DUNDEE CITY COUNCIL

REPORT TO: SOCIAL WORK AND HEALTH COMMITTEE – 23 March 2015

REPORT ON: THE REVISED FINANCIAL SECTION OF THE FOSTER CARERS HANDBOOK AND FOSTERING, ADOPTION AND KINSHIP CARE PAYMENTS 2015/2016.

- REPORT BY: DIRECTOR OF SOCIAL WORK
- **REPORT NO:** 129-2015

1.0 PURPOSE OF REPORT

1.1 This report details changes to the financial section of the Foster Carers Handbook. It is proposed these changes take effect from 1 April 2015. In addition, the report outlines proposed fostering, adoption and kinship care rates to be paid to carers for 2015/16.

2.0 **RECOMMENDATIONS**

2.1 It is recommended that the Social Work and Health Committee:

- Agree and adopt the revised financial Section of the Fostering Handbook, with effect from 1st April 2015 (appendix A).
- Agree the disability living allowance (DLA) for children guide (appendix B).
- Agree to the proposed fostering, adoption and kinship care rates to be paid to carers for 2015/16 (appendix C).

3.0 FINANCIAL IMPLICATIONS

Provision for inflationary uplifts to fostering, adoption and kinship payments has been made within the Social Work Revenue Budget 2015/16. It is estimated that the changes proposed within the financial guidance of the Fostering Handbook will not result in any net increase in expenditure.

4.0 BACKGROUND

- 4.1 The Foster Carer Handbook is provided to all Foster Carers who care for children on behalf of Dundee City Council. It covers the aims of the Fostering Service and contains relevant information about the Fostering role including guidance about the Policies and expectations of carers. It also contains guidance on the financial aspects of caring for children.
- 4.2 The Handbook, although updated in part every year, has not been revised in its entirety for a number of years. A comprehensive review was required to take into account changes in legislation, developments in child care and ongoing work nationally in relation to the changing face of Fostering. It is anticipated that the updated version will promote best practice in the Fostering Service.
- 4.3 The review of the Handbook was undertaken by the Senior Officer (Fostering and Adoption) who led a Working Group comprising supervising Resource Workers, Managers and Foster Carers.
- 4.4 The revised version aims to be clearer and more definitive in its guidance. It has sought to eliminate any potential ambiguities and offers Carers guidance which is fair and considers their views. It is also based on the analysis of operational issues that have arisen which have impacted on the care of children in foster care.

- 4.5 The financial section of the Handbook was discussed in the Working Group. The working group offered a range of options on financial guidance and payments. These options were considered and a draft was issued to carers for consultation. The Service considered the feedback, including the feedback from the DFCA, and it was agreed that the issues raised in the feedback would be on the agenda for the Foster Carers Consultative Group, with the provision of respite being one of the main areas of concern.
- 4.6 The group met in October 2014 and considered the background and supporting facts, including detailed information in relation to the use of respite and the perceived impact such arrangements had on children, including babies. Carers did acknowledge the difficulties and the impact respite could have on children and agreed to look at alternative proposals to address the issues and agreed to consult with other carers and come back with alternative options.
- 4.7 At the November consultative group the carers offered the proposal which is now reflected in the financial guidance attached to this Committee report (Appendix A). It was however recognised by those present that this proposal would not have the full agreement of all carers. It was agreed that the new financial arrangements will be reviewed on an annual basis. The revised handbook has been published online over the last few weeks allowing carers to make comment. All three comments which have been received have been made available to all carers. The following are the main proposed changes to the financial guidance for carers:
 - There will be set amounts for the provision of equipment supplied to new Carers. All Carers will receive the necessary start up equipment to carry out their role but will choose items up to a certain budgetary level. Replacement of equipment will come under discretionary allowances.
 - Carers will be able to take up to 28 days respite/holidays per year from (March to April) It is recommended at times and acknowledged that some carers may require a break from fostering duties so carers will receive their fee/s for 14 days of this 28 day period.
 - If carers take the children with them on holiday and choose not to take their respite/holidays they will receive their usual payment and they can claim an additional £21 per day for each child in placement. This is an increase from £15.
 - There is more defined guidance on the payment of mileage and the payment of discretionary payments for Carers as this has previously been problematic. This guidance will, as far as is possible with discretionary payments, seek to be fair and consistent.
 - There is also guidance in relation to the use of Disability Living Allowance in respect of any child in their care who qualifies and is paid it. (Appendix B)
- 4.9 The proposed annual increases to the Allowances paid to Carers will remain at 95% of the Fostering Network recommended allowances, with this based on an annualised amount given Dundee City Council will continue to pay one extra week of allowances per year (57 weeks against the Fostering Networks 56 weeks). The proposed fostering, adoption and kinship payments for 2015/16 are outlined in Appendix C.

