

NOTICE OF MEETING

Cabinet Member Signing

**Tuesday, 10th October, 2017, 4.00 pm - Civic Centre, High Road,
Wood Green, N22 8LE**

Councillor Weston – Cabinet Member for Children and Families

1. FILMING AT MEETINGS

Please note that this meeting may be filmed or recorded by the Council for live or subsequent broadcast via the Council's internet site or by anyone attending the meeting using any communication method. Although we ask members of the public recording, filming or reporting on the meeting not to include the public seating areas, members of the public attending the meeting should be aware that we cannot guarantee that they will not be filmed or recorded by others attending the meeting. Members of the public participating in the meeting (e.g. making deputations, asking questions, making oral protests) should be aware that they are likely to be filmed, recorded or reported on.

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The chair of the meeting has the discretion to terminate or suspend filming or recording, if in his or her opinion continuation of the filming, recording or reporting would disrupt or prejudice the proceedings, infringe the rights of any individual or may lead to the breach of a legal obligation by the Council.

2. DECLARATIONS

A member with a disclosable pecuniary interest or a prejudicial interest in a matter who attends a meeting of the authority at which the matter is considered:

- (i) must disclose the interest at the start of the meeting or when the interest becomes apparent, and
- (ii) may not participate in any discussion or vote on the matter and must withdraw from the meeting room.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Register of Members' Interests or the subject of a pending notification must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal interests and prejudicial interests are defined at Paragraphs 5-7 and Appendix A of the Members' Code of Conduct

3. ITEMS OF URGENT BUSINESS

The Leader/Cabinet Member will advise of any items they have decided to take as urgent business.

4. SPECIAL GUARDIANSHIP ORDERS (PAGES 1 - 68)

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Tuesday, 03 October 2017

Report for: Cabinet Member Signing

Item number: 4

Title: Special Guardianship, Adoption and Child Arrangement Order Payment Policy

Report authorised by: Margaret Dennison, Director of Children's Service

Lead Officer: Sarah Alexander, 0208 489 7061,
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Ward(s) affected: N/A

**Report for Key/
Non Key Decision:** Key Decision

1. **Describe the issue under consideration**
 - 1.1. The purpose of the report is to confirm the Council's policy and arrangement for the payment of Adoption, Special Guardianship (SG) and Child Arrangement Order (CAO) allowances; and to provide consistency and compliance with Statutory guidance for local authorities on the Special Guardianship Regulations 2005 (as amended by the Special Guardianship (Amendment) Regulations 2017).
2. **Cabinet Member Introduction**
 - 2.1. This report proposes updating Haringey's Policy on Adoption, Special Guardianship (SG) and Child Arrangement Order (CAO) allowances, in line with the latest statutory guidance, ensuring the Council is consistent in supporting legally appointed carers and undertaking financial means tests. The key benefit of the Policy will be to encourage carers to proceed with plans for Adoption, Special Guardianship and CAO rather than leave children in the care system. Permanence planning will support children to have a safe, secure, and stable family life.
 - 2.2. The proposals in this report also seek to deliver efficiencies by strengthening the Council's financial processes, ensuring close monitoring of allowance payments and consistent annual financial reviews of legally appointed carers financial circumstances.

3. Recommendations

3.1. Cabinet is recommended to:

- a) Agree the Policy and arrangement for the payment of: Adoption, Special Guardianship, and Child Arrangement Orders Allowances 2017/18 as set out in **Appendix 1**.

4. Reasons for decision

- 4.1. To ensure up to date, consistent and cost effective policies and procedures are in place without creating a barrier to progressing a plan for Adoption or Special Guardianship or Child Arrangement Orders. Adopting a rigorous approach to reviewing allowance payments will provide a mechanism to ensure that allowance payments made are still appropriate and the recipients remain entitled to them.
- 4.2. To ensure the Council's allowance rates will remain broadly aligned to the North London Consortium average rates (see Appendix 4 for Haringey's Allowance and Reward Rates 17/18).
- 4.3. Any attempt to reducing existing allowance rates could become a barrier to progressing plans for permanency. This would increase Council costs if the child is a Looked After Child (LAC). If a child or young person remains looked after when a permanency option was available, the Council will continue to face the costs of supporting a looked after child (See Appendix 2 for detailed analysis of the Haringey's allowance rates).

5. Alternative options considered

- 5.1. The Council has considered the option of continuing with the current arrangement for payment of Adoption, Special Guardianship and Child Arrangement Order allowances which has offered a range of payments without a consistent testable framework leading to differing levels of payment. To ensure compliance with the regulatory framework for these payments, the do nothing approach is untenable. The Council must have a sustainable equitable policy and procedure for managing these cohorts of allowances and to progress permanency plans for children wherever possible.

6. Background information and opportunity budget management and forecasting

- 6.1. An Adoption Order gives parental responsibility for a child to the adopter(s) and extinguish permanently any existing parental responsibility. A Special Guardian Order gives the special guardian a degree of parental responsibility for the child concerned providing permanence and security for those children for whom adoption is not suitable but who cannot live with their birth parents.

The basic legal links between the child and his birth family are preserved. However, a special guardian is entitled to exercise parental responsibility to the exclusion of any other person with parental responsibility.

- 6.2. A CAO regulates the arrangements relating to with those persons with whom a child is to live, spend time or otherwise have contact and when. The Adoption Support Services Regulations 2005 and the Special Guardianship Regulations 2005 (as amended) specifies the circumstances when the Council is required to provide support services including the provision of financial support. The Council has the discretion to make financial contribution following a CAO. The recommended Policy (**Appendix 1**) outlines the Council's arrangement for the provision of financial support in these cases.
- 6.3. The Council currently faces number of significant challenges in this area. A recent internal Council audit, February 2017, has identified that there are a number of pressing issues that must be addressed to ensure the Council is able to deliver consistently on its statutory responsibilities with regards to servicing legally appointed carers.
- 6.4. **Current arrangements**
- 6.5. The above points highlighted by the recent internal audit identify wide range of issues which need to be urgently addressed.
- 6.6. Historically, there has been an inconsistent approach taken by the service to assess entitlement to a weekly allowance and there is considerable variance in what former foster carers, Adopters and Special Guardians are paid. This has been in part due to an absence of a formal procedural framework for assessing allowances payments. Through agreeing the key recommendation set out in Section 3.0 of this report, the Council will be able to move forward with ensuring greater consistency and clarity in allowance payments and delivering on the recommendations set out by the internal audit.
- 6.7. LB Haringey currently pays those foster carers who become Special Guardians the professional fee and maintenance allowance for two years in common with the North London Fostering & Adoption Consortium and statutory guidance. The Council will in exceptional circumstances extend the allowance payment for a further one year.
- 6.8. All Adopters and Special Guardians are legally entitled to an assessment of need which includes a financial assessment.
- 6.9. A support plan should be in place for each special guardianship package, which details the assessments of the child's circumstances and support needs.
- 6.10. There should be an annual monitoring and review of the support plan as a minimum requirement including the financial plan.

6.11. In instances where a Special Guardian is dissatisfied with the amount of financial support offered they can write to the AD for Safeguarding and Social Care outlining the reasons for appeal. The Council has committed to reviewing an appeal outcome decision within 10 working days. If they remain dissatisfied with the response, they are able to take forward their concerns through Haringey Council complaints procedure.

6.12. **Risk management**

6.13. The following risks have been identified and are mitigated through the recommendation set out in this report:

- a) In order for Haringey to be legally compliant, it must establish an accurate and transparent policy footing in line with statutory guidance and apply policy to all legally appointed carers. Adopting a rigorous approach to reviewing allowances payments will provide a mechanism to ensure that allowances payments made are still appropriate and the recipients are still entitled to them.
- b) Without the application of a proper financial procedures and spending reviews, a risk exists that expenditure exceeds budget limits. The use of Department for Education (DfE) financial assessment Means Test Model and a system for reviewing allowances payments will enable the authority to better manage this risk. Additionally, ensuring that the Council is appropriately resourced and ensuring staff are trained going forward, the potential risk for future legal action against the Council, exposure to possible fraud, or the possibility of over allocated funds to legally appointed carers is further limited.
- c) A lack of consistency and transparency in the Councils procedures presents the risk that the service users perceive themselves to have been treated unfairly. The recommendation and Means Test Model proposed in this report seeks to limit this risk.
- d) There currently exists a backlog of 230 Support Plans that need to be urgently reviewed. The Council must invest in staff resources in order to undertake the Support Plans reviews and financial means test in accordance with DfE guidance and statutory timeframes (see Appendix 2 for staff resource consideration).
- e) Consideration is given to the option of reducing the Councils allowance rates in line with the DfE minimum. However, any attempt to reduce previously agreed allowances risks causing reputational harm as this is likely to be seen as the Council reneging on previous commitments to support a permanency plan. The allowance may have been the tipping

point for former foster carers to become adopters & special guardians on low income or whose child has additional needs. This is at a time when LB Haringey needs to urgently attract as many prospective foster carers and adopters as possible. If allowance rates were to be reduced, this cohort will look to other local authorities first.

