rest of the information contained in this section of the Guide will also be relevant to you as a private foster carer.

# Child in need

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If the child you are caring for is assessed as a 'child in need' you may be entitled to additional support services from your LA. The legal definition of a 'child in need,' as stated in the Children Act 1989, is:

"A child shall be taken to be in need if:

- S/he is unlikely to achieve a reasonable standard of health or development without the provision of services
- His (her) health or development is likely to be significantly impaired without the provision of such services, or
- S/he is disabled.

The local authority has a duty to provide a range and level of services appropriate to those children's needs."

This means that if the welfare of a child is at risk, or their development is being held back because they are not getting enough support, they should receive a 'child in need' assessment by a social worker. You can request an assessment by contacting your LA. This is what should happen:

- STEP 1:** Contact the Children's Services department of your LA, tell them about your concerns and ask for a 'child in need' assessment.'
- STEP 2:** A social worker will carry out an assessment.
- STEP 3:** If the child is assessed as being a 'child in need', a plan should be drawn up by you and the social worker outlining the child's needs and how these will be met. This will include things like what services will be provided, how long they should last, and what the extra services should achieve.
- STEP 4:** The type of additional support you should receive ranges from:
  - Advice, guidance and counselling.
  - Respite - day trips, short breaks.
  - Community services.
  - Financial help or advice can also be given, for example, to cover one-off costs or on a regular basis where there is particular financial hardship, but this varies across different authorities.

If the child is not assessed to be a 'child in need' and you disagree with this you can complain to your LA. If you are unsure about whether or not you qualify for help you should seek legal advice. You could also contact your local councillor or Assembly Member who may be able to help.

*Please note that the law relating to 'child(ren) in need' will be changing in Wales due to the Social Services & Well-being (Wales) Act. This new law will change the way social services are delivered in Wales, meaning there will be changes in relation to children in need and processes for assessment. The Act will come into effect in April 2016.*

## Child Protection Plan

If there are concerns about the safety of the child you are looking after, the social worker will call a meeting with other professionals such as health workers and teachers to discuss what needs to be done to protect the child and promote their welfare - you should also be invited to this meeting. This means the child will be subject to a 'Child Protection Plan' (CPP). Sometimes, the child may already be on a CPP before they come to you. The plan should be reviewed regularly by the social worker to make sure the child is kept safe.

## Other forms of support

*Fostering Services offer a wide range of **training courses** to foster carers, for example, dealing with challenging behaviour, and you may have access to some of these courses depending on where you live.*

In some areas, there are **Kinship Care Support Groups** which will give you an opportunity to meet other kinship carers and they can provide you with both emotional and practical support. In Wales, a higher proportion of kinship carers are grandparents and so some support groups are known as 'Grandparent Support Groups' as they have been set up by grandparents. They welcome all kinship carers into their groups (not just grandparents).

**June and Mick said:** *"A Families First worker told us about a local Grandparent Support Group. We joined and discovered we are not on our own. It was good to talk to others with similar experiences. We still have a long road ahead of us, many hurdles to jump and brick walls to knock down but we now know we are not alone."*

## Short breaks

Short breaks give carers of disabled children an opportunity to take a break from their caring responsibilities and give disabled children opportunities to visit different places, try new things and meet new people. Every LA in Wales has a short breaks services statement, so contact your LA to find out what services may be available to you.

See Section 5 'Helpful Organisations' for further details of organisations that may be able to help you.

## Parental responsibility

Parental responsibility means the legal right to make decisions about how a child is raised.

If the child is not going to return to the parents you may want to apply for some parental rights and responsibilities through the court. You should contact Children's Services in your LA for advice on this. Please see Section 5 for a list of other organisations that may be able to help you. *Also, see Section 3 for more information on parental responsibility and what this could mean for you.*

# Benefit information

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It is really important that you understand that when caring for a child there are certain steps you must take in order to receive financial benefits to help you care for that child.

Every situation is different and you should always ask for advice which is relevant to your own circumstances.

When a child comes to live with you it is important to inform the Department for Work and Pensions (DWP) and HM Revenue and Customs (HMRC) as soon as possible so the right person claims the benefits and tax credits in respect of the child. You should also inform the LA if you get housing benefit and/or council tax reduction.

## Points to note:

- If the child is living full-time with you, you should be able to claim the appropriate benefits and tax credits in respect of the child. It is therefore important to be able to show that the child is living with you. This could be by showing who is the main contact or registered address for school or nursery, or for their GP.
- Do it as quickly as possible - it can take several months to process the benefit claim if there are any issues.
- Means tested benefits are based on your personal circumstances such as your income, savings etc.

**Citizens Advice Cymru can help you over the phone or arrange an appointment for you with your local Citizens Advice Bureau. Contact your local Citizens Advice Bureau for advice on what you are entitled to as a kinship carer on 08444 77 20 20.**

## Benefit entitlements

Informal kinship carers are entitled to the same benefits and financial help as the child's parents, for example, child benefit.

If you are caring for a child whose parents live in a different LA to you, the LA in which the parents live is responsible for the care of that child. This means that if you need support or assistance you must contact that LA.

It is important to remember that LAs do not follow the same procedures in kinship care arrangements which can be confusing. You may wish to contact your own local one for advice.

**You are now caring for a child as an informal kinship carer. You are not being paid a regular allowance from your Local Authority. These are some of the benefits you may be entitled to:**

THE BENEFIT	What it means	CONTACT DETAILS OF AWARDING BODY
Child Benefit (CB)	<ul style="list-style-type: none"> <li>• Only one person at a time can get CB for a child. If the child is living with you, you are likely to be entitled to CB.</li> <li>• If someone else has been getting CB for the child when you make your claim, you will normally not become entitled to CB until three weeks after you make your claim.</li> <li>• Make your claim for CB as soon as possible as some cases are taking many months to process.</li> </ul>	HM Revenue and Customs PO Box 1 Newcastle Upon Tyne NE88 1AA  T: 0300 200 3100
Guardian Allowance (GA)	<ul style="list-style-type: none"> <li>• You may receive this in addition to CB, but only in special circumstances.</li> </ul>	HM Revenue and Customs PO Box 1 Newcastle Upon Tyne NE88 1AA  T: 0300 200 3100
Child Tax Credit (CTC)	<ul style="list-style-type: none"> <li>• Only one person at a time can get CTC for a child. If the child is living with you, you are likely to be entitled to CTC.</li> <li>• The amount you receive is dependent on your income and other circumstances.</li> </ul>	HM Revenue and Customs (Tax Credits) Tax Credit Office Preston PR1 4AT  <a href="http://www.hmrc.gov.uk/taxcredits">www.hmrc.gov.uk/taxcredits</a>  T: 0345 300 3900
Working Tax Credit (WTC)	<ul style="list-style-type: none"> <li>• Eligibility and amount of benefit are dependent on your income, the number of hours you work and other circumstances.</li> <li>• If you are responsible for a child, your WTC payments might increase if you have to pay childcare costs.</li> </ul>	HM Revenue and Customs (Tax Credits) Tax Credit Office Preston PR1 4AT  <a href="http://www.hmrc.gov.uk/taxcredits">www.hmrc.gov.uk/taxcredits</a>  T: 0345 300 3900
Income Support and Income based JSA (IS/IBJSA)	<ul style="list-style-type: none"> <li>• Eligibility will depend on your income, savings and other circumstances. You may claim IS as a lone parent if you are caring for a child under five.</li> </ul>	Department for Work and Pensions - Jobcentreplus  T: 0800 055 6688 Text: 0800 023 4888  <a href="http://www.dwp.gov.uk">www.dwp.gov.uk</a>



