

DUNDEE CITY COUNCIL

REPORT TO: SOCIAL WORK AND HEALTH COMMITTEE- 23 NOVEMBER 2015

REPORT ON: KINSHIP CARE ALLOWANCES - PARITY WITH FOSTER CARERS

REPORT BY: HEAD OF SERVICE STRATEGY, INTEGRATION, PERFORMANCE AND SUPPORT SERVICES

REPORT NO: 427-2015

1.0 PURPOSE OF REPORT

This report outlines proposals to bring kinship carer allowances in line with allowances made to foster carers following national discussions between COSLA and the Scottish Government.

2.0 RECOMMENDATIONS

It is recommended that the Social Work and Health Committee:

- 2.1 Notes recent developments on allowances for kinship carers and the agreed allocation and distribution of additional Scottish Government Funding of £10.1m nationally to support local authorities in achieving parity between kinship allowances and foster allowances.
- 2.2 Agrees to set a revised level of payments as set out in this report, to enable parity in payment for kinship carers and foster carers, backdated to 1 October 2015.

3.0 FINANCIAL IMPLICATIONS

- 3.1 COSLA and the Scottish Government recommend that Councils adopt a local parity model whereby kinship carers receive an allowance which when combined with state benefits brings them to parity with foster carers.
- 3.2 Updated financial assessments of kinship carers will inform the Council's financial position in terms of their entitlement to state benefits. An early estimate of the cost to Dundee City Council in bringing kinship allowances to the same rate as fostering allowances is around £500k in a full financial year. This assumes that child benefit and child tax credit will be claimed by the families.
- 3.3 The Scottish Government has allocated an additional £10.1m nationally to support local authorities in achieving parity for kinship carers and foster carers. Dundee's allocation of this is £357,502 per annum (£178,751 in 2015/2016) leaving an estimated shortfall of £142,500 per annum (£71,250 in the current financial year). This shortfall will be contained within the Social Work Revenue Budget.

4.0 MAIN TEXT

- 4.1 Kinship care is when a child is looked after by their extended family or close friends, if they cannot remain with their birth parents. Under the Looked After Children (Scotland) Regulations 2009, kinship carers are defined as "a person who is related to the child (through blood, marriage or civil partnership) or a person with whom the child has a pre-existing relationship".
- 4.2 In Dundee there are currently 292 children placed with kinship carers. Through the work that we do with children and young people using the "well being wheels" they tell us that if they cannot live at home with their parents then their preference is to be with a kinship carer. This research indicates that outcomes for children are improved in this environment.

- 4.3 COSLA has been working with local authorities across Scotland and the Scottish Government following an Equalities and Human Rights Commission (EHRC) investigation into the lack of parity between payments to foster carers and kinship carers. The view of the EHRC is that the disparity that exists is unlawful, raising the possibility of legal action against some local authorities. In order to prevent this happening, an agreed model of ensuring parity has now been agreed at a national level.
- 4.4 *The national agreement between COSLA and the Scottish Government applies to:*
- **All formal kinship carers**, where the child has a looked after status. This includes those carers of a child looked after under Section 25 and where the local authority was involved in the placing of the child. Carers are eligible from the point of placement and not approval.
 - **Some informal kinship carers**, where the child is not a looked after child but is subject to a Section 11 Order under the Children (Scotland) Act 1995 (to be known as a Kinship Care Order from April 2016) **and** is or was
 - Previously looked after; or
 - Placed with involvement by the local authority; or
 - At risk of becoming looked after.
- 4.5 *Kinship carers covered by this agreement should receive an allowance at a minimum of the same rate as foster carers in their local authority area. It should be noted that the agreement applies only to children who have been taken into care and does not apply to private situations.*
- 4.6 *Some kinship carers will be eligible for child-related benefits, which are intended to cover accommodation and maintenance. If a kinship carer is in receipt of any child-related benefits, then the local authority may deduct these (actual amounts) from the amount of allowance that it pays to the kinship carer. In this situation, any additional payment to bring the allowance rate up to that of a foster carer is to be considered a wellbeing payment – the kinship carer is already receiving payment from the state for accommodation and maintenance and the additional money is to ensure that the kinship child is able to benefit from opportunities that many children have but that they would otherwise be unable to access.*
- 4.7 Dundee City Council pays kinship carers a weekly allowance which currently stands at £66.90 per week. In addition, a family premium payment of £17.45 is made to each family regardless of the number of children being cared for (NB resulting in a payment of £84.35). An initial “start up” payment of £300 maximum per child for new kinship placements is also available for arrangements that are likely to be ongoing
- 4.8 Dundee City Council Foster allowances range by age as follows and it is recommended that kinship care allowances are aligned to these accordingly with effect from 1st October 2015 in line with Scottish Government guidance:
- Age Allowance 00-04 £133.84
 - Age Allowance 05-10 £151.88
 - Age Allowance 11-15 £189.07
 - Age Allowance 16-18 £230.01
- These allowances are paid for 57 weeks over the course of the year.
- 4.9 The Council has developed a Kinship Care Strategy and there is currently a dedicated social worker who has a specific remit for kinship care. This role encompasses both practice and development of the service and involves close liaison with Housing and Welfare Rights Services.
- 4.10 It is recognised that there are a number of complexities inherent in the local parity model but staff from Children and Families are liaising closely with Welfare Rights to identify the families involved and undertake a retrospective financial assessment. This will take some time however public information is being developed to advise kinship carers of the intended changes. In addition, each local authority has been asked by the Scottish Government to

publish a revised Kinship and Fostering Allowances Policy which should include key details of entitlement, eligibility criteria, how it will be assessed, where more information can be found, where complaints can be made and any other relevant information. These policies should be published as soon as possible and local authorities will wish to update them to reflect changes as they occur. This will be developed by the Children and Families Service.