7. Contribution to strategic outcomes

- 7.1. The recommendations set out in this report will support the Councils Permanency Strategy for children. The objective of permanence planning is to ensure that children have a secure, stable and loving family to keep them safe and to support them through childhood and beyond. Where children cannot live with their own family they will have the best chance of thriving and of having their needs properly met in an alternative permanent family.
- 7.2. More specially, the recommendations set out in this report will contribute to the following corporate priority:
- Priority 1 - Enable every child and young person to have the best start in life, with high quality education.

8. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)

- 8.1. Finance Comments: The additional resource post has been created to ensure the financial review of all existing and future special guardians, ensuring that the Council is able to be consistent in meeting its Policy. It is for a fixed period of 12 months with a specified set of objectives, which should lead to savings in the longer term. There is currently no funding set aside for this post, but ultimately that savings derived from this exercise should make it self-funding.
- 8.2. Legal Comments: The Adoption Support Services Regulations 2005 and the Special Guardianship Regulations 2005 (as amended) specifies the requirements for the provision of financial support to adopters and special guardians to secure permanency arrangement for a child. The proposed payment policy is in accordance with the Regulations and the supporting statutory guidance.
- 8.3. Equality
- 8.4. The Council has a public sector equality duty under the Equalities Act (2010) to have due regard to:
- tackle discrimination and victimisation of persons that share the characteristics protected under S4 of the Act. These include the characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex (formerly gender) and sexual orientation;
 - advance equality of opportunity between people who share those protected characteristics and people who do not;
 - foster good relations between people who share those characteristics and people who do not.

- 8.5. An EQIA has been completed and is appended to the report. All claimants of allowances are means tested against available household income and no distinction is drawn regarding their sexual orientation, background, age or sex. This is not a change to the current process and ensures there is a fair approach to the means test and does not penalise those of any specific background.
- 8.6. The Equality Impact Assessment will be updated should the Council change the current Policy, and an updated version will accompany any future Cabinet report.

9. **Use of Appendices**

- **APPENDIX 1:** LB Haringey Policy: Adoption Order, Special Guardianship Order and Child Arrangements Order Allowances 2017
- **APPENDIX 2:** Haringey Adoption, Special Guardian and Child Arrangement Order analysis
- **APPENDIX 3:** Special Guardian Review Methodology Support Plan and Means Test
- **APPENDIX 4:** Haringey Allowance and Reward Rates 2017/18
- **APPENDIX 5:** EQiA Adoption, SGO and CAO Allowances

10. **Local Government (Access to Information) Act 1985**

- Internal Audit Report 2016/17, London Borough of Haringey Special Guardianship Orders February 2017

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LB Haringey Policy: Adoption
Order, Special Guardianship Order
and Child Arrangements Order
Allowances
2017

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DOCUMENTS CONTROL

DOCUMENT NAME & FILE LOCATION	ADOPTION ORDER, SPECIAL GUARDIANSHIP ORDER AND CHILD ARRANGEMENTS ORDER ALLOWANCES 2017	
DOCUMENT OWNER	SARAH ALEXANDER - AD FOR SAFEGUARDING & SOCIAL CARE	
REVIEW DATE	THIS DOCUMENT IS TO BE REVIEWED A MINIMUM OF EVERY [1] YEARS, THE NEXT REVIEW TO OCCUR NO LATER THAN 2018. INCREMENTAL REVIEWS MAY TAKE PLACE AS REQUIRED.	
ACCESSIBILITY	THIS DOCUMENT CAN BE MADE AVAILABLE IN HARD AND ELECTRONIC FORMATS.	
HOW THIS DOCUMENT WAS CREATED	VERSION 1	AUTHOR AND TEAM

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INTRODUCTION

This guidance relates to payments Special Guardians, Adopters and Carers with an Arrangement Order (previously called Residence Orders). The guidance is intended to supplement the statutory framework and guidance by offering further assistance to carers, officers and others about how the Council expects the relevant schemes to be operated. The guidance should be read in conjunction with the Council's current Special Guardian, Adoption, procedures which are available on the intranet.

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ADOPTION ORDER FINANCIAL SUPPORT

1.0 INTRODUCTION TO ADOPTION ORDERS

1.1 The decision to become a parent brings with it considerable gains, pleasures and challenges but it also brings with it the additional costs of raising a child. Adoptive parents cannot assume they will receive an adoption allowance. However, Haringey Council understands that when adopters, foster parents or family and friends take on the permanent formal care of another person's child or children this may create financial difficulties for the carers, especially when the arrangements are not planned. This document sets out the circumstances in which the Council may provide financial assistance to mitigate such difficulties.

2.0 LEGAL FRAMEWORK

2.1 The Adoption and Children Act 2002 provided a major revision of adoption legislation by updating the legal framework for domestic and inter country adoption. A key provision of the act was a new regulatory structure for adoption support services which placed a duty on local authorities to assess the need for adoption support services for adoptive families and others. The Adoption Support Services Regulations 2005 specify the conditions for providing adoption support services including the provision of financial support.

3.0 GENERAL PRINCIPLE

3.1. The Council recognises that an Adoption Order is evidence that a family/friend carer wishes to make a permanent and substantial commitment to the upbringing of the child/young person. This commitment should be taken to include a willingness to meet the costs associated with the role of the child's primary care-giver. The acceptance of responsibility for children always involves change and sometimes this will involve a change in the standard of living.

3.2. Any financial support provided by the Council must compliment and not duplicate any other financial support being provided for the child; either through state benefits, tax allowances or any financial contributions made by the birth parents or other family members. The support provided by the Children's Services of the authority is not meant to be an alternative to making claims for benefits and tax credits available from other sources. Adopters must apply for statutory adoption pay and leave, and all benefits and tax credits to which they are eligible.

3.3. The allocation of resources needs to be done consistently having regard to the demands on the Council's resources and the needs of other families, therefore:

- a. Decisions are made by managers and panels and not by the allocated social workers;
- b. Means tests are usually applied;
- c. Any regular payments will be subject to periodic review to establish whether the needs of the family require the continued support and if so whether the level should be changed (increased or decreased).

4.0 ELIGIBILITY FOR FINANCIAL SUPPORT

4.1. Financial support is payable to an adoptive parent for the purpose of supporting the placement of the adoptive child or the continuation of adoption arrangements after an adoption order is made. The payment will only be made in the following circumstances:

- a) Where it is necessary to ensure that the adoptive parent can look after the child.
- b) Where the child needs special care which requires greater expenditure of resources because of illness, disability, emotional or behavioural difficulties, or the continuing consequences of past abuse or neglect. Payment under this category is intended where the child's difficulties are significant and long term.
- c) Where it is necessary for the Council to make any special arrangements to facilitate the placement or the adoption because of:
 - i) The age or ethnic origin of the child, or
 - ii) The desirability of the child being placed with the same adoptive parent as their sibling or with a child with whom they have previously shared a home with.
- d) Where support is needed to meet recurring costs of travel in relation to contact between the child and its siblings.
- e) Where the Council thinks it is appropriate to make contribution to expenditure on legal costs, including fees payable to a court in relation to an adoption.
- f) Where the Council thinks it is appropriate to make contribution to the expenditure of introducing the adoptive child to the adoptive parent.
- g) Where the Council thinks it is appropriate to make contribution for the purpose of accommodating and maintaining the child including the provision of furniture and domestic equipment, alterations to and adaptations of the home, provision of means of transport and provision of clothing, toys and other items necessary for the purpose of looking after the child.

4.2. Where financial support is to be paid periodically, Haringey Council requires each adoptive parent to agree to the following:

- a) Inform the Council immediately if:
 - i) They change their address;
 - ii) The child no longer has his home with them (or either of them),
 - iii) The child dies;
 - iv) The child ceases full-time education or training and commences employment;
 - v) The child qualifies for income support or jobseeker's allowance in his own right;

- vi) The child attains the age of 18 unless he continues in full-time education or training, when it may continue until the end of the course or training he is then undertaking.
 - vii) there is any change in their financial circumstances or the financial needs or resources of the child. Such information, if given orally, must be confirmed in writing within seven days;
- b) Complete and supply the Council with an annual financial statement as to the following:
- i) Their financial circumstances;
 - ii) The financial needs and resources of the child;
 - iii) Their address and whether the child still has a home with them; and
 - iv) Whether there have been any changes to their own or the child's circumstances.
- c) Engage and cooperate with the Council in undertaking annual review of financial support;

4.3. Haringey Council will review the financial support:

- a) Annually, on receipt of a statement from the adoptive parents as to:
- i) Their financial circumstances;
 - ii) The financial needs and resources of the child;
 - iii) Their address and whether the child still has a home with them (or either of them); and
- b) If any change in circumstances of the adoptive parents or the child comes to their notice.

5.0 PAYMENT OF FINANCIAL SUPPORT

5.1. Where the Council decides that financial support is to be paid, it may make a single payment, or with the agreement of the adoptive parent make payment in instalments, or periodically.