Employment and Support Allowance	<ul style="list-style-type: none"> <li>• Eligibility will depend on your income, savings, health and other circumstances.</li> </ul>	Department for Work and Pensions - Jobcentreplus T: 0800 055 6688 Text: 0800 023 4888 <a href="http://www.dwp.gov.uk">www.dwp.gov.uk</a>
Housing Benefit/Support with Mortgage Interest/ Council Tax Reduction	<ul style="list-style-type: none"> <li>• Eligibility will depend on your income, savings and other circumstances such as under occupancy and the number of children you are caring for.</li> </ul>	Your Local Authority/Council
Pension Credit (PC)	<ul style="list-style-type: none"> <li>• There are no additional payments for a child.</li> </ul>	The Pension Service <a href="http://www.pensionerservice.gov.uk">www.pensionerservice.gov.uk</a> T: 0800 99 1234 Text: 0800 169 0133
Disability Living Allowance (DLA)	<ul style="list-style-type: none"> <li>• If a child has a disability and is entitled to DLA, payments are made to the child's appointee. A kinship carer can apply to be the appointee for a child they care for.</li> <li>• The amount of DLA paid depends on the nature of the disability.</li> <li>• If you care for someone who receives DLA, you may be able to claim Carer's Allowance.</li> </ul>	DLA for children helpline T: 0845 712 3456 Text: 0845 722 4433
Discretionary Assistance Fund (DAF)	<ul style="list-style-type: none"> <li>• You may be able to claim for emergency or particular needs through a Discretionary Assistance Fund grant.</li> <li>• The grant is not repayable.</li> </ul>	Phone the Discretionary Assistance Fund on 0800 859 5924 or the local rate number for mobiles: 033 0101 5000
Budgeting Loan (BL)	<ul style="list-style-type: none"> <li>• If in receipt of income related benefits or due to receive them, you may be able to claim for particular needs through a BL.</li> <li>• The loan is repayable via your benefits.</li> </ul>	Jobcentre plus

# Universal credit

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Universal credit is a new benefit for people of working age. It is in the process of being introduced for new claims, although this differs depending on where you live and your individual circumstances. It is expected that it will cover all relevant claims by 2017.

Universal credit is a single payment for both working and non-working households and will replace:

- Income support.
- Income-based jobseekers allowance.
- Income-related employment and support allowance.
- Housing benefit.
- Working tax credit.
- Child tax credit.

If you are getting one or more of the benefits that are to be abolished your claim will be transferred to Universal credit at some point between 2013 and 2017.

Universal credit consists of a basic allowance with different rates for single people and couples, and additional amounts for those with:

- Children.
- Caring responsibilities.
- Limited capability for work.
- Housing costs.
- Childcare costs.

People without any other income will receive the basic allowance, plus any additions relevant to their circumstances. If you have earnings or other income this will be taken into account when working out your entitlement, though some income will be ignored.

We advise that you always check your local Citizen Advice Bureau for advice.

# Section 2: Looked After Children

Connor has been living with his aunt and uncle since 2009. His aunt's younger sister was unable to cope as she had mental health issues and was also in a violent relationship. Connor was neglected by both his parents and as a result was malnourished and his speech was delayed. The LA and the court agreed it would be in Connor's best interests to live with his aunt and uncle. The LA approved them as foster carers for Connor. Connor is now a happy, healthy child and he is doing well at school.



*"I am 7 years old and I have lived with my (carers) for just over four years. It was really strange at first, not being with my mummy. Sometimes I felt lost and a bit confused as I didn't know who loved me. After a while I started to feel better and knew my (carers) loved me. One day, my (carers) gave me a little kitten, she was tiny and I think she felt scared. That night before going to bed I cuddled her so she knew I loved her. I told her she didn't need her mummy to be happy here, me and my (carers) would love her and look after her. I love living here with my (carers) and I think my kitten does too."*

*Connor, aged 7*

# Kinship foster carer: what does this mean?

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You have come to this section because you are a kinship foster carer. This means:

- You are looking after a child/ren who is a close relative or friend of yours, for example, grand-child, niece, nephew, sibling, family friend.
- It is an arrangement that has been made between you and the LA/social worker.
- The LA may have made the arrangement by agreement with the child's parents or as a result of a care order.\*

## \*Care Order:

When a LA has a care order for a child they are responsible for deciding where the child should live. The parent, and other people connected to the child, must be consulted but the LA makes the final decision. The child's wishes should also be taken into account. A care order can last until a child reaches 18 years of age.

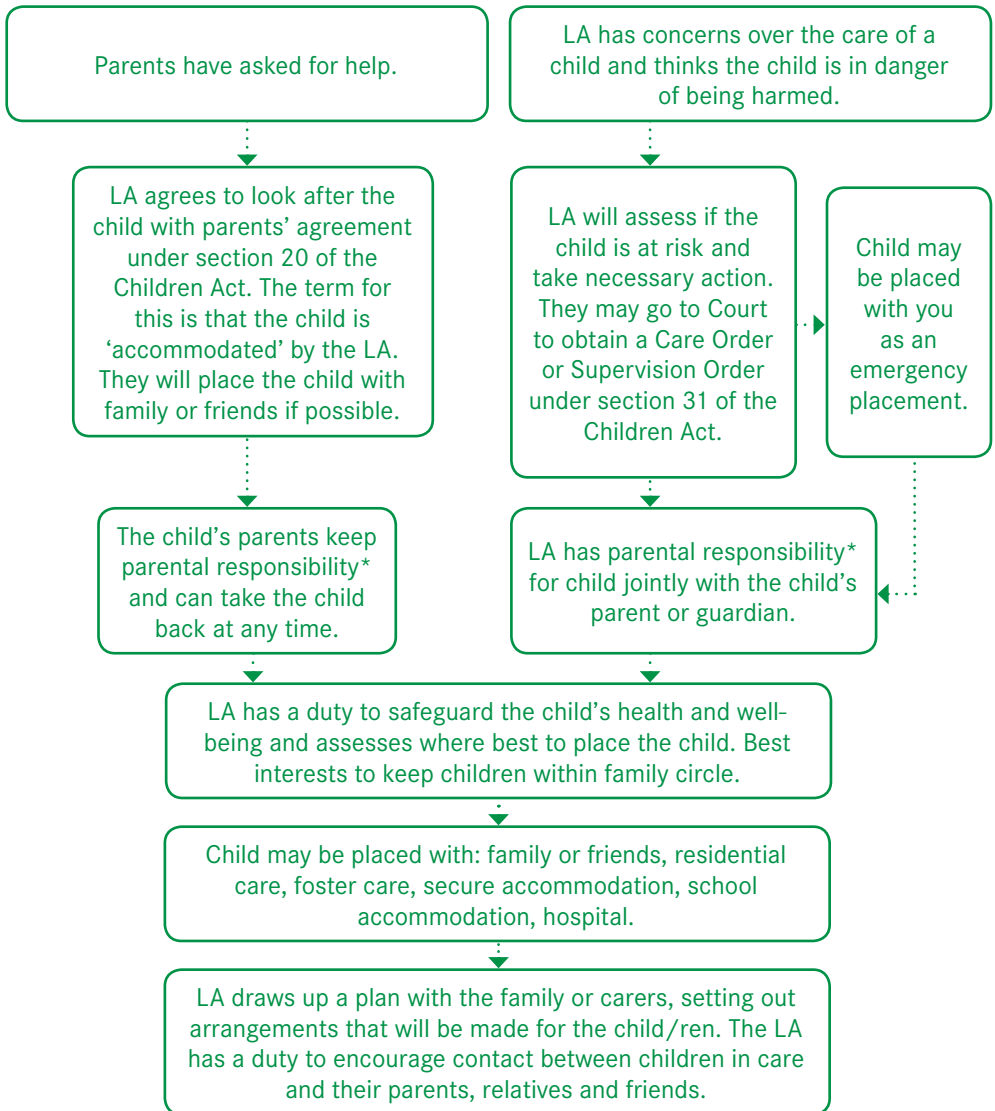
A looked after child (LAC) means a child or young person under 18 years of age who is being cared for by the LA. They arrange for the child to live somewhere other than home. This can include relatives, foster carers and residential children's homes. Most children living with kinship carers are not 'looked after' but some of them are, so it is important to know what it means.

**Kinship fostering** is an arrangement whereby the LA has legal responsibility for a child and place them with a family member or friend who is then a kinship foster carer for that child.

When a child is looked after by the LA, the child should normally be able to stay in touch with their parents, their brothers and sisters, and other people who are important to them, unless this would be harmful to them. The word used for 'staying in touch' is 'contact.'

If the child is looked after either under a court order or by agreement with the parents or others with parental responsibility, it will be the social worker's job to make arrangements for this contact, based on what is best for the child.

## There are two ways a child can become 'looked after'



\* Parental responsibility means the legal right to make decisions about how a child is raised.