Some of the above changes do not apply to the ACE carers' scheme as it is currently under review and will have different terms and conditions.

5.0 POLICY IMPLICATIONS

5.1 This Report has been screened for any policy implications in respect of Sustainability, Strategic Environmental Assessment, Anti-Poverty, Equality Impact Assessment and Risk Management. There are no major issues.

An Equality Impact Assessment is attached to the report.

6.0 CONSULTATIONS

6.1 The Chief Executive, Director of Corporate Services and Head of Democratic and Legal Services were consulted in the preparation of this report.

7.0 BACKGROUND PAPERS

None

Jennifer G Tocher Director of Social Work DATE: 03 March 2015

SECTION 4 - FINANCE

Allowances

Carers will receive an annual statement about the payment of allowance which equates to 95% of The Fostering Network recommended rates on an annualised basis. This payment will be reviewed annually.

Additional Allowance

In addition to the above weekly allowance, it is proposed that up to 5 weeks age allowance is paid for each child/young person as noted below.

- 2 week allowance for Christmas, payable around start of December each year.
- 1 week allowance for birthday, payable in advance of the young person's birthday.
- 2 weeks allowance for summer holiday activities, payable around the start of the school/nursery summer holidays.

Fees

These will be reviewed annually (linked to staffing payment scales).

Within Family placement we have two fees that are paid to carers:

Mainstream Fee or Enhanced Carer Fee

For carers to receive an Enhanced Carer Fee, a child regardless of age has to meet either the first two criteria or the last one.

• Where there is a written risk assessment that determines the child/young person poses a significant risk of harm to themselves or others and requires significant additional supervision and support from their carer to keep them safe.

And

Where carers require enhanced skills to meet the specific additional needs of a child/young
person. These needs will be significant and may include profound physical disabilities or learning
disabilities, severe emotional trauma resulting in behavioural and/or emotional difficulties such as
increased aggression/self harming/repeated absconding.

Or

• The child/young person will meet the criteria for secure care or a residential school.

The terms and conditions when the Enhanced Fee is paid remain the same as that for the Mainstream fee. The enhanced fee is payable only for the length of the specific placement.

The decision regarding an enhanced carer fee is discretionary and would be authorised through RRMG on the basis of meeting the above criteria.

Respite/ Holidays

Respite/holidays are to give Carers a break from the children in their care if Carers feel they need it, it can also cover Carers events when children living in the household cannot be included in the event. It is important to remember the needs of the children and the impact a number of moves to different Carers can have on their emotional well being when considering respite. Respite can have a detrimental effect on some children. Some children or young people can have regular respite arrangements defined in their care plans.

- Carers can take up to 28 days respite/holidays per year, (1 April to 31 March), in discussion with their Resource Workers. The ACE Carers will be able to take up to 42 days per year. The ACE scheme is currently under review.
- Carers will receive their Fee/s for fourteen days of the 28 days respite/holidays. The carers will not receive a fee for respite/holidays taken over the period of fourteen days
- Carers are unavailable during periods of respite and will not be paid a retainer.
- Any respite arrangements made within the Foster Carers own family will be discussed and planned with the resource worker.
- A child going on residential school trips or with relatives does not count as carers respite or holidays.

If Carers do not take their 28 days respite/holidays, they will be paid an additional £21 per day up to the 28 days allowance. The claim for these monies will be discussed with the Resource worker in terms of how this additional allowance is used for the child (activities, clubs, events etc.). After agreement with the resource worker in terms of the use of the monies it should be claimed within a month of the actual spend.

For Carers who have time out or who have not completed a full year of fostering they will not be entitled to the full 28 days and their respite will be reduced on a pro-rata basis.