5.2. Where the Council decides that financial support is to be paid to meet needs that are likely to recur, the Council may make payment:

- a) In instalments on such dates as the Council may specify; or
- b) Periodically until such date (if any) as the Council may specify.

5.3. The Council will inform the adoptive parent of:

- a) The method of the determination of the amount of financial support;
- b) Where financial support is to be paid in instalments, in periodic payments:
 - i. The amount of financial support,
 - ii. The frequency with which the payment will be made;
 - iii. The date (if any) until which financial support is to be paid;
 - iv. The date of the first payment of financial support;
- c) Where financial support is to be paid as a single payment, the date on which the payment is to be made;

- d) Where financial support is to be paid subject to any conditions, those conditions, the date (if any) by which the conditions are to be met and the consequences of failing to meet the conditions;
- e) The arrangements and procedure for review, variation and termination of financial support

5.4. **Terms and Conditions**

5.5. Prior to making financial support available to prospective or existing CAO/SGO carers, they will be required to commit to inform the adoption service:

- i. Of changes to their home address;
- ii. If the child (for any reason) no longer lives with them; and/or
- iii. If there any changes to their financial situation/the resources of the child

5.6. Where the Council is satisfied that a condition in respect of which payment has been made has not been met the Council may require that the payment or an appropriate part of the payment be repaid.

5.7. Should recipients of these allowances fail to comply with the requirements, the authority may suspend payment of the financial support provided.

5.8. The level and nature of the financial support provided will be dependent on an assessment of needs of the child and adoptive family.

6.0 **DETERMINING THE NATURE AND AMOUNT OF FINANCIAL**

6.1. Where regular financial support is considered appropriate, the amount to be paid to adoptive parents may be determined by an assessment of their means. This will take account of the adopters' income and resources (excluding their home), reasonable outgoings and commitments, and the financial needs and resources of the child. The Support provided to assist with legal costs or expenses associated with the child's introduction to the placement will not be subject to an assessment of means.

6.2. The Council will carry out an assessment of means using the Department of Education (DfE) standardised means test.

6.3. Financial support may not be paid to meet any needs when any state benefit or allowance is available to the adoptive parents in respect of those needs as a result of the adoption. The Council's Adoption Team will provide applicants with a leaflet detailing all benefits available.

6.4. The Council will take into account in the means assessment:

- a) The financial resources available to the adoptive parents including child tax credit and any other financial benefit which would be available in respect of the child if the child lived with them;
- b) The amount required by the adoptive parents in respect of their reasonable outgoings and commitments (excluding outgoings in respect of the child); and
- c) The financial needs and resources of the child.

6.5. The list below is an example of incomes and outgoings that will be considered as parts of the assessment of means:

6.6. **What is included as Income?**

- a) All income must be declared, including net wages or salaries from an employer (for both partners in the case of couples).
 - b) Overtime and other earnings should be included.
- 6.7. Proof of income is required in the form of the most recent payslips.
- 6.8. **Net Profits, for self-employed persons:**
- a) An Inland Revenue approved statement of net profits for the previous tax year is required. A statement of expected profits for the current year may be asked for, and may be used to assess current income for the year if it is expected to be substantially different from the previous year.
- 6.9. All state and private pensions (including those paid for disabilities) and all benefits and allowances.
- a) Including Disability Living Allowance, Housing Benefit, Sickness Benefit and any Adoption, Special Guardianship or Fostering allowances received for any child(ren) in the family must be declared.
 - b) Disability Living Allowance will be disregarded for the purpose of the assessment, as will the Special Guardianship allowance for the child for whom the assessment is being carried out.
- 6.10. **Child Benefit will be included in the assessment.**
- 6.11. **Child Tax Credit and Working Tax Credit**
- i. These must be claimed if appropriate and will be classed as income.
- 6.12. **Money received under a Maintenance or Separation Order, or from the Child Support Agency.**
- i. Any maintenance payments must be declared and will be classed as income.
- 6.13. **Income from investments and annuities**
- i. Income from savings and assets totalling less than £25,000 will be disregarded for the purpose of the assessment and does not need to be declared. Income from savings or investments of between £25,000 and £100,000 will be included in the financial assessment and must be declared.
- 6.14. **Income from lodgers, tenants, sub-tenants or rental income**
- i. Any income received from lodgers or tenants must be declared and will be counted in your total income - reasonable expenses in connection with renting can be offset to give a net income.
- 6.15. **Any additional income from any source not mentioned above must be declared.**
- 6.16. **Mortgage repayments, including interest and principal and endowment premiums.**
- 6.17. **Rent, after deduction of Housing Benefit if received.**
- 6.18. **Council Tax**

- a) Many councils charge monthly for 10 months only, so if a monthly figure is given, it will be multiplied by 10 to give an annual figure. If a rebate is given, the net figure must be declared.

6.19. Contributions to a Personal Pension Plan

- i. Allowable if the applicant is not a member of a company pension scheme, however the authority may place a ceiling on the level of contributions that will be accepted at the rate that the applicant was contributing at the time that the child was placed or an original allowance agreed.

6.20. Life Assurance Premiums (Up to a total of 10% of net income).

6.21. Household Insurances and Utility Costs

- i. Both buildings - where not included in mortgage repayments - and contents insurance.
- ii. Utility bills.

6.22. Any Commitments Under a Court Order

- i. Including any payments made under a Separation or Maintenance Order

6.23. As part of this assessment, the adopters will be asked to complete a financial assessment form and the completed form should be forwarded to the Council's Adoption Team.

7.0 REMUNERATION FOR FORMER FOSTER CARERS

7.1. Financial Support will be paid to foster carers in the following circumstances:

7.2. Where the decision to award an allowance is based on the needs of the child and has been made before the Adoption Order is made; the details of the proposed allowance must be included in the Adoption Support Plan.

- a) A reasonable level of financial support will be made to enable children to cease being looked after.
- b) Payments will not be made so as to provide an income. However, payments may be paid above the usual level where it is regarded as necessary to ease the transition from foster care to adoption.
- c) Where payment is deemed necessary and fulfils these requirements the payment of adoption allowance to former Haringey foster parents will be at the following level:

- i. Maintenance allowance & Foster Carer fee (See Annexe A).

7.3. All allowances will be subject to the deduction of child benefit and child tax credit at the rate payable for the child.

7.4. Any other payments relating to foster care e.g. holiday/birthday/Festivals such as Christmas/Eid etc. will not be payable under adoption arrangements.

7.5. Where ongoing financial support has been agreed through the payment of an adoption allowance, the levels will be related to Haringey Fostering allowances. These are themselves related to the recommended levels of fostering allowances set out by Fostering Network.

- 7.6. In the case of former foster carers financial support will end after two years from the Adoption Order. In exceptional circumstances only (i.e. sibling groups, children with significantly complex needs/disabilities) an allowance which includes the remuneration element may be extended beyond two years with the agreement of the Assistant Director, Safeguarding and Social Care.
- 7.7. In all cases this decision must be based on the exceptional needs of the child and any other exceptional circumstances. The annual review must take place and the allowance must be means tested annually.
- 7.8. For Foster Carers from Independent Fostering Agencies [IFA], the overall payment for the first two years would be the amount they receive from their agency.

7.9. There will be no payment of agency fees for IFA carers becoming adopters

8.0 FINANCIAL SUPPORT FOR CARERS WITH NON-AGENCY ADOPTION ORDERS

- 8.1. Haringey Council has no duty to make financial support available for non-agency adoptions and does not routinely make such payments.
- 8.2. Should an adopter make a request for payment, they will be asked to explain why they believe that they may need support and qualify under Regulation 8 of the Adoption Support Regulations. Consideration will be given by the relevant Senior Manager as to the potential impact on the welfare of the child if support is not given.

9.0 NOTICE OF DECISION TO PROVIDE FINANCIAL SUPPORT

- 9.1. The Council will give the adoptive parent notice of the decision whether to provide financial support including the reasons for it. Where the Council decide that financial support is to be provided, the notice must include the following information:
- a) The method of the determination of the amount of financial support;
 - b) Where financial support is to be paid in instalments or periodically--
 - (i) the amount of financial support;
 - (ii) the frequency with which the payment will be made;
 - (iii) the period for which financial support is to be paid;
 - (iv) when the first payment of financial support is to be made.
 - c) Where financial support is to be paid as a single payment, when the payment is to be made;
 - d) Where financial support is to be paid subject to any conditions, those conditions, the date (if any) by which the conditions are to be met and the consequences of failing to meet the conditions;
 - e) The arrangements and procedure for review, variation and termination of financial support;
- 9.2. The adoptive parent will be required to sign confirming their understanding of the terms and conditions before the payment can commence. Should adoptive parents fail to

comply with the requirements, the Council may suspend payment of the financial support provided.