It is important to know that if a child is placed with you by the LA ie, by a social worker, whether it is with the agreement of the parents (Section 20) or if it is where the LA has obtained a care order (Section 31) then the child is a 'looked after child.'

# Caring for a looked after child

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If you are going to care for a child who is ‘looked after’ you must be assessed and approved by the LA as a kinship foster carer. You should be provided with information about the assessment process and the assessment criteria so you know what is expected of you. Every foster carer is allocated a social worker who will make regular visits and provide support. You should also ensure that you are given details of the legal status of the placement and the level of support, including financial support you will receive.

If a child is placed with you in a crisis situation the LA can give you temporary approval as a foster carer for up to six weeks to allow time for a full assessment to be carried out. However, the LA may decide that it is better to place the child with already approved foster carers whilst they assess your suitability.

Tom and Becky wanted to take on the care of their nephew (3 years old) and niece (9 months old) when their mother (Becky’s sister) wasn’t able to look after them. Becky’s sister had a violent partner and had to flee to a refuge, she just couldn’t cope and asked her sister for help. Tom and Becky were both working full-time and wanted to help, they loved the children and spoke with social services about a shared-care arrangement, where they would have the children from the Friday – Monday and they would stay with a foster family during the week. This would enable them to carry on working and give the children the love and support they needed. Although this was agreed to in principle, things didn’t work out.

Becky said:

*“It’s been awful, a new social worker took over responsibility for the case and informed me that overnight contact could not be agreed to prior to an assessment being carried out. If I had known this before, had been given more information then I never would have gone down that route. If I had known what was to happen, that the children would end up in full-time foster care, I would never have agreed to the shared-care arrangement.”*

## Rights and responsibilities for a 'looked after child'

If the LA has been to court for a care order or an emergency protection order for the child, then Children's Services and the child's parents share parental responsibility for the child. However, Children's Services can make important decisions about the child's care even if the parents disagree. Children's Services can also make decisions that you as the child's kinship foster carer disagree with.

If there is no court order and the child is 'looked after,' with the agreement of the child's parents (Section 20 of the Children Act 1989) then parental responsibility remains with the child's parents. You as a kinship foster carer do not have parental responsibility and cannot take important decisions about the child.

Every 'looked after child' will have a care plan designed to ensure that all their health, education and welfare needs are met.

## Your legal responsibilities and rights as a kinship foster carer

- Kinship foster carers do not have parental responsibility.
- You as a carer have a duty to safeguard and promote the health and developments of the child's welfare.
- You must follow the child's plan and ensure all their needs are met.
- You are entitled to support and guidance from your LA.

## What does this mean for you?

- As a kinship foster carer of a child that is 'looked after' you will need to talk to your social worker about decisions for the child.

If you are approved as a kinship foster carer then the law states that this should be reviewed every 12 months. You will be fully involved in the review, and feedback will be obtained from the child/ren you are caring for and from social workers you have worked with.



## Placement plan

When a child comes to live with you as a looked after child, a placement plan must be drawn up. As a kinship foster carer you must agree to and sign the plan, therefore you should be involved in its development as it will:

- Set out how you are expected to care for the child/ren.
- What support you will get from other people, eg, social workers, health workers.
- Outline arrangements for the child's contact with their birth parents.
- Set out how long the placement is expected to last (however, if the child is accommodated with you under Section 20, the parent could ask for the child/children back at any time).
- The plan will also set out what decisions you are allowed to make and what decisions you should refer to the social worker or parent.

Every child's placement plan will be different and specific to the needs of that particular child. If you are caring for more than one child you will have more than one plan.

## Support and reviews you should expect

If you are assessed as a kinship foster carer you should be allocated a social worker who should visit you on a regular basis, provide you with information and offer on-going support and supervision.

Every 'looked after child' will have a care plan and the social worker will work with you to ensure the child's plan is being carried out as it should, and will also help co-ordinate any additional services the child may need, for example counselling.

Fostering Services offer a wide range of training courses to foster carers, for example, dealing with challenging behaviour, and you should also have access to these courses.

In some areas, there are Kinship Care Support Groups which will give you an opportunity to meet other kinship carers. These groups provide you with both emotional and practical support. In Wales, a higher proportion of kinship carers are grandparents and so a few support groups are known as 'Grandparent Support Groups,' although they have been set up by grandparents they welcome all kinship carers.

## National Minimum Standards for Fostering Services

The Fostering Services (Wales) Regulations 2003 and the National Minimum Standards for Fostering Services form the new regulatory framework under the Care Standards Act 2000 for the conduct of fostering services.

[www.wales.gov.uk/topics/childrenandyoungpeople/publications/nmsfostering](http://www.wales.gov.uk/topics/childrenandyoungpeople/publications/nmsfostering)

## Seeking parental responsibility and rights

If a kinship foster placement is long term and it is unlikely the child/children will return home to live with their birth parents, you may want to have some parental responsibility over the child/children so you can make important decisions about them, eg, schooling, holidays abroad, health care etc. You can get parental responsibility by applying to the court for a child arrangements order or a special guardianship order.

**If you are granted a child arrangements order or special guardianship order any care order will automatically come to an end, and the child is no longer looked after. This could affect your entitlements to financial and other support.**

If you are thinking of applying for a child arrangements or special guardianship order you should seek legal advice and/or obtain a written statement from your LA outlining what support you will be entitled to if you should decide to do this.

**For more information on this see Section 3: Kinship carers with parental responsibility.**



# Benefits

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## **You are caring for a child who is “looked after” by the LA**

- You should receive payments from the LA to care for the child.

Every LA in Wales makes its own arrangements on how they pay foster care allowances and the amount that they pay. Every situation is different. It is essential that you ask for advice that is relevant to you and your own circumstances.

## **Impact of receiving a payment from the LA**

It is really important that you understand that if you accept an allowance from your LA it may make a difference to the financial benefits or Tax Credits you are entitled to receive. You have to establish if you are better or worse off, but don't worry Citizens Advice can help you with this.

If you accept LA foster care payments you must tell the relevant departments, for example, Department for Work and Pensions (DWP)/HM Revenue and Customs (HMRC) that you have had a change of circumstances and that you are now receiving an allowance. You should also inform the LA if you get housing benefit and/or council tax reduction.

**We recommend that you seek a benefits check from a Citizens Advice Bureau (CAB) or Benefits Adviser to help you be clear as to your benefit entitlement.**

**Citizens Advice Cymru can help you over the phone or arrange an appointment for you with your local CAB. Contact them for advice on what you are entitled to as a kinship carer on 08444 77 20 20.**

## If you contact a Citizens Advice Bureau you will be asked key questions in order to work out your entitlements

### QUESTION 1:

They will ask you if you are caring for a “looked after” or “non looked after” child.

#### ANSWER:

You have chosen the ‘looked after’ section of the guide. If you are not sure that the child you care for is ‘looked after,’ go back and have another look at the flowchart on page 7, entitled ‘What kind of kinship carer are you?’, or speak to your social worker or CAB advisor about it.

### QUESTION 2:

If the child is looked after then the advisor will want to know how this placement was made – please select from the two legal routes below.

#### ANSWER:

1. Voluntary arrangement between you and the social worker which includes the parent’s consent or;
2. LA intervened as they had concerns over the care of the child and obtained a care order from the courts (Section 31).

### QUESTION 3:

The advisor will then want to know if you are receiving any care payments from your LA.

#### ANSWER:

If you do receive any payments from the LA please make sure you have the details of these to hand.

Knowing the answers to these questions will help your advisor carry out a calculation which will allow you to compare:

- What you would receive if you relied only on your current income/benefits with additions for any child/children you start caring for.
- What you would receive if you accept an allowance from your LA in addition to any income/benefits you are entitled to.

**Remember each situation is different. It is essential that you ask for advice that is relevant to your own circumstances.**

- If you are caring for a ‘looked after’ child, but the LA is not making any payment in respect of the child’s accommodation and/or maintenance, then there are no special benefit or tax rules.
- If the LA is making regular payments for accommodation and/or maintenance then things can get complicated.