When agreeing to requests for holidays/respite the Service must take into account its capacity to meet these requests whilst also minimising the disruption to the children involved. Logistically it is not possible to do so if large numbers of carers take holidays/respite at the same time. Requests for holidays/respite should be made to Resource workers as far in advance as possible with the understanding that it may be refused due to service needs. Carers should not book holidays before they have had discussions with their Resource Workers and it has been granted. Requests for holidays/respite over the Xmas & New Year period will not be granted unless under exceptional circumstances.

Retainers

Retainers can be paid for a maximum of 28 days provided the Carer is available to take a placement. A full fee is paid for each number of approved placements up to a maximum of 3 placements. If a Carer rejects a placement unreasonably in the view of the Department this may result in the retainer not being paid or being stopped. Likewise if a Carer is deemed to have ended a placement prematurely and there has not been agreement for this between the Carer and the Department, then a retainer may not be paid.

On the day a placement ends the 28 day retainer period begins again.

For planned placements a half day fee will be paid for any contact with the child (lasting 4 hours or less) as part of introductions. A full day fee will be paid for introductory contacts with the child lasting more than 4 hours.

Where contact includes overnight stays for the child a fee and allowance (pro rata) will be paid.

If introductions fall within the 28 day period when a retainer is being paid then an additional fee will not be paid as the Carer is already being paid a fee.

The allowance for overnight stays would be paid pro rata.

DLA

The spending of the DLA is to be included in the Day to Day arrangements, with the agreement of all parties.

Any consideration for discretionary payments will take the appropriate use of DLA into account. Carers will generally be the appointee and are legally authorised to spend the money for the welfare of the child as they consider appropriate. If the Department, or anyone else, considers the money is not being used for the welfare of the child then they can report this to DWP. Guidance attached.

When a child in receipt of DLA moves to a respite placement, SWD will pay the equivalent rate to the respite Carer and then deduct from the fee paid to the substantive Carer.

National Insurance, State Benefits and Tax Issues

Foster Carers are treated as self-employed for tax purposes.

The issue of income tax liability can be a complex and confusing area for everyone, and particularly so for Foster Carers. HMRC provides detailed information on their website, <u>www.hmrc.gov.uk</u> in relation to tax issues.

Information on National Insurance contributions and State benefits is provided on <u>www.dwp.gov.uk.</u>

The Fostering Network also provides a range of leaflets and information on their website <u>www.Fostering.net</u>.

Insurance

Carers are expected to have their own household insurance. We would advise Carers that accidental damage should be covered by their own insurance.

Carers are required to have comprehensive car insurance with cover for transporting children in Foster placements.

Dundee City Council has in force a range of insurance policies in respect of Foster Carers and Foster children, and young people in their care.

A summary of the policies in place and the procedures for claiming are detailed in Appendices.

Transport Costs

Mileage will be paid to Carers in relation to the following:

- Transporting children and young people to visit parents, other relatives or other Carers, in order to enable the child to retain contact with his or her past.
- Medical appointments other than routine appointments at the GP or the dentist.
- Transport to school or other educational establishments where transport is not provided by the Education Department.
- Attendance at reviews, case conferences, or other meetings or visits in connection with the care of the child (excluding Children's Hearings). In respect of attendance at Children's Hearings, expenses can be claimed from the Reporter's office, if the Carer is deemed a relevant person.
- Carers undertaking introductory visits to a child prior to placement.

All other transport costs would be met by the transport percentage included in the Fostering Allowance. Claims for travelling expenses should be submitted on the Foster Carer Travel form (F39) which is available from your resource worker. The F39 should be completed on a monthly basis and then given to your resource worker who will process the claim. These expenses will be paid with the Fostering payment.

Bus passes may be provided to a young person to enable them to attend their previous school or to participate in activities they were involved in prior to moving to the current Carer's address. This should be included in the Day to Day Arrangements

It is noted that Education Department do not provide free transport where the child resides less than 3 miles from their school.

Telephone

A telephone allowance of £100 per annum will be paid.

Clothing

When the child arrives in placement on an emergency basis without any or sufficient suitable clothing, an emergency payment up to the value of £75 can be paid. This is a discretionary payment which is agreed by the team manager or with the Out of Hours worker if the placement is made after office hours.