10.0 REVIEW OF FINANCIAL SUPPORT PAYABLE PERIODICALLY

10.1. The Council will review the financial support:

- a) Annually, on receipt of the financial statement from the adoptive parent.
- b) If any relevant change of circumstances or any breach of a condition referred to in Section 5.4 to 5.8 above comes to their notice;
- c) At any stage in the implementation of the plan that they consider appropriate.

10.2. Where the Council propose, as a result of the review, to reduce or terminate financial support and recoup payments made or revise the plan, before making that decision the Council will give the adoptive parent an opportunity to make representations. The Council will give the adoptive parent notice of the proposed decision and the time allowed for making representations. This does not prevent the Council from suspending financial support pending that decision.

10.3. The notice of the proposed decision must include information referred to in Section 9.0 above and, if applicable, a draft of the revised plan.

10.4. The Council will, having regard to the review, and after considering any representations received within the period specified in the notice:

- a) decide whether to vary or terminate payment of the financial support or whether to seek to recover all or part of any financial support that has been paid; and
- b) where appropriate, revise the plan.

10.5. The Council must give the person notice of their decision including the reasons for it and, if applicable, the revised plan.

10.6. Where adoptive parents fail to engage with the annual review process, the Council will send a written reminder to them and give them 28 days' notice to respond. If they still fail to comply, the Council will suspend payment of the financial support provided.

11.0 ENDING OF FINANCIAL SUPPORT

10.7. The financial support payable by the Council will cease in the following circumstances:

- a) On the end date of any specified payment period.
- b) When a child reaches age 18, unless he/she continues in full-time education or training when support may continue until the end of the course of education or training being undertaken, subject to any other financial support the child may be entitled to receive.
- c) Where a child ceases full-time education or training and commences employment.
- d) Where a child qualifies for income support or job seekers allowance in his/her own right.

- e) Where circumstances have changed significantly and the criteria are no longer met.
- f) If a child leaves the adoptive home and this is regarded as a permanent departure. Temporary absences do not apply, e.g. boarding school, hospital, and respite care.
- g) The child sadly dies.

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12.0 THE APPEALS PROCESS

- 12.1. If a carer disagrees with the authority's decision on financial support, then he or she may ask for a review. The request should be made in writing, setting out relevant concerns.
- 12.2. The review should be carried out by an officer more senior to the Service Manager. The carer will be entitled to make representations to that officer. The reviewer may consider the material that was available at the time the decision was made, the carer's expressed concerns and any response to those concerns from the Service Manager.
- 12.3. The result of the review, including reasons, will be communicated to the carer in writing.

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Special Guardianship Order Financial Support

13.0 INTRODUCTION TO SPECIAL GUARDIAN ORDER

12.4. Haringey Council will provide financial support to a Special Guardian for the purpose of supporting the placement of child or the support of arrangements after a Special Guardianship Order (SGO) is made. The Council understands that when family and friends take on the permanent formal care of another person's child or children this may create financial difficulties for the carers, especially when the arrangements are not planned. This section of the document sets out the circumstances in which the Council may provide financial assistance to mitigate such difficulties. The document should be read in conjunction with the Council's Procedure on Special Guardianship.
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14.0 GENERAL PRINCIPLE

- 14.1. The Council recognises that a Special Guardianship Order is evidence that a family/friend carer wishes to make a permanent and substantial commitment to the upbringing of the child/young person. This commitment should be taken to include a willingness to meet the costs associated with the role of the child's primary care-giver. The acceptance of responsibility for children always involves change and sometimes this will involve a change in the standard of living.
- 14.2. Any financial support provided by the Council must compliment and not duplicate any other financial support being provided for the child; either through state benefits, tax allowances or any financial contributions made by the birth parents or other family members. The support provided by the Council is not meant to be an alternative to making claims for benefits and tax credits available from other sources.
- 14.3. The allocation of resources needs to be done consistently having regard to the demands on the Council's resources and the needs of other families, therefore:
- a) Decisions are made by managers and panels and not by the allocated social workers;
 - b) Means tests are usually applied;
 - c) Any regular payments will be subject to periodic review to establish whether the needs of the family require the continued support and if so whether the level should be changed (increased or decreased).
- 14.4. Financial support, where deemed appropriate, is intended to supplement existing means of support available to special guardian (or prospective special guardian) and the child, or children. Special Guardians must apply for all benefits and tax credits to which they are eligible. The financial support from the Council should complement and not duplicate the financial support available through the benefits and tax credits system. These and family income will be taken into account when considering the level of financial support.

15.0 LEGAL FRAMEWORK

- 15.1. Special Guardianship Regulations 2005 as amended by the Special Guardianship (Amendment) Regulations 2016 specify the conditions for providing special guardianship support services including the provision of financial support. Statutory Guidance published in February 2016 entitled: Statutory guidance for local authorities on the Special Guardianship Regulations 2005 (as amended) makes clear at Paragraph 35 that "financial

issues should not be the sole reason for the special guardianship arrangements failing to survive. The central principle is that financial support should be payable in accordance with the Regulations to help secure a suitable guardianship arrangement where such an arrangement cannot be readily made because of the financial obstacle". Financial support, in accordance with the Regulations, should be paid to enable suitable arrangements to be made where such arrangements could not be sustained without continuing financial support. In determining the whether to provide financial support and the amount, Haringey Council will undertake a means tested financial assessment and use the DfE Standardised Means Test tool.

16.0 ELIGIBILITY FOR FINANCIAL SUPPORT

- 16.1. Financial support is payable to a Special Guardian or prospective Special Guardian for the purpose of supporting an arrangement for a person to become a Special Guardian of a child and where the Council consider that the arrangement would be beneficial to child's welfare or support such arrangements after a SGO is made.
- 16.2. Financial support will only be provided in the following circumstances:
- a) Where it is necessary to ensure that the Special Guardian can look after the child.
 - b) Where the child needs special care which requires greater expenditure of resources because of illness, disability, emotional or behavioural difficulties, or the continuing consequences of past abuse or neglect. Payment under this category is intended where the child's difficulties are significant and long term.
 - c) Where the Council consider that it is appropriate to contribute to any legal costs, including court fees, of a special guardian or prospective special guardian associated with: -
 - i) The making of a Special Guardianship Order or any application to vary or discharge such an order;
 - ii) An application for an order under Section 8 of The Children Act (1989) (a Contact Order, a Prohibited Steps Order, a Child Arrangement Order or a Specific Issue Order);
 - iii) An order for financial provision to be made to or for the benefit of the child; or
 - iv) Where the Council consider it appropriate to make a contribution to the expenditure necessary for the purpose of accommodating and maintaining the child, including the provision of furniture and domestic equipment, alterations to and adaptations of the home, provision of means of transport, and provision of clothing, toys and other items necessary for the purpose of looking after the child.
- 16.3. Where financial support is to be paid periodically, Haringey Council requires the Special Guardian to agree to the following:
- a) Inform the Council immediately if:
 - i) There is a change their address;
 - ii) The child no longer has his home with him,
 - iii) The child ceases full-time education or training and commences employment;
 - iv) The child qualifies for income support or jobseeker's allowance in his own right;

- v) The child attains the age of 18 unless he continues in full-time education or training, when it may continue until the end of the course or training he is then undertaking.
 - vi) There is any change in their financial circumstances or the financial needs or resources of the child. Such information, if given orally, must be confirmed in writing within seven days;
 - vii) The child sadly dies;
- b) Complete and supply the Council with an annual financial statement as to the following:
- i) Their financial circumstances;
 - ii) The financial needs and resources of the child;
 - iii) Their address and whether the child still has a home with them.
- c) Engage and cooperate with the Council annual review of financial support;
- 16.4. Haringey Council will review the financial support:
- a) Annually, on receipt of a statement from the Special Guardian as to:
 - i) His financial circumstances;
 - ii) The financial needs and resources of the child;
 - iii) His address and whether the child still has a home with them (or either of them); and
 - b) If any change in circumstances of the Special Guardian or the child comes to their notice.

17.0 PAYMENT OF FINANCIAL SUPPORT

- 17.1. Where the Council decides that financial support is to be paid, it may make a payment periodically to meet a need which is likely to give rise to recurring expenditure, or single payment, or by instalment with the agreement of the Special Guardian.
- 17.2. Where the Council decides that financial support is to be paid to meet needs that are likely to recur, the Council may make payment:
- a) In instalments on such dates as the Council may specify; or
 - b) Periodically until such date (if any) as the Council may specify.
- 17.3. The Council will inform the Special Guardian of:
- a) The method of the determination of the amount of financial support,
 - b) Where financial support is to be paid in instalments, in periodic payments:
 - i. The amount of financial support,
 - ii. The frequency with which the payment will be made;
 - iii. The date (if any) until which financial support is to be paid;
 - iv. The date of the first payment of financial support;
 - c) Where financial support is to be paid as a single payment, the date on which the payment is to be made;

- d) Where financial support is to be paid subject to any conditions, those conditions, the date (if any) by which the conditions are to be met and the consequences of failing to meet the conditions;
- e) the arrangements and procedure for review, variation and termination of financial support,
- f) the responsibilities of:
 - i. The Council with regard to reviewing financial support; and
 - ii. The special guardian to inform the Council if he changes address, the child no longer has his/her home with him or die; there is any change in their financial circumstances or the financial needs/resources of the child.

