
Meeting: Executive
Date: 8 December 2009
Subject: Eligibility for financial support policies
Report of: Councillor Mrs Anita Lewis - Portfolio Holder for Children's Services
Summary: The report proposes the adoption of policies setting out the eligibility criteria for financial support for Adoption, Special Guardianship and Residence Orders.

Advising Officer: Edwina Grant, Deputy Chief Executive and Director of Children Families and Learning
Contact Officer: Martin Pratt, Deputy Director of Children Families and Learning and Assistant Director Specialist Services
Public/Exempt: Public
Wards Affected: ALL
Function of: Executive
Key Decision Yes
Reason for urgency/ exemption from call-in (if appropriate) N/A

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 the 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 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

RECOMMENDATION(S):

1. that the Executive agree the policies for Adoption Financial Support, Residence Order Support and Special Guardianship Financial Support.
2. that the Executive give delegated authority to the Director of Children's Services in consultation with the Portfolio Holder for Children Families and Learning to approve any variations and review of the Adoption, Residence Order and Special Guardianship financial support policies.

Reason for Recommendation(s): 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.

Summary of Overview and Scrutiny Comments:

This report has not been the subject of a report to the Overview and Scrutiny Committee.

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. The Policy on Adoption Financial Support sets out the regulations which have informed the eligibility criteria. The local authority must offer an assessment of financial support needs to all adopters. The assessment is means tested.

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 an adoptive placement would not go ahead or an existing adoptive placement would be placed at risk of disruption. If financial support at the level of a fostering allowance, when supplemented by welfare benefits, were not made available to foster carers considering adoption of children already in their care, children would remain in the care system.

Policy on Special Guardianship Financial Support

6. 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.
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 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

10. 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.
11. 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

13. 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 executive is requested to agree the attached policies.

Appendices:

Appendix A – Policy on Adoption Financial Support

Appendix B – Policy on Residence Order Financial Support

Appendix C – Policy on Special Guardianship Financial Support

Background Papers

None