## Here is a list of benefits that you may be able to receive and contact details if you wish to gain further information

THE BENEFIT	WHAT IT MEANS	CONTACT DETAILS OF AWARDING BODY
Child Benefit(CB)	<ul style="list-style-type: none"> <li>• If you are a kinship foster carer of a 'looked after' child you should be able to claim Child Benefit for that child.</li> <li>• If you receive an allowance payment from the LA to cover the accommodation and maintenance of the child you care for, you will not be entitled to CB for that child. Some people might be better off declining the allowance from the LA and claiming CB instead.</li> <li>• Your local CAB can help you decide what's best for you.</li> </ul>	HM Revenue and Customs PO Box 1 Newcastle Upon Tyne NE88 1AA T: 0300 200 3100
Guardian's Allowance (GA)	You may receive this in addition to child benefit, but only in special circumstances.	HM Revenue and Customs PO Box 1 Newcastle Upon Tyne NE88 1AA T: 0300 200 3101
Child Tax Credit (CTC)	<ul style="list-style-type: none"> <li>• If you receive an Allowance payment from the LA to cover the accommodation and maintenance of the child you care for, you will not be entitled to CTC for that child.</li> <li>• Some people might be better off declining the Allowance from the LA and claiming CTC instead. Your local CAB can help you decide what's best for you.</li> </ul>	HM Revenue and Customs (Tax Credits) Tax Credit Office Preston PR1 4AT <a href="http://www.hmrc.gov.uk/taxcredits">www.hmrc.gov.uk/taxcredits</a> T: 0345 300 3900
Working Tax Credit (WTC)	If you are receiving an Allowance from the LA, you may be able to claim WTC as a self employed carer. If you do this, WTC payments could have an impact on other means-tested benefits, so be sure to seek advice.	HM Revenue and Customs (Tax Credits) Tax Credit Office Preston PR1 4AT <a href="http://www.hmrc.gov.uk/taxcredits">www.hmrc.gov.uk/taxcredits</a> T: 0345 300 3900

Income Support and Income based JSA (IS/IBJSA)	<ul style="list-style-type: none"> <li>• Eligibility will depend on your income, savings and other circumstances.</li> <li>• If you receive an allowance from the LA for a looked after child, your IS payments should not include any payments for that child.</li> </ul>	Department for Work and Pensions - Jobcentreplus T: 0800 055 6688 Text: 0800 023 4888 <a href="http://www.dwp.gov.uk">www.dwp.gov.uk</a>
Housing Benefit/Council Tax Reduction (HB/CTR)	<ul style="list-style-type: none"> <li>• Eligibility will depend on your income, savings and other circumstances such as under occupancy.</li> <li>• The amount you receive will depend on whether or not the child you care for is considered to be part of the household. If you are told that the child you care for is not considered part of your household and your HB/CTR payments are reduced as a result of this, seek advice from a CAB.</li> <li>• Allowance payments from the Local Authority should not affect the amount of HB/CTR you receive.</li> </ul>	Your Local Authority/Council
Pension Credit (PC)	Any allowance payments from the LA will not affect your PC.	The Pension Service <a href="http://www.pensionservice.gov.uk">www.pensionservice.gov.uk</a> T: 0800 99 1234 Text: 0800 169 0133
Disability Living Allowance (DLA)	<ul style="list-style-type: none"> <li>• If a child has a disability and is entitled to DLA, payments are made to the child's appointee. A kinship carer can apply to be the appointee for a child they care for.</li> <li>• The amount of DLA paid depends on the nature of the disability.</li> <li>• Allowance payments from the LA will not affect the amount of DLA received.</li> <li>• If you care for someone who receives DLA, you may be able to claim Carer's Allowance.</li> </ul>	DLA for children helpline T: 0845 712 3456 Text: 0845 722 4433

<p>Employment &amp; Support Allowance (ESA)</p>	<ul style="list-style-type: none"> <li>• Eligibility will depend on your income, savings, health and other circumstances.</li> <li>• Allowance payments from the LA will not affect the amount of ESA you receive.</li> </ul>	<p>Department for Work and Pensions  T: 0800 055 6688  Text: 0800 023 4888  <a href="http://www.dwp.gov.uk">www.dwp.gov.uk</a></p>
<p>Discretionary Assistance Fund (DAF)</p>	<ul style="list-style-type: none"> <li>• You may be able to claim for emergency or particular needs through a DAF grant.</li> <li>• The grant is not repayable.</li> </ul>	<p>Phone the Discretionary Assistance Fund on 0800 859 5924 or the local rate number for mobiles: 033 0101 5000</p>
<p>Budgeting Loan (BL)</p>	<ul style="list-style-type: none"> <li>• If in receipt of income related benefits or due to receive them, you may be able to claim for particular needs through a BL.</li> <li>• The loan is repayable via your benefits.</li> </ul>	<p>Jobcentre Plus</p>

# Universal credit

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Universal credit is a new benefit for people of working age. It is in the process of being introduced for new claims, although this differs depending on where you live and your individual circumstances. It is expected that it will cover all relevant claims by 2017.

Universal credit is a single payment for both working and non-working households and will replace:

- Income support.
- Income-based jobseekers allowance.
- Income-related employment and support allowance.
- Housing benefit.
- Working tax credit.
- Child tax credit.

If you are getting one or more of the benefits that are to be abolished your claim will be transferred to universal credit at some point between 2013 and 2017.

Universal credit consists of a basic allowance with different rates for single people and couples, and additional amounts for those with:

- Children.
- Caring responsibilities.
- Limited capability for work.
- Housing costs.
- Childcare costs.

People without any other income will receive the basic allowance, plus any additions relevant to their circumstances. If you have earnings or other income this will be taken into account when working out your entitlement, though some income will be ignored.

We advise that you always check your local CAB for advice.

**Entitlement to some benefits depends on your income and/or savings.**

**The welfare benefits system is currently going through a process of major changes. For up to date information check with your local CAB on 08444 77 20 20.**

**For more information go to [www.adviceguide.org.uk/wales](http://www.adviceguide.org.uk/wales).**





# Section 3: Kinship Carers with Parental Responsibility (Child Arrangements Order or Special Guardianship Order)



In 2002, John and Sylvia agreed to look after their grandchildren as they were at risk of harm at home and social services had intervened. In order to care for the children, both John and Sylvia gave up their jobs and sacrificed their retirements so that they could provide a stable loving home for their grandchildren. It has not been easy but they felt they had to step in and support the children no matter what:

*“Having our grandchildren living with us changed us from being grandparents to parents. We have had our ups and downs but it has all been worthwhile. Money is tight but we will see it through no matter what.”*

# Kinship carers with parental responsibility: what does this mean?

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You have come to this section because you are a kinship carer with some parental responsibility for the child/children in your care. This means:

- You are looking after a child who is a close relative or friend of yours, for example, grandchild, niece, nephew, sibling, friend of the family.
- You have probably been a kinship carer for a long time.
- You have been to court and received some parental responsibilities and rights through a child arrangements order or special guardianship order.
- The child could have come into your care either as an informal arrangement or as a formal arrangement with the LA.

**If you are caring for a child through an informal arrangement with the child's parents and you are a relative of that child, you are an informal kinship carer and the child is not classed as 'looked after' by the LA. You have no parental rights or responsibilities, however, you can go to court to obtain some parental rights or responsibilities through a child arrangements order or special guardianship order. The child would still not be classed as 'looked after.'**

**If you are caring for the child through an arrangement with the LA, the child is 'looked after.' However, if you and the child decide you would like some parental rights and responsibilities over the child and you go to court to obtain this through a child arrangements order or special guardianship order, then the child will no longer be classed as 'looked after' by the LA. This can have implications for the support you receive from your LA. You should get clarification in writing from your social worker about any impact this may have on your support entitlements before you go to court.**

# What is a child arrangements order?

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A child arrangements order is an order made by the court. It states who a child should live with and gives parental responsibility to the person or persons named on the child arrangements order. The parents of the child/children still have parental responsibility, but they share this with the holder of the child arrangements order.

If you have parental responsibility you have the right to take part in major decisions in the child's life, such as schooling, and you can take the child on holiday abroad (for up to one month).

## **Rights and responsibilities of kinship carers with a child arrangements order**

The parents of the child/children still have parental responsibility, but they share this with the holder of the child arrangements order. Parents also remain responsible for supporting the child/children financially even though they are not living with them. However, more often than not, this does not happen.