17.4. Where the Council is satisfied that a condition in respect of which payment has been made has not been met the Council may require that the payment or an appropriate part of the payment be repaid.

17.5. The level and nature of the financial support provided will be dependent on an assessment of needs of the child and Special Guardian.

17.6. Terms and Conditions

17.7. Prior to making financial support available to prospective or existing CAO/SGO carers, they will be required to commit to inform the adoption service:

- iv. Of changes to their home address;
- v. If the child (for any reason) no longer lives with them; and/or
- vi. If there any changes to their financial situation/the resources of the child

17.8. Where the Council is satisfied that a condition in respect of which payment has been made has not been met the Council may require that the payment or an appropriate part of the payment be repaid.

17.9. Should recipients of these allowances fail to comply with the requirements, the authority may suspend payment of the financial support provided.

17.10. The level and nature of the financial support provided will be dependent on an assessment of needs of the child and adoptive family

18.0 DETERMINING THE NATURE AND AMOUNT OF FINANCIAL SUPPORT

18.1. The Statutory Guidance (at Paragraph 63) provides that in determining the amount of any ongoing financial support, the Council should have regard to the amount of fostering allowance that would have been payable if the child were instead fostered. With this in mind, the maximum weekly special guardianship allowance paid by the Council will generally be an amount that is in line with Haringey's fostering allowance. A grid indicating what allowances may be paid; having regard to the national minimum fostering allowance, is set out in Annex A.

18.2. The amount of allowance provided should:

- a) Be no greater than the equivalent age-related fostering maintenance allowance;
- b) Not include any reward element;
- c) Take into account the financial resources of the holder of the order - including any benefits arising from the child living with them (e.g. child benefit, tax credits, income support payments) or that has been claimed

- for the child. This would include financial contributions provided from the birth parents or other family members to meet the child's needs;
- d) Take into account the financial needs/resources of the child/young person.
- 18.3. One of the matters that the Council must take into account as part of a financial assessment is the person's financial resources, including any tax credit or benefit, which would be available if the child lived with the person. For carers who are eligible for the maximum allowance, child benefit and child tax credit should be deducted from the weekly allowance. Generally, however, the DfE model Means Test will calculate the amount of allowance, taking into account relevant deductions. The support provided to assist with legal costs or expenses associated with the child's introduction to the placement will not be subject to an assessment of means.
- 18.4. Financial support may not be paid to meet any needs when any state benefit or allowance is available to the special guardian in respect of those needs as a result of the SGO. The Council's Adoption Team will provide applicants with a leaflet detailing all benefits available.
- 18.5. The Council will take into account in the means assessment:
- a) The financial resources available to the special guardian including child tax credit and any other financial benefit which would be available in respect of the child if the child lived with him;
 - b) The amount required by the special guardian in respect of their reasonable outgoings and commitments (excluding outgoings in respect of the child); and
 - c) The financial needs and resources of the child.
- 18.6. The Support provided to assist with legal costs or expenses associated with the child's introduction to the placement will not be subject to an assessment of means.
- 18.7. The list below is an example of incomes and outgoings that will be considered as parts of the assessment of means:
- 18.8. **What is included as Income?**
- c) All income must be declared, including net wages or salaries from an employer (for both partners in the case of couples).
 - d) Overtime and other earnings should be included.
- 18.9. Proof of income is required in the form of the most recent payslips.
- 18.10. **Net Profits, for self-employed persons**
- b) An Inland Revenue approved statement of net profits for the previous tax year is required. A statement of expected profits for the current year may be asked for, and may be used to assess current income for the year if it is expected to be substantially different from the previous year.
- 18.11. All state and private pensions (including those paid for disabilities) and all benefits and allowances.
- c) Including Disability Living Allowance, Housing Benefit, Sickness Benefit and any Adoption, Special Guardianship or Fostering allowances received for any child(ren) in the family must be declared.

- d) Disability Living Allowance will be disregarded for the purpose of the assessment, as will the Special Guardianship allowance for the child for whom the assessment is being carried out.

18.12. Child Benefit will be included in the assessment.

18.13. Child Tax Credit and Working Tax Credit

- a) These must be claimed if appropriate and will be classed as income.

18.14. Money received under a Maintenance or Separation Order, or from the Child Support Agency.

- a) Any maintenance payments must be declared and will be classed as income.

18.15. Income from investments and annuities

- a) Income from savings and assets totalling less than £25,000 will be disregarded for the purpose of the assessment and does not need to be declared. Income from savings or investments of between £25,000 and £100,000 will be included in the financial assessment and must be declared.

18.16. Income from lodgers, tenants, sub-tenants or rental income

- a) Any income received from lodgers or tenants must be declared and will be counted in your total income - reasonable expenses in connection with renting can be offset to give a net income.

18.17. Any additional income from any source not mentioned above must be declared.

18.18. Mortgage repayments, including interest and principal and endowment premiums.

18.19. Rent, after deduction of Housing Benefit if received.

18.20. Council Tax

- b) Many councils charge monthly for 10 months only, so if a monthly figure is given, it will be multiplied by 10 to give an annual figure. If a rebate is given, the net figure must be declared.

18.21. Contributions to a Personal Pension Plan

- i. Allowable if the applicant is not a member of a company pension scheme, however the authority may place a ceiling on the level of contributions that will be accepted at the rate that the applicant was contributing at the time that the child was placed or an original allowance agreed.

18.22. Household Insurances and Utility Costs

- a) Both buildings - where not included in mortgage repayments - and contents insurance.
- b) Utility bills.

18.23. Any Commitments Under a Court Order

- a) Including any payments made under a Separation or Maintenance Order

- 18.24. As part of this assessment, the special guardian will be asked to complete a financial assessment form and the completed form should be forwarded to the Council's Adoption Team.
- 18.25. Where continuing financial support has been agreed through the payment of a CAO or SGO allowance, the levels will be related to Haringey Fostering allowances. The amount of the allowance should be no greater than the equivalent of the age related maintenance payment. This would not include the remuneration element unless a former foster carer as in Paragraph. above.
- 18.26. Any welfare benefits and Child Tax Credits received for the child will be incorporated into the means test. Child Benefit will be deducted from any allowance awarded.

19.0 REMUNERATION FOR FORMER FOSTER PARENTS

- 19.1. Approved Foster Carers who become adopters should be eligible to receive the equivalent weekly allowance that they would have received or are receiving as a Haringey foster carer for a period of two years following the date of the adoption order. This should be less child benefit and child tax credit. The continuation is to enable approved Foster Carers to have time to make the transition to being adoptive parents before their allowances change, whilst at the same time recognising the need for a consistent approach with adoptive parents, fairness and constraints on the Council's resources.
- 19.2. A two-year transition period should generally be sufficient for this purpose. At the end of the two-year period, a review should be conducted involving a financial assessment and the application of the model means test (as appropriate). At that time, the need for any enhancement can be considered if there are any special needs. payment may be extended beyond two years with the agreement of the Assistant Director Safeguarding and Social Care.
- 19.3. Birthday, festival and holiday grants are not be payable to Approved Foster carers who become adopters. For foster carers from independent fostering agencies, the overall payment for the first two years would be the amount they receive from their agency. There will be no payment of agency fees.
- 19.4. For foster carers from independent fostering agencies, the overall payment for the first two years would be the amount they receive from their agency. There will be no payment of agency fees.

20.0 NOTICE OF DECISION TO PROVIDE FINANCIAL SUPPORT

- 20.1. The Council will give the special guardian notice of the decision whether to provide financial support including the reasons for it. Where the Council decide that financial support is to be provided, the notice must include the following information:
- a) The method of the determination of the amount of financial support;
 - b) where financial support is to be paid in instalments or periodically--
 - (i) The amount of financial support;
 - (ii) The frequency with which the payment will be made;
 - (iii) The period for which financial support is to be paid;
 - (iv) When the first payment of financial support is to be made.

- c) Where financial support is to be paid as a single payment, when the payment is to be made;
 - d) Where financial support is to be paid subject to any conditions, those conditions, the date (if any) by which the conditions are to be met and the consequences of failing to meet the conditions;
 - e) The arrangements and procedure for review, variation and termination of financial support;
- 20.2. The special guardian will be required to sign confirming their understanding of the terms and conditions before the payment can commence. Should special guardian fail to comply with the requirements, the Council may suspend payment of the financial support provided.

