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**Meeting:** Children, Families and Learning Overview and Scrutiny Committee  
**Date:** 1 December 2009  
**Subject:** Eligibility for Financial Support Policies  
**Report of:** Deputy Director of Children, Families and Learning and Assistant Director, Children's Specialist Services

**Summary:** The report proposes the adoption of policies setting out the eligibility criteria for financial support for Adoption, Special Guardianship and Residence Orders.

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**Contact Officer:** Martin Pratt, Assistant Director, Children's Specialist Services and Deputy Director of Children, Families and Learning  
**Public/Exempt:** Public  
**Wards Affected:** All  
**Function of:** Council

## **CORPORATE IMPLICATIONS**

### **Council Priorities:**

These policies sit alongside the five Every Child Matters outcomes as listed within the Children and Young People's Plan which was adopted by Central Bedfordshire Council on 24 September 2009. In addition the policies meet the Council priority:

- Educating, protecting and providing opportunities for children and young people.

### **Financial:**

The current total budget for these allowances is £370K for this financial year. The forecasted spend for this year is £305K but there are current assessments in respect of children where redundancy has just impacted on the household. Payments are made for a total of 72 children, 21 who are adopted, 10 who are on Special Guardianship Orders and 41 who are the subject of Residence Orders. Payments range from £53 per week to £215 per week per child.

The Council has a long term commitment to many of these children. For 18 of these children there is a commitment which will extend beyond 2020. By April 2012, 19 current payments will have ceased and by 2014 a further 11 will have ceased. It is anticipated however that total numbers will remain at least constant and indeed if looked after numbers rise and the current economic downturn continues, then the increase will be above that of inflation.

Any additional support provided due to the current economic climate will be met from within existing budgets within the Children's Specialist Services area. No additional funding is required.

**Legal:**

Local authorities have a legal power to provide support, including financial support to individual adoptive families, those who have taken out a Special Guardianship Order and those who have taken out a Residence Order.

**Risk Management:**

In view of the refocus on child protection following the death of baby Peter, a greater number of children are becoming looked after. The ultimate consequence of this will be that a greater number of children may become subject to Adoption, Special Guardianship or Residence Orders and therefore the number of those in receipt of financial support will also increase.

Given the current economic climate and the increase in unemployment, many of the families who are providing legal permanence for children are finding themselves in financial hardship. There is a risk that if the economic downturn is prolonged, additional support may have to be provided to support these families. In these circumstances the costs will be met from within existing budgets.

**Staffing (including Trades Unions):**

There are no staffing implications identified.

**Equalities/Human Rights:**

National evidence indicates that children from diverse communities are more likely to experience placement change and to lose contact with their birth family. These policies are therefore crucial in increasing legal security for children and enabling them to remain within the extended family.

Each of these policies has an Equality Impact Assessment and deal specifically with equalities issues. Allowances can be used by parents and carers to ensure that children retain awareness of their ethnic and cultural identity. The service will need to ensure that the equalities issues, including equal and fair take-up across communities, are monitored closely and any actions arising are swiftly addressed.

**Community Safety:**

There are no community safety issues identified.

**Sustainability:**

There are no sustainability issues identified.

**RECOMMENDATIONS:**

**It is recommended that the Overview and Scrutiny committee consider the Policies for Adoption Financial Support, Residence Order Support and Special Guardianship Financial Support and make a recommendation to the Executive that they are approved.**

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| <i>Reason for Recommendation::</i> | <i>To ensure that the authority complies with regulations to offer an assessment for eligibility for financial support in order to support children in stable families who are able to their needs.</i> |
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## **Background**

1. There are a number of different legal orders which provide legal permanence for a child, including Adoption, Special Guardianship and Residence Orders. Central Bedfordshire Council financially supports families who seek one of these orders in line with regulations and with best practice.
2. When a child is adopted the birth parents lose their parental responsibility and parental responsibility is vested in the adoptive parents. When a Special Guardianship Order is made parental responsibility is shared between the Special Guardians and the birth parents but the Special Guardian may exercise parental responsibility to the exclusion of all others with parental responsibility apart from another special guardian. Under a Residence Order, the court determines where a child lives but the parental responsibility is shared between the birth parents and the holder(s) of the Residence Order.
3. The eligibility for financial support differs slightly depending on the type of order, accompanying regulations and statutory guidance and as such separate policies are required to ensure clarity for the local authority and for the families who may be eligible.

## **Policy on Adoption Financial Support**

4. Special Guardianship Orders are often seen as an alternative option to adoption and provide legal permanence to children who might otherwise have remained within the care system.
5. The level of financial support offered will vary depending on the individual needs and circumstances of the family but in the majority of cases, if financial support were not available, these families would not be able to provide for the needs of the child (or in some cases children). This would mean that children could not be placed under a Special Guardianship Order or children placed under an existing Order would be placed at risk of becoming looked after. If financial support at the level of a fostering allowance when supplemented by welfare benefits were not made available to foster carers considering a Special Guardianship Order for children already in their care, children would remain in the care system.

## **Policy on Residence Order Support**

6. A Residence Order provides some legal security for a child who cannot live with his/her parent and for the person with whom they are living. It enables the day to day carer to take decisions about the child's care and day to day activities, such as agreeing participation in a school trip or agreeing medical treatment.

7. The level of financial support offered will vary depending on the individual needs and circumstances of the family but in the majority of cases, if financial support were not available, these families would not be able to provide for the needs of the child (or in some cases children). This would mean that children could not be placed under a Residence Order or children placed under an existing Order would be placed at risk of becoming looked after. If financial support at the level of a fostering allowance when supplemented by welfare benefits were not made available to foster carers considering a Residence Order for children already in their care, children would remain in the care system.

### **Conclusion and Next Steps**

8. Financial support needs to be available to enable some groups of children to have legal security in the households where they live so that they have their needs met within a stable environment until they reach adulthood. The Overview and Scrutiny Committee is requested to consider the attached policies which will be considered by the Executive on 8 December 2009.

### **Appendices:**

Appendix A – Policy on Adoption Financial Support

Appendix B – Policy on Residence Order Financial Support

Appendix C – Policy on Special Guardianship Financial Support