If you have parental responsibility you can make most of the decisions that a parent can about a child's care and upbringing. However, you cannot take the child abroad for more than a month or change the child's surname unless everyone with parental responsibility agrees in writing or the court gives permission.

The child arrangements order will not affect the child's legal relationship with his or her parents nor will it take away their parental responsibility. This means that you will share parental responsibility with the child's mother, and also with his or her father if he has ever been married to the mother, or he has acquired parental responsibility if they were never married.

Even though you have parental responsibility, some decisions can still only be taken by parents with parental responsibility. For example, the right to agree or disagree to an adoption order being made or the right to appoint a guardian for the child.

## How to apply for a child arrangements order

In order to apply for a child arrangements order you have to be over 18 years old and you can apply on your own or jointly with another person.

When deciding whether or not to issue a child arrangements order, the court will look at many factors. These are often called the ‘welfare checklist’ and include factors such as:

- The wishes of the child.
- The best person to meet the child’s daily needs.
- The child’s physical, emotional and educational needs.
- Any harm the child has suffered or is likely to suffer.

To help the court make a decision on a child arrangements order, Family Court Advisers (FCAs) from the Children and Family Court Advisory Service (CAFCASS) may be asked to prepare a welfare report on the child/children. This will provide a comprehensive assessment and clear recommendations to the court on what would be in the best interests of the child. Alternatively, the report may be done by Children’s Services if the LA has been involved with the child.

## How long does a child arrangements order last?

A child arrangements order can last until the child is 18. However,

- The court can specify a set period for the order.
- The court can discharge an order before it is due to end.
- If a care order is made in respect of the child, the child arrangements order will automatically come to an end.
- A parent can make an application to the court to end a child arrangements order.

Applying for a child arrangements order can be a complicated process, so you should get as much advice and support as possible to help you through the process.

For more information on this contact Children’s Services in your LA and Citizens Advice Cymru. You may also wish to look at advice sheets written by the Family Rights Group that explain the process of applying for a child arrangements order and a special guardianship order without a lawyer. Please note that the Family Rights Group advice sheets are based on English law and some of the information they contain may be different in Wales.

## Support you should expect from the LA

The child's parents remain financially responsible for their child when a child arrangements order is in place so, if possible, you should discuss this with them. In reality though, it is very rare that the child's parents make a financial contribution to the kinship carers bringing up the child.

A child arrangements order does not give any automatic entitlement to additional support from the LA. However, each LA is different and you should speak to Children's Services in your area for advice as some LAs may pay a child arrangements order allowance. It may be worth asking your social worker to carry out an assessment before you go to court for the child arrangements order, to find out if you would be entitled to an allowance and to ask them to confirm in writing how much they will pay you and for how long.

Information on benefit entitlements can be found at the end of this section.

## Short breaks

Short breaks give carers of disabled children an opportunity to take a break from their caring responsibilities and give disabled children opportunities to visit different places, try new things and meet new people. Every LA in Wales has a short breaks services statement, so contact your LA to find out what services may be available to you.

See Section 5 'Helpful Organisations' for further details of organisations that may be able to help you.

## Financial responsibility for the child/children

Legally, the parent is financially responsible for the child/children. However, more often than not this does not happen and kinship carers find they have to provide for the child/children in their care with no financial support from the child's parents.

The LA does not have a legal obligation to give kinship carers financial help. However, some LAs do give one. If you are offered a child arrangements order, you should ask how much this will be, how often the allowance will be reviewed and what criteria will be used to review it. Again, you should obtain this in writing.

# What is a special guardianship order?

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A special guardianship order (SGO) is a court order which says where a child should live on a long term basis and gives parental responsibility to that person. A SGO can give the child and the kinship carer a form of stability without fully separating the child from its parents; it is often seen as one step below adoption. Therefore, the child's parents still retain some parental responsibility but it is limited.

A SGO gives you parental responsibility so that you can make decisions about the child's upbringing, without having to consult with the child's parents or anyone else with parental responsibility for the child. However, there are a few exceptions:

- You cannot change the child's surname or take him/her outside the UK for more than three months without the consent of everyone with parental responsibility or permission from the courts.

If the child was previously 'looked after' and you were in receipt of kinship care foster payments these will stop as the child will no longer be deemed to be 'looked after' by the LA.

If you are considering applying for a SGO you should seek advice and be clear about any impact it could have in relation to support, including financial support, available to you.

## Who can apply for a SGO?

You can apply for a SGO if:

- You already have a child arrangements order for the child.
- You are the child's grandparent, aunt, uncle, brother, sister or step-parent of the child and the child has lived with you for at least one year.
- You are a LA foster carer who has had a child placed with you for at least a year.
- The child has lived with you for at least three out of the last five years.

You can also apply for a SGO if you have the consent of:

- Anyone who already holds a child arrangements order for the child.
- The LA, if the child is in their care, or
- Everyone else who holds a parental responsibility for the child.

## Rights and responsibilities of kinship carers with a SGO

If you have been to court to obtain a SGO for the child in your care you will be given parental responsibility for that child. This means you will no longer have to consult the child's parents or anyone else with parental responsibility about most decisions for the child. There are, however, a few things you still cannot do without the permission of the parents and others with parental responsibility, for example:

- You cannot change a child's surname.
- You cannot take the child abroad for more than three months.
- You cannot agree to the child being placed for adoption.

A SGO does not remove parental responsibility from the child's birth parents, but whilst the order is in place there are very few decisions the parents will be allowed to make.

## Special guardianship allowance

When someone is granted a SGO, Children's Services can give that person financial help by paying them a special guardianship allowance, but they don't have to. Any payments they agree to make will be means-tested and are usually reviewed on a regular basis.

Carol has been caring for her first granddaughter for three years:

*“My daughter couldn't cope when she had a baby, she wanted to carry on going out with her friends and got involved with drugs. When the baby was eight months old she left and I have been bringing up my granddaughter ever since. I make sure they still see each other and spend time together though.*

*My daughter has another baby now and her partner is sometimes violent. She says she wants (the child) back but I'm afraid what will happen if she goes to live there. I'm going to court soon for the ninth time and am trying to get a child arrangements order for my granddaughter. My daughter has legal aid but I have to go to court on my own. There's no help. The Support Group I go to has been fantastic, it's the only help I've had. When I go to court my legs go to jelly, I'm just so nervous, but members of the Group come with me and support me, they help me get through it.”*



# Child in need

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If the child you are caring for is assessed as a ‘child in need’ you may be entitled to additional support services from your LA. The legal definition of a ‘child in need,’ as stated in the Children Act 1989, is:

“A child shall be taken to be in need if:

- S/he is unlikely to achieve a reasonable standard of health or development without the provision of services.
- Her/his health or development is likely to be significantly impaired without the provision of such services, or
- S/he is disabled.

The LA has a duty to provide a range and level of services appropriate to those children’s needs.”

This means that if the welfare of a child is at risk, or their development is being held back because they are not getting enough support, they should receive a ‘child in need’ assessment by a social worker. You can request an assessment by contacting Children’s Services. This is what should happen:

- STEP 1:** Contact the Children’s Services within your LA, tell them about your concerns and ask that the child be assessed as a ‘child in need.
- STEP 2:** A social worker will carry out an assessment.
- STEP 3:** If the child is assessed as being a ‘child in need’ a plan should be drawn up by you and the social worker, outlining the child’s needs and how these will be met. This will include things like what services will be provided, how long they should last, and what the extra services should achieve.
- STEP 4:** The type of additional support you should receive ranges from:
  - Advice, guidance and counselling.
  - Respite - day trips, short breaks.
  - Community services.
  - Financial help or advice can also be given, for example to cover one-off costs or on a regular basis where there is particular financial hardship, but this varies across different LAs.

If the child is not assessed to be a ‘child in need’ and you disagree with this you can complain to your LA. If you are unsure about whether or not you should qualify for help you should seek legal advice. You could also contact your local councillor or Assembly Member who may be able to help.

*Please note that the law relating to ‘child/children in need’ will be changing in Wales due to the Social Services & Well-being (Wales) Act. This new law will change the way social services are delivered in Wales, meaning there will be changes in relation to children in need and processes for assessment. The Act will come into effect in April 2016.*

# Benefit entitlements

You now have parental rights and responsibilities for the child in your care. You may be entitled to payments from the LA to care for the child, but LAs have different policies so you would need to check this with them.