21.0 REVIEW OF FINANCIAL SUPPORT PAYABLE PERIODICALLY

- 21.1. The Council will review the financial support:
- a) Annually, on receipt of the financial statement from the Special Guardian
 - b) If any relevant change of circumstances or any breach of a condition referred to in Section 17.5 to 17.10.
 - c) At any stage in the implementation of the plan that they consider appropriate.
- 21.2. Where the Council propose, as a result of the review, to reduce or terminate financial support and recoup payments made or revise the plan, before making that decision the Council will give the special guardian an opportunity to make representations. The Council will give the special guardian notice of the proposed decision and the time allowed for making representations. This does not prevent the Council from suspending financial support pending that decision.
- 21.3. The Council will, having regard to the review, and after considering any representations received within the period specified in the notice:
- a) Decide whether to vary or terminate payment of the financial support or whether to seek to recover all or part of any financial support that has been paid; and
 - b) Where appropriate, revise the plan.
- 21.4. The Council must give the person notice of their decision including the reasons for it and, if applicable, the revised plan.
- 21.5. Where the special guardian fails to engage with the annual review process, the Council will send a written reminder to them and give them 28 days' notice to respond. If they still fail to comply, the Council will suspend payment of the financial support provided.

22.0 ENDING OF FINANCIAL SUPPORT

- 22.1. The financial support payable by the Council will cease in the following circumstances:
- a) On the end date of any specified payment period.
 - b) When a child reaches age 18, unless he/she continues in full-time education or training when support may continue until the end of the course of education or

training being undertaken, subject to any other financial support the child may be entitled to receive.

- c) Where a child ceases full-time education or training and commences employment.
- d) Where a child qualifies for income support or job seekers allowance in his/her own right.
- e) Where circumstances have changed significantly and the criteria are no longer met.
- f) If a child leaves the adoptive home and this is regarded as a permanent departure. Temporary absences do not apply, e.g. boarding school, hospital, and respite care.
- g) The child sadly dies.

23.0 THE APPEALS PROCESS

- 23.1. If a carer disagrees with the authority's decision on financial support, then he or she may ask for a review. The request should be made in writing, setting out relevant concerns.
- 23.2. The review should be carried out by an officer more senior to the Service Manager. The carer will be entitled to make representations to that officer. The reviewer may consider the material that was available at the time the decision was made, the carer's expressed concerns and any response to those concerns from the Service Manager.
- 23.3. The result of the review, including reasons, will be communicated to the carer in writing.

Child Arrangement Order Allowances

24.0 INTRODUCTION

23.4. Haringey Council may provide financial support to a holder of a Child Arrangement Order (CAO) for the purpose of supporting the arrangement for the placement of child. The Council understands that when family and friends take on the permanent formal care of another person's child or children this may create financial difficulties for the carers, especially when the arrangements are not planned. This document sets out the circumstances in which the Council may provide financial assistance to mitigate such difficulties.

25.0 GENERAL PRINCIPLE

25.1. The Council recognises that a Child Arrangement Order is evidence that a family/friend carer wishes to make a permanent and substantial commitment to the upbringing of the child/young person. This commitment should be taken to include a willingness to meet the costs associated with the role of the child's primary care-giver. The acceptance of responsibility for children always involves change and sometimes this will involve a change in the standard of living.

25.2. Any financial support provided by the Council must compliment and not duplicate any other financial support being provided for the child; either through state benefits, tax allowances or any financial contributions made by the birth parents or other family members. The support provided by the Council is not meant to be an alternative to making claims for benefits and tax credits available from other sources.

25.3. The allocation of resources needs to be done consistently having regard to the demands on the Council's resources and the needs of other families, therefore:

- a) Decisions are made by managers and panels and not by the allocated social workers;
- b) Means tests are usually applied;
- c) Any regular payments will be subject to periodic review to establish whether the needs of the family require the continued support and if so whether the level should be changed (increased or decreased).

26.0 LEGAL FRAMEWORK

26.1. A Child Arrangements Order is a private law under section 8 of the Children Act 1989, as amended by the Children and Families Act 2014. Child Arrangements Orders were introduced in April 2014 by the Children and Families Act 2014 (which amended section 8 Children Act 1989). They replace Contact Orders and Residence Orders. A Child Arrangements Order means a court order regulating arrangements relating to any of the following:

- a) With whom a child is to live, spend time or otherwise have contact; and
- b) When a child is to live, spend time or otherwise have contact with any person

26.2. The Council have discretionary powers to make financial contribution. A Child Arrangements Order Allowance can be considered when:

- c) Council approved foster carer applies to the court for a Child Arrangements Order with the support of the Council; or
- d) the Council has issued proceedings and where the court finds that a threshold for a care order is reached but decides that it is in the child's best interests to make a Child Arrangements Order;
- e) where a Child Arrangements Order Allowance is made to a relative or other person connected with the child and such an application is supported by the Local Authority and is a clear alternative to applying for a care order.

27.0 FINANCIAL SUPPORT ARRANGEMENTS

26.3. In circumstances where the Council decides that financial support should be provided, the arrangements and procedures set out above for determining and making payments to Special Guardians (or prospective Special Guardians) shall apply in respect of carers with Child Arrangement Orders.

28.0 THE APPEALS PROCESS

28.1. If a carer disagrees with the authority's decision on financial support, then he or she may ask for a review. The request should be made in writing, setting out relevant concerns.

28.2. The review should be carried out by an officer more senior to the Service Manager for Resources. The carer will be entitled to make representations to that officer. The reviewer may consider the material that was available at the time the decision was made, the carer's expressed concerns and any response to those concerns from the Service Manager for Resources.

28.3. The result of the review, including reasons, will be communicated to the carer in writing.

ANNEXE – A

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Table 1. LBH Allowance and Reward Element Rates

Allowances and fees for 2016/17 - Haringey	Babies	Pre-primary	Primary	11 to 15	16 to 17
Haringey Allowance	£185.00	£185.00	£185.00	£232.00	£252.00
Haringey Reward Element	£192.00	£192.00	£192.00	£205.00	£205.00
total paid £	£377.00	£377.00	£377.00	£437.00	£457.00

**Appendix 2 - Haringey Adoption, Special Guardian
and Child Arrangement Order analysis.**

1. **Haringey, DfE and North London Consortium allowance rates**

- 1.1. This appendix provides a detailed comparison of the Councils allowance and rates compared with the DfE minimum rates (2017/18), and North London Consortium allowance rates. Consideration is also given to comparing costs for placing a child or young person with a Foster Carer compared to a Special Guardian.
- 1.2. Weekly allowances for Special Guardians and Foster Carers rates
- 1.3. Table 1 below sets out Haringey's current allowance for Special Guardians and Foster Carer rates. It is recommended that the Council maintains these rates for the immediate term to allow it to undertake a review of all existing Special Guardians using the Annual Review Methodology [Appendix 3]. In taking this approach, the Council is able to systematically ratify all historical allowance payments decisions identifying legal implications on a case by case basis in accordance with the Policy [Appendix 1].
- 1.4. The Council will use the DfE Model Means Test Model to assess eligibility for allowances for Special Guardianship applications, and to calculate the proportion of the full allowance payable (on a sliding scale according to the Special Guardian's means which takes into account tax credits).
- 1.5. The allowances are linked to the Councils fostering allowances and are based on the needs of the child. The allowance is paid to Foster Carers and friends and family carers following the making of a Special Guardianship Order in respect of the previously fostered child. Where Foster Carers were in receipt of a fostering allowance, they will continue to receive this and the Special Guardianship allowance, less Child Benefit and Child Tax Credits, in order to maintain their level of income. The allowance includes payment for birthdays, festivals, holidays and school uniform.

Table 1 Haringey Special Guardian Allowances and Foster Carer Reward Element 2017/18

Allowances and fees for 2016/17 - Haringey	Babies	Pre-primary	Primary	11 to 15	16 to 17
Haringey SG Allowance (for child)	£185.00	£185.00	£185.00	£232.00	£252.00
Haringey Foster Carer Reward Element (for carer)	£192.00	£192.00	£192.00	£205.00	£205.00
total paid £	£377.00	£377.00	£377.00	£437.00	£457.00

- 1.6. The table below compares Haringey's current Special Guardian allowance payments compared to DfE minimum weekly allowance 2017/18. Haringey consistently pays higher across each of the age bands compared to the DfE minimum allowance rates.

Table 2 Haringey Special Guardian Weekly Allowance Rates V's DfE Minimum Weekly Allowance Rate

	Babies	Pre-primary	Primary	11 to 15	16 to 17
DfE Minimum Weekly Allowance Rates	£144	£147	£165	£187	£219
Haringey Weekly Allowance Rates (for child)	£185	£185	£185	£232	£252
Sum above the DfE Weekly Minimum Rate	£41	£38	£20	£45	£33
% rate above the weekly London Minimum Rate	22.16	20.54	10.81	19.40	13.10

- 1.7. The table below compares the North London's Consortiums weekly average reward element paid to Foster Carers across the different age bands with Haringey's. Across each age band, the Consortium average weekly rate is higher. It should be noted however that the reward element varies between the Consortium members. In addition to this, some members use a skills tiered system where the reward element increases. Haringey does not apply a tiered skills system. Haringey does have specialism, that's is consortium lead (currently applicable to only 2 carers) but others wise it is a flat rate, that changes dependant on the age of the child.