When children and young people initially become looked after they should have their own clothes with them whenever possible. It is the responsibility of the child's social worker to try to get the child's clothing from home or previous placement. Foster Carers should encourage the child to wear his/her own clothes.

The decision as to whether the amount and condition of clothing is suitable will be made following discussion between the chid care Social Worker, Resource Worker, Carer and young person if they are of an age to engage in this discussion and family. If there is agreement by this group that some additional clothing is required then the Resource Worker will have responsibility for presenting a case to their line manager. These payments are discretionary and Foster Carers should not purchase clothing without the authorised agreement of the Resource Team Manager/Service Manager.

The Department will endeavour to make a decision regarding authorisation within 5 working days; payment may take longer to process.

Some clothing will be essential whilst other garments can be purchased over time from the regular Fostering allowance. Carers should keep a record of what clothes are bought for the child during placement.

It is expected that where a child or young person is moving placement from one Foster Carer/residential unit to another that adequate, suitable clothing will be provided from the placement the child is moving from. If the Carer receiving the child does not consider the clothing is adequate this needs to be discussed with the resource worker and the previous Carer. The same process above will be followed if additional clothing is necessary.

Child Care Costs

Carers are expected to use the same child sitting arrangements for a child being looked after as they would normally use for their own children.

A Carer can claim child sitting expenses to cover the cost of child sitting when this is needed by a Carer who is away as a result of his or her Fostering duties. Such occasions may be when Carers attend meetings; Children's Hearings', hospital or any other occasion on behalf of the child placed and if there is no crèche or child facility available.

When a Carer requires chid care in such circumstances, they should discuss with their Resource Worker in the first instance and before making any other arrangements (unless in an emergency). The Resource Worker will establish whether the Department can provide child sitting via Child Care at Home.

Child sitting expenses cannot be paid to Carers when they are working and unavailable to care for the child. Claims should be made on an AO11 and given to the Resource Worker for processing.

Equipment

The Social Work Department has responsibility to provide essential equipment for newly approved Foster Carers who are offering placements.

The Resource Worker and Foster Carer will agree what furniture is already available in the home which the Carer is prepared to use for any child or children placed, and to see what additional items are required.

The Resource Worker passes all requests for equipment to the Resource Team Manager/Service Manager for consideration. There are funding limits on this provision, guidance is available.

No replacements will be provided unless under exceptional circumstances. Any request for replacements under these circumstances will be dealt with as a request for a discretionary payment.

All equipment must be agreed by Resource Team Manager/Service Manager prior to purchase.

Prospective Adopters may also be reimbursed reasonable costs of purchasing equipment, if they choose not to purchase these items themselves. Again, this should be discussed with their Resource Workers in advance of buying the items.

Ancillary Payments

Fostering allowances cover all costs, with few exceptions.

These are:

- Passports the full cost will be paid by childcare teams.
- Birth certificates the full cost will be paid by childcare teams.
- Residential educational trips there will be a contribution made from the Carers to these trips in discussion with the social worker and resource worker.
- Life-story work expenses should be covered by the child care teams including photographs and DVDs.

Discretionary Payments

Fostering allowances and ancillary payments should cover all costs in relation to the care of a child and only in exceptional circumstances will a discretionary payment be made. The definition of discretionary payments is broad so that each case can be decided upon based on the individual needs of the child and their circumstances. Where the Foster Carer, childcare Social Worker and Resource Worker consider that such an exceptional circumstance exists, they should provide evidence of this in writing. The Resource Worker will submit this to the Resource Team Manager/Service Manager for consideration. Foster Carers should not make any payments in advance in anticipation of these being reimbursed by the Department.

Suspension of Payments

Where a Carer has been suspended, the payment of their fee will be suspended after six weeks.

Appendix B

DISABILITY LIVING ALLOWANCE (DLA) FOR CHILDREN - GUIDE

1 Overview

Disability Living Allowance (DLA) for children may help with the extra costs of looking after an <u>eligible</u> child who:

- is under 16
- has difficulties walking, and or,
- needs more looking after than a child of the same age

The amount you could get is a week is dependent on the level of help the child needs. The child may need an <u>assessment</u> to work out what help they need.

Complete a <u>DLA for children claim form</u> to apply.