It is important to understand that when you gain parental rights and responsibilities for a child, this may affect the benefits or tax credits that you receive. Once you gain these rights the child is no longer 'looked after' by the LA and so any payments you received from them, for the care of that child may now STOP or CHANGE.

You should always inform the relevant authorities of any change to your circumstances. Every situation is different and you should always ask for advice which is relevant to your own circumstances.

At any time you are unsure or confused about your benefit entitlements please contact your local Citizens Advice Bureau (CAB). You can contact them on **08444 77 20 20**.

## When contacting your CAB for advice they will ask you key questions in order to work out your entitlements.

### QUESTION 1:

They will ask you if you are caring for a 'looked after' child or not.

### ANSWER:

You have chosen the section for Kinship Carers with Parental Responsibility of the Guide. If you are not sure if this is correct, then go back and have another look at the flowchart on page 12: What kind of kinship carer are you? or speak to your social worker or CAB advisor about it.

### QUESTION 2:

The advisor will then want to know if you are receiving any Child Arrangements Order or Special Guardianship allowances from your LA.

### ANSWER:

If you do receive any payments from the LA please make sure you have the details of these to hand.

You may still receive some financial support from your LA because you are a kinship carer.

For people caring for a "non-looked after" child, ie, where you have parental responsibility through a child arrangements order or special guardianship order, there are three issues that arise in relation to other benefits:

- 1) Who can claim.
- 2) Some delays in getting benefits sorted out.
- 3) How your LA payments (if being made) affect your benefit/tax credits.

**Here is a list of benefits that you may be able to receive and contact details if you wish to gain further information. There are special rules if, for any reason, the child for whom the allowance is paid is not treated as a member of your family, for example, because they are in custody. In these circumstances, you should seek advice.**

THE BENEFIT	WHAT IT MEANS	CONTACT DETAILS OF AWARDING BODY
Child Benefit (CB)	<ul style="list-style-type: none"> <li>• Only one person at a time can get CB for a child. If the child is living with you, you are likely to be entitled to CB.</li> <li>• If someone else has been getting CB for the child when you make your claim, you will normally not become entitled to CB until three weeks after you make your claim.</li> <li>• Make your claim for CB as soon as possible as some cases are taking many months to process.</li> <li>• Allowance payments from the Local Authority will not affect the amount of CB you receive.</li> </ul>	<p>HM Revenue and Customs PO Box 1 Newcastle Upon Tyne NE88 1AA T: 0300 200 3100</p>
Guardian's Allowance	<ul style="list-style-type: none"> <li>• You may receive this in addition to CB, but only in special circumstances.</li> </ul>	<p>HM Revenue and Customs PO Box 1 Newcastle Upon Tyne NE88 1AA T: 0300 200 3100</p>
Child Tax Credit (CTC)	<ul style="list-style-type: none"> <li>• Only one person at a time can get CTC for a child. If the child is living with you, you are likely to be entitled to CTC.</li> <li>• The amount you receive is dependent on your income and other circumstances.</li> <li>• Allowance payments from the LA should not affect the amount of CTC you receive.</li> </ul>	<p>HM Revenue and Customs (Tax Credits) Tax Credit Office Preston PR1 4AT <a href="http://www.hmrc.gov.uk/taxcredits">www.hmrc.gov.uk/taxcredits</a> T: 0345 300 3900</p>

Working Tax Credit (WTC)	<ul style="list-style-type: none"> <li>• Eligibility and amount of benefit are dependent on your income, the number of hours you work and other circumstances.</li> <li>• If you are responsible for a child, your WTC payments might increase if you have to pay childcare costs.</li> <li>• Allowance payments from the LA may not affect the amount of WTC you receive.</li> </ul>	<p>HM Revenue and Customs (Tax Credits) Tax Credit Office Preston PR1 4AT</p> <p><a href="http://www.hmrc.gov.uk/taxcredits">www.hmrc.gov.uk/taxcredits</a> T: 0345 300 3900</p>
Income Support and Income based JSA (IS/IBJSA)	<ul style="list-style-type: none"> <li>• Eligibility will depend on your income, savings and other circumstances. You may claim IS as a lone parent if you are caring for a child under five.</li> <li>• In almost all situations payments of Allowance from the LA will not affect the amount of IS/IBJSA you receive.</li> <li>• The exception is if you are still getting amounts in your IS/IBJSA for a child and the LA is paying you an adoption, child arrangements order or special guardianship allowance as this may affect your benefit.</li> </ul>	<p>Department for Work and Pensions - Jobcentreplus</p> <p>T: 0800 055 6688 Text: 0800 023 4888</p> <p><a href="http://www.dwp.gov.uk">www.dwp.gov.uk</a></p>
Employment and Support Allowance	<ul style="list-style-type: none"> <li>• Eligibility will depend on your income, savings, health and other circumstances.</li> <li>• Allowance payments from the LA will not affect the amount of ESA you receive.</li> </ul>	<p>Department for Work and Pensions - Jobcentre Plus</p> <p>T: 0800 055 6688 Text: 0800 023 4888</p> <p><a href="http://www.dwp.gov.uk">www.dwp.gov.uk</a></p>
Housing Benefit/Council Tax Reduction (HB/SMI/CTR)	<ul style="list-style-type: none"> <li>• Eligibility will depend on your income, savings and other circumstances such as under occupancy and the number of children you are caring for.</li> <li>• Allowance payments from the Local Authority will not affect the amount of HB/CTB you receive.</li> </ul>	<p>Your Local Authority/Council</p>

Pension Credit (PC)	<ul style="list-style-type: none"> <li>• LA payments will not affect your PC.</li> </ul>	<p>The Pension Service  <a href="http://www.pensionservice.gov.uk">www.pensionservice.gov.uk</a>  T: 0800 99 1234  Text: 0800 169 0133</p>
Disability Living Allowance (DLA)	<ul style="list-style-type: none"> <li>• If a child has a disability and is entitled to DLA, payments are made to the child's appointee. A kinship carer can apply to be the appointee for a child they care for.</li> <li>• The amount of DLA paid depends on the nature of the disability.</li> <li>• Allowance payments from the LA will not affect the amount of DLA received.</li> <li>• If you care for someone who receives DLA, you may be able to claim carer's allowance.</li> </ul>	<p>DLA for children helpline  T: 0845 712 3456  Text: 0845 722 4433</p>
Discretionary Assistance Fund (DAF)	<ul style="list-style-type: none"> <li>• You may be able to claim for emergency or particular needs through a DAF grant.</li> <li>• The grant is not repayable.</li> </ul>	<p>Phone the Discretionary Assistance Fund on 0800 859 5924 or the local rate number for mobiles: 033 0101 5000</p>
Budgeting Loan (BL)	<ul style="list-style-type: none"> <li>• If in receipt of income related benefits or due to receive them, you may be able to claim for particular needs through a BL.</li> <li>• The loan is repayable via your benefits.</li> </ul>	<p>Jobcentre Plus</p>

# Universal credit

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Universal credit is a new benefit for people of working age. It is in the process of being introduced for new claims, although this differs depending on where you live and your individual circumstances. It is expected that it will cover all relevant claims by 2017.

Universal credit is a single payment for both working and non-working households and will replace:

- Income support.
- Income-based jobseekers allowance.
- Income-related employment and support allowance.
- Housing benefit.
- Working tax credit.
- Child tax credit.

If you are getting one or more of the benefits that are to be abolished your claim will be transferred to universal credit at some point between 2013 and 2017.

Universal credit consists of a basic allowance with different rates for single people and couples, and additional amounts for those with:

- Children.
- Caring responsibilities.
- Limited capability for work.
- Housing costs.
- Childcare costs.

People without any other income will receive the basic allowance, plus any additions relevant to their circumstances. If you have earnings or other income this will be taken into account when working out your entitlement, though some income will be ignored.

We advise that you always check with your local Citizen Advice Bureau (CAB) or advice.