- 1.8. **Table 3 Consortium Average Reward Element for Foster Carers V's Haringey's Rates**

	Babies	Pre-primary	Primary	11 to 15	16 to 17
Consortium average reward element	£229.93	£212.95	£212.95	£222.13	£222.13
Haringey reward element	£192.00	£192.00	£192.00	£205.00	£205.00
difference between consortium reward average and Haringey	£37.93	£20.95	£20.95	£17.13	£17.13
% above/below consortium reward average	16.50	9.84	9.84	7.71	7.71

- 1.9. Going forward, the Council seeks to continue to pay the current fostering reward element as part of its permanency strategy; the financial implications are considered to be far less if the child is LAC. The granting of a Special Guardianship Order or Adoption Order reduces staff monitoring requirements, including social worker, Independent Reviewing Officer, education support and other administrative duties. If the child remains LAC, the Council will continue to face the costs of supporting a looked after child.

1.11. Set up costs of fostering and support care V's Special Guardian annual Cost

1.12. This section compares the one-off placement cost of foster care compared to the cost of establishing child permanency with a Special Guardian.

1.13. Making use of the methodology developed by the Department for Education and using a range of pre-existing process unit costs (for example referrals, reviews and ongoing support) it has been possible to estimate the unit costs of support care, using individual case studies as illustrative examples. The following eight social work processes for which unit costs can be calculated and are based on the case management operations that underpin the task of looking after children.

1. Process one: Decide if child needs to be looked after and find first placement
2. Process two: Care planning (including the care plan, personal education plan and health assessment)
3. Process three: Maintaining the placement
4. Process four: Cease being looked after
5. Process five: Finding a subsequent placement
6. Process six: Review
7. Process seven: Legal interventions
8. Process eight: Transition to leaving care services

1.14. All looked after children will go through the first four processes during the time they spend in care or accommodation. Processes five to eight will need to be undertaken for some, but not all children, for example, those who remain looked after for a month or more will be subject to a looked after review. Process three is an ongoing process and includes both the placement cost and the continuing activity provided by social services personnel to support the child in their placement.

1.15.

1.16. The table below includes the activity costs (based on DfE data) to find the first placement for a single child, to review the case (using statutory timeframes of 28 days, three monthly and six monthly intervals), update care plans and also support the children in their placements.

Table 4 DfE annual cost estimate for sourcing and maintaining placement for LAC

Process	Social work cost (£) based of DfE activity data, these figures are based on the average activity from six local authorities in England and Wales
Decide child needs to be looked-after and find first placement	965
Care plans: Updated three times following reviews	1,734
Maintain the placements: Support and placement costs (*£635 per week, placement cost and the continuing activity provided by social services personnel to support the child in their placement)	33,020
Review: Held on three occasions during the year (3 x £614)	1,842
Total	37,561

NB:

1. DfE activity data - these figures are based on the average activity from six local authorities in England and Wales.
 2. Social Worker average salary of £27,360 per year (Social Worker Salary (United Kingdom) – Pay Scale).
 3. LBH: In-House Foster Care: average of £444 per / Independent Foster Agency: average of £826 per week (total average*£635)
- 1.17. Based on DfE model and activity data local authority average foster care for one child is £37, 561per annum. When this is compared to the cost of establishing Special Guardian, the overall cost is lower across all age bands. See table 6 below.
- Across the different age bands, the Special Guardian annual cost ranges between £12, 510 to £15,994.
 - For former Foster Carer, assuming that in all cases the Foster Carer Rearward element is payable in combination with the Special Guardian allowance, the cost across the different age bands ranges from £22, 494 to £26,654.
- 1.18. It is evident that placing a looked after child with Special Guardian not only provides improved stability through permanency arrangements, it is significantly cost effective for the Council.

Table 5 Special Guardian annual cost

	Special Guardian Assessment (Spot purchase)	LBH Allowance (Maximum available)	*Annual Allowance (assumes maximum allowance is payable)	Reward Element (paid to former Foster Carers)	Annual Reward Allowance (paid to former Foster Carers)	Legal Fees for Special Guardians (one-off)	Settling in Grant (one-off and only applicable to children not living with connected person)	Total estimated annual Special Guardian cost (excludes reward allowance)	**Total estimated annual cost (includes reward allowance)
Babies	£2,040	£185	£9,620	£192	£9,984	£350	£500	£12,510	£22,494
Pre-primary	£2,040	£185	£9,620	£192	£9,984	£350	£500	£12,510	£22,494
Primary	£2,040	£185	£9,620	£192	£9,984	£350	£500	£12,510	£22,494
11 to 15	£2,040	£232	£12,064	£205	£10,660	£350	£500	£14,954	£25,614
16 to 17	£2,040	£252	£13,104	£205	£10,660	£350	£500	£15,994	£26,654

NB:

- *Assumes maximum Special Guardian Allowance is Paid although in reality this will vary depending on outcome of each Means Test. Therefore, overall annual allowance cost is likely to be lower.
- **Assumes in every case both reward element and Special Guardian Allowance is payable. Although this illustrates the potential financial maximum commitment, current data indicates that only 7% of Special Guardians were former Foster Carers.

1.19. This section looks at assessing the Councils current financial commitments to existing cohort of carers and the extent to which the Councils allowance and reward rates are in line with the North London Consortium average. Tables 6 to 10 capture the following financial information:

- Special Guardian Volumes and Average Weekly Rate based on Mosaic Data, Nov 16
- Cost Projections using Haringey Special Guardian Volumes and DfE Minimum Weekly Allowance Rates
- Consortium Weekly Average Allowance Rates V's DfE Weekly Allowance rates for Special Guardians
- Haringey Current Weekly Allowances Rates Applied to Existing Special Guardian Volumes Across Age Bands
- Consortium Average Weekly Allowances Rates Applied to Existing Special Guardian Volumes Across Age Bands

1.20. Haringey currently has in place approximately 230 SGO's (based on Mosaic data as of Nov 16). The table below provides a breakdown of the volume of SG's across the different age bands including the average weekly allowance and total annual expenditure. Based on the available data in Mosaic, the Council financial commitment as of November 16 for 230 Special Guardians is approximately £2.2M.

Table 6 Special Guardian Volumes and Average Weekly Rate based on Mosaic Data, Nov 16

Age Group	Numbers	Average weekly rate based on current Mosaic data (£)	Annual Average rate based on Mosaic Data
0 to 2	25	£154	£200,200
3 to 5	46	£183	£437,736
6 to 10	81	£178	£749,736
11 to 15	61	£204	£647,088
16 to 17	15	£197	£153,660
18+	2	£128	£13,312
Total	230		£2,201,732

Note: Assumes Mosaic data reflects all known commitments at November 16.

1.21. Analysis of weekly allowance payment in Mosaic identified that payment varied considerably and did not consistently correlate with the established reward and allowance rates detailed in table 1. Crucially, this meant it was extremely difficult to create savings projections based on potential changes to the Councils current allowance rates. This has highlighted the need to systematically review each existing allowance agreement and ratify agreements with existing cohort of carers on a case by case basis in accordance with the Policy [**Appendix 1**].

1.22. The table below provides annual projection costs applying Haringey's existing Special Guardian volumes against the DfE minimum weekly allowance. Should the

Council adopt DfE minimum weekly allowance there is a potential to reduce existing financial commitments by approximately £190K.

Table 7 Cost projections using Haringey Special Guardian Volumes and DfE Minimum Weekly Allowance

Age Group	Numbers	DfE minimum Weekly Allowance (London)	Annual Cost Projection based on Government minimum Allowance (London)
0 to 2	25	£144	£187,200
3 to 5	46	£147	£351,624
6 to 10	81	£165	£694,980
11 to 15	61	£187	£593,164
16 to 17	15	£219	£170,820
18+	2	£128	£13,312
	230		£2,011,100

- 1.23. A key Council priority is to create permanency for children by progressing plans for Adoption or Special Guardianship. This is both beneficial for the child and also reduces LAC costs for the Council. For this reason, it is important the Council does not reduce its current allowance rates in line with the DfE minimum rate.
- 1.24. The fact that the Council has not historically applied a consistent approach to following the set guidance and applying its current weekly allowances has created a complex situation that requires careful consideration and management. The Council does however recognise it must ensure, over the long term that all carers are subject to the same Policy considerations and the DfE financial Means Test. Key to this is ensuring that existing carers are not financially disadvantaged and the Council does not create barriers to progressing a plan for Adoption or Special Guardianship.
- 1.25. In addition to the above, it is proposed that the Council broadly maintain weekly allowance rates for Special Guardians and Foster Carers in line with the North London Consortium, made up of, Haringey, Camden, Enfield, Hackney and Islington. This is to maintain a level of parity in allowance rates reducing competition for Foster Carers between consortium members.
- 1.26. **Overall Comparison of North London Consortium allowance rates**
- 1.27. The Consortium members have set their own individual rates for both Special Guardian allowances and Foster Carer rates. The table below provides comparison of Haringey's Special Guardian weekly allowance rates against the Consortium average and the DfE minimum rate. In summary:
- Compared to the Consortium average weekly allowance, Haringey Council rates are higher across all age bands with the exception of 11 to 15 years where it is lower.
 - The Consortium average weekly allowance is higher across all age bands compared to the DfE minimum weekly allowance.