When your child turns 16

Your child may be affected by Personal Independence Payment (PIP) when they turn 16. This is a new benefit that is replacing DLA for people aged 16 to 64.

2 DLA rates for children

Disability Living Allowance (DLA) for children is a tax-free benefit made up of 2 components (parts). The child might <u>qualify</u> for one or both components.

How DLA for children is paid

DLA is usually paid every 4 weeks.

All benefits, pensions and allowances are paid into an account, e.g. your bank account.

Foster Carers cannot claim tax relief, child benefits, income support or free school meals for children in their care. A child with a disability may be entitled to 'Disability Living Allowances' from the DWP. This allowance is payable in addition to the Fostering allowance. If you consider the child you are caring for is entitled to this benefit, discuss the matter with the child's social worker before approaching the DWP

DLA is a payment that is for people who have greater care or mobility needs than others of the same age. Any adult who is caring for a child with additional needs, providing the child is not in hospital or residential care for more than 28 days (this is cumulative and does not have to be consecutive) can apply for DLA for the child.

DLA should be used so that children with a learning or physical disability can be included in activities and learning experiences within their local community, and to access social and leisure activities allowing them to enjoy an active and fulfilling life.

The team around a child has a duty to ensure that the child's welfare is being met and DLA is part of this and a record of what has been spent is best practice and keeping receipts of larger expenditures i.e. over £30. Although this is good practice the social worker and the local authority does not have the authority to decide how the money is spent, if however they feel the money is being misused then it is expected that they will report this to DWP who then investigate.

FOSTERING ALLOWANCES 2015/16

Appendix C

It is recommended that the undernoted rates for 2015/16 are paid, effective from 6th April 2015.

1. Fostering Allowances

It is recommended that Dundee City Council allowances are increased to represent 95% of the recommended annualised rate set by the Fostering Network for 2015/16, with effect from 6th April 2015. Payments will continue to be paid fortnightly, with additional 5 weeks per annum to cover summer holidays, Christmas and birthday.

2. Foster Carer and ACE Carer Fees

These fees, as previously agreed by Social Work and Health Committee are linked to staff pay scales and it is recommended that these are increased in line with the equivalent inflationary staff pay increases.

3. Kinship and Residence Allowances

The amount paid is the equivalent of income support rates. It is recommended that these allowances are increased in line with relevant income support rates.

4. Adoption Age Allowances

It is recommended that Adoption Age Allowances are increased by 1.25% in line with budgeted provisions. (Child benefit will continue to be deducted from these allowances if received for the child).

5. Respite & Holidays

In line with proposed Foster Carer Handbook guidelines, it is recommended that payment of additional respite / holiday allowance is increased to £21 per day per child.

6. Other Allowances

Allowable Additional Mileage – 45p per mile Telephone Allowance – £100 per annum (paid in 2 instalments, around June and December)

Summary of recommended rates and allowances

Note		2014/15 Weekly Rate £	2015/16 Weekly Rate £
1	Fostering Age Allowance 00-04	130.97	133.34
1	Fostering Age Allowance 05-10	149.19	151.88
1	Fostering Age Allowance 11-15	185.73	189.07
1	Fostering Age Allowance 16-18	225.94	230.01
2	Foster Carer and ACE Carer Fee	149.82	Tbc
2	ACE Carer Fee	577.52	Tbc
3	Kinship Carer Allowance	66.33	66.90
3	Residence Allowance	66.33	66.90
3	Kinship & Residence Family Premium	17.45	17.45
4	Adoption Age Allowance 00-04	86.65	87.71
4	Adoption Age Allowance 05-10	97.66	98.86
4	Adoption Age Allowance 11-15	121.62	123.12
4	Adoption Age Allowance 16-18	155.27	157.19
5	Holiday allowance	£15 per day	£21 per day