**Entitlement to some benefits depends on your income and/or savings.**

**The welfare benefits system is currently going through a process of major changes. For up-to-date information check with your local CAB on 08444 77 20 20.**

**For more information go to [www.adviceguide.org.uk/wales](http://www.adviceguide.org.uk/wales).**



# Section 4: The Voice of the Child



*“I have been living with my (carers) since I was 2 years old. I have been living here for nine years now. I love them both to bits because they help me with my homework. I love it when me and my (carer) play footie in the park after school. I really appreciate everything they have done for me, they are always there for me if I have any problems.”*

Jac, aged 11



# Voice of the child

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Children have the right to be listened to and have their opinions taken into account in relation to all issues and decisions that affect their lives. This includes within the family, in school, in health and in the community.

## United Nations Convention on the Rights of the Child

The United Nations Convention on the Rights of the Child (UNCRC) is an international agreement that protects the rights of children from birth to 18. There are 54 articles in the agreement and they say how children should be treated by adults, for example, their right to be safe and their right to give their opinion on matters that affect them. In 2012, Wales became the only nation in the UK to adopt the UNCRC after the Welsh Government passed a new law called, 'Rights of Children & Young Persons (Wales) Measure'. This new law states that they will consider children's rights when they are making decisions which may affect them.

An important article within the UNCRC is Article 12 which states that children have the right to participate in decision making processes. This means they have the right to say what they think should happen when adults are making decisions that affect them, and to have their opinions taken into account.

This is how children themselves described Article 12 in consultation with the Welsh Government:

**"Participation means that it is my right to be involved in making decisions, planning and reviewing an action that might affect me. Having a voice, having a choice."**

In order for children to be able to give their views in a meaningful way, it is necessary for adults to create the opportunities for them to do so. Children should be encouraged and supported to give their views on matters that affect them, and they should be provided with age appropriate information to help them form their views.

The Welsh Government has adopted the Children & Young People's Participation Standards for Wales, developed by children with the support of Funky Dragon. There are seven standards and these say what children should expect from adults whenever they are asked their opinion on issues that affect them.

For more information on children's rights visit:

**[www.childreninwales.org.uk](http://www.childreninwales.org.uk) and/or [www.uncrcletsgetitright.co.uk](http://www.uncrcletsgetitright.co.uk)**

## Children and Family Court Advisory and Support Services Cymru

Children & Family Court Advisory and Support Services (CAFCASS) Cymru is part of the Welsh Government and its role is to support children and families in family court proceedings. CAFCASS Cymru advises the courts on the best course of action based on what they consider to be in the best interest of the child. The CAFCASS Cymru worker will spend time with the child/children and their family before they advise the court. They may also talk to other people such as teachers, social workers or health visitors to help them with their advice.

The UNCRC underpins all the work undertaken by CAFCASS Cymru, and as stated in Article 3 of the UNCRC:

**“The best interests of children must be the primary concern in making decisions that may affect them.”**



# Section 5: Support Organisations

**Every LA will have a duty social work service to provide advice during office hours, and an Emergency Duty Team available when the office is closed (including at night, weekend and all bank holidays). An emergency is something that cannot safely wait until the next working day.**

<b>Action for Children Wales</b>	St David's Court 68a Cowbridge Road East Cardiff CF11 9DN T: 029 2022 2127	Action for Children works directly with children, young people, parents and carers. This includes children in care, young carers and disabled children.
<b>Barnardo's Cymru</b>	Trident Court East Moors Road Cardiff CF24 5TD T: 029 2049 3387 www.barnardos.org.uk	Barnardo's works with children, young people and families living on the margins of society who are struggling to overcome the disadvantages caused by poverty, abuse and discrimination.
<b>British Association of Adoption and Fostering (BAAF) Cymru</b>	BAAF Cymru 7 Cleeve House Lambourne Crescent Cardiff CF14 5GP Tel: 029 2076 1155 Fax: 029 2074 7934 email: cardiff@baaf.org.uk BAAF Cymru W2 Morfa Clwyd Business Centre 84 Marsh Road Rhyl Denbighshire LL18 2AF T: 01745 336 336 E: rhyll@baaf.org.uk www.baaf.org.uk	BAAF Cymru provides a wide range of services throughout the UK, including an advice line covering all aspects of fostering and adoption. BAAF Cymru also provides an extensive list of publications for carers, children and professionals. BAAF Cymru operates from two offices bases located in the North (Rhyl) and South (Cardiff) and provides a comprehensive range of advice, information, training and publications. A fully bilingual service is available from the Rhyl office.
<b>Buttle UK</b>	PO Box 2528 Cardiff CF23 0GX T: 029 2054 1996 E: wales@buttleuk.org www.buttleuk.org	Buttle UK provides support to families living in crisis, when there is no one else that can help. They can do this by paying for basic items such as a cooker, fridge or bed to help out when parents or carers find themselves in a critical situation.
<b>CAFCASS Cymru</b>	CAFCASS Cymru National Office Llys y Delyn 107-111 Cowbridge Road East Cardiff CF11 9AG T: 029 2064 7979 F: 029 2039 8540 E: cafcasscymru@wales.gsi.gov.uk	Children and young people may also email CAFCASS at: MyVoiceCafcassCymru@Wales.gsi.gov.uk CAFCASS Cymru supports children and families in family court proceedings.
<b>Carers Trust Wales/Cymru</b>	3rd Floor 33-35 Cathedral Road Cardiff CF11 9HB T: 029 2009 0087 E: info@carers.org	The Carers Trust offers information, advice, discussion and support for carers.
<b>Carers Wales</b>	www.carersuk.org/wales CarersLine: 0808 808 7777	Carers Wales is the voice of carers. Carers provide unpaid care by looking after an ill, frail, or disabled family member, friend or partner.

<b>Childline Cymru</b>	Helpline: 0800 1111 <a href="http://www.childline.org.uk">www.childline.org.uk</a>	Childline provides advice about a wide range of issues. You can talk to a counsellor online, send an email or post on the message boards, as well as calling the helpline.
<b>Children's Commissioner for Wales</b>	Oystermouth House Phoenix Way Llansamlet Swansea SA7 9FS T: 01792 765600 Penrhos Manor Oak Drive Colwyn Bay Conwy LL29 7YW T: 01492 523333 E: <a href="mailto:post@childcomwales.org.uk">post@childcomwales.org.uk</a> <a href="http://www.childcom.org.uk">www.childcom.org.uk</a>	The Children's Commissioner for Wales works to make sure that children in Wales understand what their rights are, and that these rights are respected.
<b>Children's Commissioner Advice &amp; Support Line for young people</b>	T: 0808 801 1000 SMS: 80800 E: <a href="mailto:post@childcomwales.org.uk">post@childcomwales.org.uk</a> <a href="http://www.childcom.org.uk">www.childcom.org.uk</a>	Lines open 9am-5pm (Monday to Friday): Ask for 'Advice and Support.'
<b>Child Poverty Action Group</b>	94 White Lion Street London N1 9PF T: 020 7837 7979 E: <a href="mailto:info@cpag.org.uk">info@cpag.org.uk</a> <a href="http://www.cpag.org.uk">www.cpag.org.uk</a>	The Child Poverty Action Group is committed to ending child and family poverty throughout the UK through research, campaigning and publications.
<b>Citizens Advice Cymru</b>	T: 08444 77 20 20 <a href="http://www.citizensadvice.org.uk">www.citizensadvice.org.uk</a> <a href="http://www.adviceguide.org.uk/wales.htm">www.adviceguide.org.uk/wales.htm</a> (self-help website)	Citizens Advice Bureaux (CAB) deliver free, independent, confident and impartial advice from community locations all over the country. You can search for your local CAB on the website or by phoning the number above. CAB also has a self-help website, full of practical, reliable information on a range of subjects including benefits, housing, employment and debt.
<b>Contact a Family</b>	Helpline: 0808 808 3555 E: <a href="mailto:helpline@cafamily.org.uk">helpline@cafamily.org.uk</a> <a href="http://www.cafamily.org.uk">www.cafamily.org.uk</a>	Support, advice and information for families with disabled children, no matter what their condition of disability, including local projects. Contact a Family also has a dedicated special educational needs advice service.
<b>Coram Children's Legal Centre</b>	Advice Line: 0808 802 0008 <a href="http://www.childrenslegalcentre.com">www.childrenslegalcentre.com</a>	Free information and advice on legal issues relating to children and young people. Relates to non-devolved areas only as Coram gives advice on English and UK law only.
<b>Credit Unions</b>	<a href="http://www.creditunionsofwales.co.uk">www.creditunionsofwales.co.uk</a> 0845 8723467	Financial co-operatives offering savings and loans.
<b>CRUSE - Bereavement Care</b>	T: 0844 4779400 E: <a href="mailto:helpline@cruse.org.uk">helpline@cruse.org.uk</a> <a href="http://www.cruse.org.uk">www.cruse.org.uk</a>	Offers support, advice and information to children, young people and adults when someone dies. CRUSE offers face-to-face, telephone, email and website support.