- 4.11 It is recognised nationally that this is an interim solution, particularly given impending changes to the benefits system such as the roll out of Universal Credit and that a longer term review of allowances for both foster and kinship care is required. This will be the remit of a National Allowance Review Group to be established in the near future comprising of key stakeholders including COSLA and Social Work Scotland.

5.0 POLICY IMPLICATIONS

This report has been screened for any policy implications in respect of Sustainability, Strategic Environmental Assessment, Anti-Poverty, Equality Impact Assessment and Risk Management. An Equality Impact Assessment is attached to this report.

6.0 CONSULTATIONS

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

7.0 BACKGROUND PAPERS

None.

LAURA BANNERMAN
Head of Service
Strategy Integration Performance and Support Services

DATE: 11th November
2015

EQUALITY IMPACT ASSESSMENT TOOL

Part 1: Description/Consultation

Is this a Rapid Equality Impact Assessment (RIAT)?		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Is this a Full Equality Impact Assessment (EQIA)?		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Date of Assessment:	02/11/2015	Committee Report Number:	427-2015
Title of document being assessed:		Kinship care allowances – parity with foster carers	
1. This is a new policy, procedure, strategy or practice being assessed (If yes please check box) <input checked="" type="checkbox"/>		This is an existing policy, procedure, strategy or practice being assessed? (If yes please check box) <input type="checkbox"/>	
2. Please give a brief description of the policy, procedure, strategy or practice being assessed.		Report on the proposal to ensure that children in kinship care placements receive the same allowances as those in foster care.	
3. What is the intended outcome of this policy, procedure, strategy or practice?		Note recent developments on allowances for kinship carers. Agrees to set a revised level of payments to enable parity in payment of kinship carers and foster carers, backdated to 1 October 2015.	
4. Please list any existing documents which have been used to inform this Equality and Diversity Impact Assessment.		None.	
5. Has any consultation, involvement or research with protected characteristic communities informed this assessment? If yes please give details.		No.	
6. Please give details of council officer involvement in this assessment. (e.g. names of officers consulted, dates of meetings etc)		Consultation with Craig Mason, Section Leader Welfare Rights and Dave Berry, Chief Finance Officer.	

<p>7. Is there a need to collect further evidence or to involve or consult protected characteristics communities on the impact of the proposed policy?</p> <p>(Example: if the impact on a community is not known what will you do to gather the information needed and when will you do this?)</p>	<p>No.</p>
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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	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender Reassignment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Religion or Belief	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
People with a disability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Age	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lesbian, Gay and Bisexual	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Socio-economic	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pregnancy & Maternity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (please state)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Part 3: Impacts/Monitoring

<p>1. Have any positive impacts been identified?</p> <p>(We must ensure at this stage that we are not achieving equality for one strand of equality at the expense of another)</p>	<p>This will increase opportunities to bridge the attainment gap.</p>
<p>2. Have any negative impacts been identified?</p> <p>(Based on direct knowledge, published research, community involvement, customer feedback etc. If unsure seek advice from your departmental Equality Champion.)</p>	<p>No.</p>
<p>3. What action is proposed to overcome any negative impacts?</p> <p>(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)</p>	<p>N/A</p>
<p>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?</p> <p>(If the policy that shows actual or potential unlawful discrimination you must stop and seek legal advice)</p>	<p>N/A</p>
<p>5. Has a 'Full' Equality Impact Assessment been recommended?</p> <p>(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.)</p>	<p>No.</p>

<p>6. How will the policy be monitored?</p> <p>(How will you know it is doing what it is intended to do? e.g. data collection, customer survey etc.)</p>	<p>This is an interim solution to achieving parity. At a local level there will be ongoing liaison between children and families service and welfare rights service whilst nationally this will be the remit of a National Allowance Review Group to be established in the near future comprising of key stakeholders including COSLA and Social Work Scotland.</p>
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Part 4: Contact Information

Name of Department or Partnership	Children and Families Service
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Type of Document	
Human Resource Policy	<input type="checkbox"/>
General Policy	<input checked="" type="checkbox"/>
Strategy/Service	<input type="checkbox"/>
Change Papers/Local Procedure	<input type="checkbox"/>
Guidelines and Protocols	<input type="checkbox"/>
Other	<input type="checkbox"/>

Manager Responsible	Author Responsible
Name: Jane Martin	Name: Alison Leuchars
Designation: Head of Service	Designation: Service Manager (East)
Base: Floor 2, Dundee House	Base: Dudhope Castle
Telephone: 01382 436001	Telephone: 01382 307965
Email: Jane.martin@dundeecity.gov.uk	Email: alison.leuchars@dundeecity.gov.uk

Signature of author of the policy:	Alison Leuchars	Date: 2/11/15
Signature of Director/Head of Service:	Jane Martin	Date: 2/11/15
Name of Director/Head of Service:	Jane Martin	
Date of Next Policy Review:	N/A	