EQUALITY IMPACT ASSESSMENT TOOL

Part 1: Description/Consultation

AT)? Yes ⊠ No □		
A)? Yes □ No ⊠		
Committee Report 129-2015 Number:		
Fostering, Adoption and Kinship Care Payments 2015/16 and Updated Foster Carers Handbook		
This is an existing policy, procedure, strategy or practice being assessed? (If yes please check box) ⊠		
Report recommends the level of weekly Fostering and Adoption payments to be paid to Dundee City Council Foster Carers and Adopters and seeks approval to Adopt the revised financial section of the Foster Care Handbook		
To set the level of weekly Fostering and Adoption payments for 2015/16 and update the Foster care Handbook to reflect updated practices; to provide consistency and equity in the application of these fees and allowances and set the expectations of the Council and Carers.		
Fostering Network revised allowances for 2015/2016 National Drivers NRCCI Consultative Groups Inspection reports		
Foster Carers were involved in the working group considering the changes to the revised Handbook. There were also two consultative groups where carers discussed the proposals and came up with the one around respite.		
Dave Berry, Margo Dymock, Jane Martin		

or to involve or consult protected characteristics communities on the impact of the proposed policy?	
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Part 2: Protected Characteristics

Which protected characteristics communities will be positively or negatively affected by this policy, procedure or strategy?

NB Please place an X in the box which best describes the "overall" impact. It is possible for an assessment to identify that a positive policy can have some negative impacts and visa versa. When this is the case please identify both positive and negative impacts in Part 3 of this form.

If the impact on a protected characteristic communities are not known please state how you will gather evidence of any potential negative impacts in box Part 1 section 7 above.

	Positively	Negatively	No Impact	Not Known
Ethnic Minority Communities including Gypsies and Travellers			\boxtimes	
Gender			\boxtimes	
Gender Reassignment			\boxtimes	
Religion or Belief			\boxtimes	
People with a disability	\boxtimes			
Age*	\boxtimes			
Lesbian, Gay and Bisexual			\boxtimes	
Socio-economic			\boxtimes	
Pregnancy & Maternity			\boxtimes	
Other (please state)				

* The recommended improvements will benefit children and young people

Part 3: Impacts/Monitoring

1.	Have any positive impacts been identified?(We must ensure at this stage that we are not achieving equality for one strand of equality at the expense of another)	Children with challenging behaviour often resulting from disability will have a better chance of living in a nurturing and safe home. The increase to Fees and Allowances will improve the care of children in respect of the cost of living. Changes to respite will mean a potential improvement in the number of changes of placement children have to experience.
2.	Have any negative impactsbeenidentified?(Based on direct knowledge, published(Based on direct knowledge, publishedresearch, community involvement, customerfeedback etc. If unsure seek advice from yourdepartmental Equality Champion.)	Although the changes will have a positive overall impact in socio-economic terms some Carers may have their income reduced during periods of respite, depending on the number of placements they are approved to take and the amount of respite the choose to take
3.	What action is proposed to overcome any negative impacts? (e.g. involving community groups in the development or delivery of the policy or practice, providing information in community languages etc. See Good Practice on DCC equalities web page)	Discussions with Carers will continue regarding the use of respite and the impact on the child. Respite will always be available for Carers who are struggling to cope with some aspects of a child's behaviour. It will bring a balance to the service between Carers' needs and more importantly the child's needs. The new arrangements will be reviewed in a year.
4.	Is there a justification for continuing with this policy even if it cannot be amended or changed to end or reduce inequality without compromising its intended outcome? (If the policy that shows actual or potential unlawful discrimination you must stop and seek legal advice)	n/a

5.	Has a 'Full' Equality Impact Assessment been recommended?	No
	(If the policy is a major one or is likely to have a major impact on protected characteristics communities a Full Equality Impact Assessment may be required. Seek advice from your departmental Equality lead.)	
6.	How will the policy be monitored? (How will you know it is doing what it is intended to do? e.g. data collection, customer survey etc.)	The work of the Fostering and Adoption service is presented to Social Work and Health Committee on an annual basis. The service gathers information from Foster Carers and the separate panels as part of this process. The changes will be reviewed every year in keeping with the annual increases to Carers Fees and Allowances

Part 4: Contact Information

Human Resource Policy	
General Policy	
Strategy/Service	\boxtimes
Change Papers/Local Procedure	
Guidelines and Protocols	
Other	

Manager Responsible		Author Responsible		
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Signature of author of the policy:	Mayo Dymach	Date:	3 March 2015
Signature of Director/Head of Service:	Ho Golg	Date:	3 March 2015
Name of Director/Head of Service:	Jenni Tocher		
Date of Next Policy Review:	Annual		