<b>Family Fund</b>	T: 01904 621115 E: info@familyfund.org.uk www.familyfund.org.uk	Family Fund can give grants to families and carers raising disabled children and young people. They can help with essential items such as washing machines, fridges and clothing but can also consider grants for sensory toys, computers and sometimes family breaks.
<b>Family Information Services</b>	Contact details: phone or email your own LA and ask for the Family Information Service.	Every LA in Wales has a Family Information Service (FIS) and they provide free information and advice on a wide range of issues for children and young people, their families and their carers. This includes information on nurseries, childminders, out of school clubs, playgroups, youth information services and much more.
<b>Family Lives</b>	Helpline: 0808 800 2222 www.familylives.org.uk	Family Lives offers information on all aspects of family life. As well as the helpline, it runs groups and courses on parenting issues. It runs a UK helpline, with offices based in England.
<b>Families Need Fathers</b>	T: 08456 004446 www.fnf-bpm.org.uk	They provide information, support and advice to parents and grandparents facing child contact problems. They have a specific section on their website for grandparents and can offer specific advice and support to grandparents.
<b>Family Rights Group</b>	Advice line: 0808 801 0366 E: advice@frg.org.uk www.frg.org.uk	Specialist advice to families whose children are involved with or need children's services because of welfare needs or concerns.
<b>Fostering Network</b>	Cardiff Office: 1 Caspian Point, Pierhead Street, Cardiff Bay CF10 4DQ) T: 029 2044 0940 F: 029 2044 0941 E: wales@fostering.net Fosterline Wales T: 0800 316 7664 E: fosterlinewales@fostering.net	General information about fostering and publications for foster carers and professionals. Benefits for members include advice and legal insurance for foster carers.
<b>Gingerbread</b>	Freephone: 0808 8020925 www.gingerbread.org.uk	Provides advice and practical support for single parents.
<b>Grandparents Association</b>	Helpline: 0845 434 9585 E: advice@grandparents-association.org.uk www.grandparents-association.org.uk	National charity providing advice and support to all grandparents, especially those who are raising their grandchildren, providing childcare or have lost contact with grandchildren.
<b>Grandparents Plus</b>	Advice line: 0300 123 7015 E: advice@grandparentsplus.org.uk www.grandparentsplus.org.uk	Grandparents Plus advice and information service provides comprehensive information and advice on all issues affecting kinship carers including: welfare benefits and other financial support, employment rights, housing, education, and caring for a child with special needs. Grandparents Plus also run a free peer support network for kinship carers.

<b>Grandparents Legal Centre</b>	Phone: 0843 289 7130 www.grandparentslegalcentre.co.uk	Specialist legal advice charity for grandparents, including local authority responsibilities and other issues affecting kinship carers. Cover England and Wales.
<b>Gwent Association of Voluntary Organisations (GAVO)</b>	Ty Derwen, Church Road, Newport, Gwent, NP19 7EJ T: 01633 241550 www.gavowales.org.uk/newport	You can contact GAVO for information about a Kinship Care Support Group in the Newport area of South East Wales.
<b>MEIC Cymru</b>	Phone: 080880 23456 ( free) Text: 84001 (free) www.meiccymru.org	Advocacy, information and advice helpline for children and young people in Wales.
<b>Older People's Commissioner for Wales</b>	T: 08442 640670 E: ask@olderpeoplewales.com	The Older People's Commissioner for Wales is an independent voice and champion for older people across Wales, standing up and speaking out on their behalf.
<b>PACT Cymru</b>	www.prisonadvice.org.uk T: 01792 485392	Provides practical and emotional support to prisoners' children and families, and to prisoners themselves.
<b>Samaritans</b>	T: 08457 90 90 90 Welsh language line: 0800 123 301 E: jo@samaritans.org www.samaritans.org  General information: Director for Wales Samaritans 33-35 Cathedral Road Cardiff CF11 9HB E: a.lloyd@samaritans.org T: 029 2022 2008	Samaritans offer confidential, emotional support 24/7 to those experiencing despair, distress or suicidal feelings. Please visit the website to find details for local branches.
<b>Save the Children</b>	3rd Floor, Phoenix House 8 Cathedrak Road Cardiff CF11 PLJ T: 029 2039 6838 E: walesinfo@savethechildren.org.uk www.savethechildren.org.uk	Save the Children work to ensure that children get proper healthcare, food, education and protection. They work in emergencies, campaigning for children's rights, and improving their futures through long-term development work.
<b>Shelter Cymru</b>	Support line: 0845 075 5005 25 Walter Road Swansea SA1 5NN www.sheltercymru.org.uk	Shelter is a charity that works to alleviate the distress caused by homelessness and bad housing.
<b>Short Breaks Network</b>	www.shortbreaksnetwork.org.uk	Support short breaks schemes in Wales for disabled children, young people and their families.
<b>Working Families</b>	Helpline: 0800 012 0312 E: advice@workingfamilies.org.uk www.workingfamilies.org.uk	Advice for parents and carers on their rights at work.
<b>Young Minds</b>	Helpline: 0808 802 5544 E: parents@youngminds.org.uk www.youngminds.org.uk	A helpline for any adult worried about the emotional problems, behaviour or mental health of a child or young person.
<b>YouthLink Wales</b>	91a Cardiff Road Caerphilly CF83 1FQ T: 0844 66 55 0 15 E: enquiries@youthlinkwales.org.uk	YouthLink is the national agency for youth work.



## Support Groups for Kinship Carers:

<b>Grandparents Raising Grandchildren</b>	T: 07759 241720 E: grgsupportcardiff@hotmail.com	Support Group run by grandparents for grandparents and other family members raising children. Meetings once a month in central Cardiff. Contact the Group for up-to-date information on dates of meetings and venue. New members very welcome.
<b>Grandparents Association, Carmarthenshire</b>	Judith Howells T: 07805 959154 Support Groups Info: 0844 3572907 E: judith.howells@grandparents-association.org.uk	Offers support to grandparents across Wales with a focus on Carmarthenshire
<b>Monmouthshire Grandparents Support Group</b>	Nicole Webber Action for Children T: 029 20849 230 E: Monmouthshire.parentnetwork@actionforchildren.org.uk	Support Group, supported by 'Action for Children' for grandparents and other family members raising children. Contact the Group for up-to-date information on dates of meetings and venue. New members very welcome.
<b>Newport Grandparents Support Group</b>	Gwent Association Voluntary Organisations (GAVO) Ty Derwen, Church Road, Newport, Gwent, NP19 7EJ T: 01633 241550 www.gavowales.org.uk/newport	Support Group run by grandparents and supported by GAVO, for grandparents and other family members raising children. Meetings once a month in the Newport area. Contact the Group for up-to-date information on dates of meetings and venue. New members very welcome.

## **Kinship Care Guide for Wales: Issue 1 - September 2014**

The Kinship Care Guide for Wales will be distributed as widely as possible. It is also available to download from the Children in Wales website, [www.childreninwales.org.uk](http://www.childreninwales.org.uk).

If you have any questions about the Guide please contact Children in Wales.

The information contained in the Guide is for guidance only and whilst every effort has been made to ensure it is correct at the time of publication, changes to law, policy and practices take place all the time. For advice about your specific circumstances you are advised to contact the Children's Services department of your LA or Citizens Advice Bureau. Contact details for these organisations can be found in Section 5 - Support Organisations.



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Tel: 01286 677570

Email: [info@childreninwales.org.uk](mailto:info@childreninwales.org.uk)  
[www.childreninwales.org.uk](http://www.childreninwales.org.uk)

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