

Bath & North East Somerset Council

MEETING:	Cabinet	
MEETING DATE:	12 Sept 2012	EXECUTIVE FORWARD PLAN REFERENCE:
		E 2462
TITLE:	Family and Friends Care Policy	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Bath and North East Somerset Draft Family and Friends Care Policy		

1 THE ISSUE

1.1 To seek approval of the Bath and North East Somerset Council Family and Friends Care policy.

2 RECOMMENDATION

The Cabinet agrees that:

2.1 The draft Bath and North East Somerset Family and Friends Care Policy is approved.

3 FINANCIAL IMPLICATIONS

3.1 There are no direct financial implications arising from the policy document. The document brings together existing policies and processes in the way required by regulations and guidance.

3.2 The relevant budgets are:

- Fostering allowances budget - £1,428,754 – covers all payments to foster carers for children in care including relatives and friends approved as foster carers
- Permanence allowances budget - £221,651 – covers all allowances paid to adopters, special guardians and residence order holders
- Substitute care allowance budget - £5,780 – discretionary short term payments to support private arrangements for family and friends care.

The draft policy document makes no change to current local policies in respect of each of these budgets but sets these policies out in one public document as required by statutory guidance.

4 CORPORATE OBJECTIVES

- *Promoting independence and positive lives for everyone*

5 THE REPORT

5.1 The Local Authority has duties under the Children Act 1989, amongst others, to assess children who appear to be 'in need' as defined in the Act; to provide support to children in need in the community and in their families including their extended families; to intervene within the Child Protection framework when children are assessed as being at risk of significant harm and to act as corporate parent to those children who need to be 'looked after' by the Local Authority.

5.2 The Government during the course of 2010 and 2011 issued updated regulations and guidance in respect of Local Authorities' duties to children and young people in and moving on from care. There are now a number of updated regulations and guidance documents including for the first time statutory guidance on supporting Family and Friends Care.

5.3 The Family and Friends Care guidance brings together information about the different ways in which family and friends may care for children when for whatever reason they cannot be looked after by their parents. The guidance includes a requirement for each local authority to publish a Family and Friends Care Policy.

5.4 The policy document has been drawn up in the context of case law which has determined that when a Local Authority plays a 'substantial role' in bringing about an arrangement for a child to be cared for by family and friends this must be treated as a placement of a child in care and is therefore subject to all of the legal requirements applicable including the need to assess and approve the family and friends carers as foster carers and supervise and support them in the same way as non-related foster carers to work within the fostering regulations and standards.

5.5 The purpose set out in the statutory guidance for the local policy requirement is not simply to set out the Local Authority's approach to supporting family and

friends care but also to give information about the different forms of family and friends care; the legal framework governing them; the different ways in which Local Authorities may or are required to support such care and about support and information services available to families both nationally and locally.

5.6 The draft B&NES Family and Friends Care policy document attached for consideration has been drawn up to meet the statutory requirements and to be a useful document not just for services and staff working with family and friends but crucially as a document that provides useful information for members of the public including parents and family and friends carers. To achieve this it reiterates the Bath and North East Somerset approach to supporting families in the community; maintaining children within their families and avoiding the need for children to come into care unnecessarily. It also sets out our approach to looking after children in care within their family and friends network when this is assessed as the most suitable way to meet children's needs. The document also includes the other elements required by the statutory guidance to ensure all of this information is widely available in an accessible way.

5.7 An early draft of the policy document was considered by the Corporate Parenting Group at its June 2012 meeting. The group made some comments on the document which are reflected in the draft attached to this report, and asked that the amended draft be brought to the Early Year, Children and Youth Panel for scrutiny and further comment before being submitted to Cabinet for approval. The draft attached to this report is essentially the same as the draft considered and supported by the Panel at its meeting on 9th July, with a small number of amendments for clarification following advice from Legal Services.

6 RISK MANAGEMENT

6.1 The report author and Lead Cabinet member have fully reviewed the risk assessment related to the issue and recommendations, in compliance with the Council's decision making risk management guidance.

7 EQUALITIES

7.1 A separate Equality Impact Assessment has not been completed on this policy document as EIAs have been completed on Care Matters/Corporate Parenting and on Fostering and Adoption Services and the policy document raises no new issues but simply restates existing local policies and legal requirements in a new form as required by statutory guidance.

8 RATIONALE

8.1 The Local Authority has a statutory duty to have a Family and Friends Care Policy. The attached final draft policy has been drawn up with input from a range of stakeholders, Members and Legal Services.

9 OTHER OPTIONS CONSIDERED

9.1 There is no option in law not to adopt a Family and Friends Care Policy.

10 CONSULTATION

10.1 *Overview & Scrutiny Panel; Staff; Other B&NES Services; Section 151 Finance Officer; Monitoring Officer*

10.2 An early draft of the policy document has been considered by the Corporate Parenting Group. The draft policy has also been shared with staff in Children's Social Care and colleagues in the Family Information Service who have input to the draft attached. This report and the attached policy document have been shared with the section 151 Finance Officer and Monitoring Officer prior to inclusion on the Panel agenda. The final draft was shared with the Early Years, Children and Youth Panel on 9th July 2012.

11 ISSUES TO CONSIDER IN REACHING THE DECISION

11.1 *Social Inclusion; Young People; Other Legal Considerations*

12 ADVICE SOUGHT

12.1 The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

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Sponsoring Cabinet Member	Councillor Paul Crossley
Background papers	Department for Education (2011) <i>Family and Friends Care: Statutory Guidance for Local Authorities</i> https://www.education.gov.uk/publications/eOrderingDownload/Family%20and%20Friends%20Care.pdf
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