- Overall, using the benchmarking data from the Consortium member weekly allowance rate, Haringey allowances are broadly in line with the North London Consortium members.

Table 8. Consortium Weekly Average Allowance V's DfE Weekly Allowance for Special Guardians

	Babies	Pre-primary	Primary	11 to 15	16 to 17
Consortium Weekly Allowance average	£174	£178	£182	£239	£248
DfE minimum Allowance (London)	£144	£147	£165	£187	£219
Consortium sum above the DfE minimum rate	£30	£31	£17	£52	£29
% above/below Consortium average	17	18	9	22	12
Haringey Allowance	£185	£185	£185	£232	£252
Sum above/below Consortium average	£10.75	£6.63	£3.03	-£7.02	£4.06
% above/below Consortium average	6.17	3.71	1.66	-2.94	1.64

1.28. **Applying Haringey and Consortium Average Weekly Rates to Existing Special Guardian Volumes (as of Nov 16)**

- 1.29. The tables below compare the average Consortium allowance rate (and Haringey's weekly allowance for Special Guardians, whilst using the current volumes across the different age bands. The weekly payment allowance for each band assumes that the maximum allowance is payable in each case. On this basis, Haringey total annual cost is approximately £2.4M while the annual cost based on the Consortium average weekly rates is £2.384M. There is approximately £24K difference between the two annual cost projections using the two different sets of rates. This is further evidence that Haringey's Special Guardian allowance rates are comparable to the North London Consortium rates.

Table 9 Haringey current weekly allowances applied to existing Special Guardian volumes across age bands

Age Group	Numbers	Haringey Weekly Allowance	Haringey Annual Allowance
0 to 2	25	£185	£240,500
3 to 5	46	£185	£442,520
6 to 10	81	£185	£779,220
11 to15	61	£232	£735,904
16 to 17	15	£252	£196,560
18+	2	£128	£13,312
Total	230		£2,408,016

Table 10 Consortium Average Weekly Allowances Applied to Existing Special Guardian Volumes Across Age Bands

Age Group	Numbers	Consortium Weekly Allowance Average	Annual Average rate based on Consortium Average
0 to 2	25	£174	£226,525.00
3 to 5	46	£178	£426,670.61
6 to 10	81	£182	£766,474.49
11 to15	61	£239	£758,171.44
16 to 17	15	£248	£193,393.20
18+	2	£128	£13,312.00
	230		£2,384,546.74

1.30. Opportunities for savings

1.31. The current data in Council social care management system Mosaic, suggests that approximately 7% of special guardians were former foster carers. Table 11 below lists approximately 15 former foster carers currently receiving the foster carer reward payment as well as the special guardian allowance. The total annual commitment is approximately £320K. It is important to note that this figure is part of the overall payment commitment £2.2M of all 230 special guardians (as noted in table 6 in Appendix 2).

Table 11 Reward Rates Paid to Special Guardians who were former Foster Carers

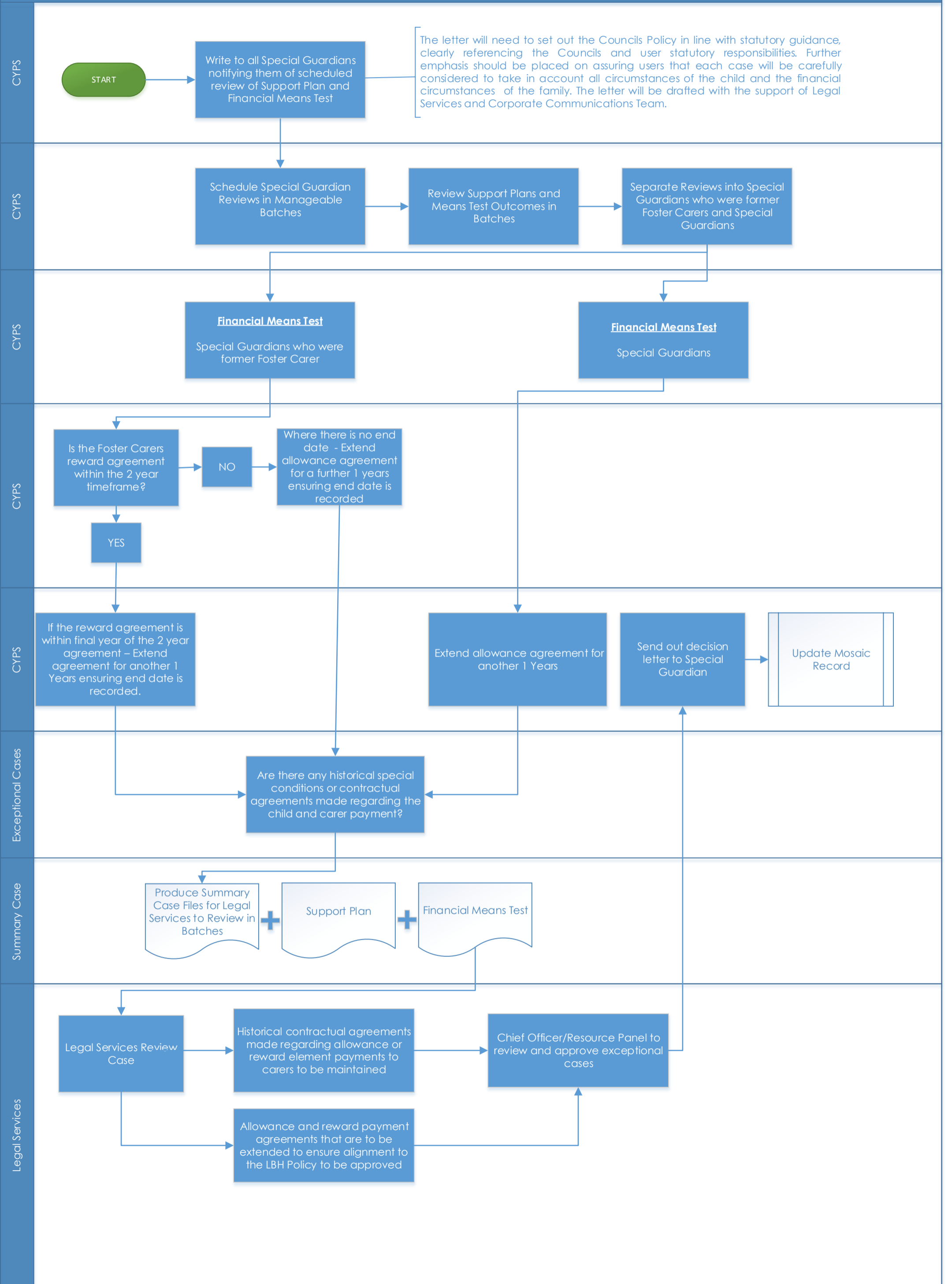
	Payment Start Date	Number of SG's former Foster Carer	Weekly Amount	Annual Payments	Total Foster Carer Allowance to end in Dec 18
Current data assumes that 7% of Special Guardians were former Foster Carers	2015	7	£377.00	£137,228.00	£157,257.88
	2015	1	£390.32	£20,296.64	
	2015	1	£394.87	£20,533.24	
	2015	4	£437.00	£90,896.00	
	2015	1	£480.00	£24,960.00	
	2015	1	£509.00	£26,468.00	
Total		15		£320,381.88	

1.32. For the 15 cohort of legally appointed carers, in all cases, the payment start dates commenced across different dates in 2015. When factoring in the statutory guidance of ending reward element after two years of commencement, all the payments could be ended in December 2017. This would mean the foster carer allowance amount of approximately £157K per annum would no longer be required to be paid. Based on the statutory guidance, the Council could potentially realise savings of £157K in year. However, it is more likely that the savings will be achieved in December 2018, as a consequence of applying the Special Guardian Review Methodology detailed in Appendix 3 which will ensure fair notification to all legally appointed carers once the Council embarks on working through its current backlog of special guardian financial reviews.

1.33. The Council has the option to extend the allowance payment notice to legally appointed carers who were former foster carers for a period of 1 Year which would allow the savings to be achieved by Dec 2018. Crucially, the Council must commence the special guardian financial assessment reviews in 2017 to achieve this. Based on this option, it is estimated that Year 2 (2018/19) MTFS savings of £148K will be potentially achieved, however savings for Year 1 (2017/18) of £150K and Year 3 (2019/20) of £310K will be subject to the outcomes of the annual financial reviews being undertaken for all existing special guardians.

1.34. **Staff resource implications**

- 1.35. The commencement of financial reviews of all existing and future special guardians will result in creation of new workload within the directorate. There is no resource capacity to undertake this work using existing staffing levels. It is proposed that 1 X FTC Officer is recruited to undertake this work. It is estimated that the cost will be approximately £38K (with on costs).
- 1.36. This post will be recruited on a fixed term contract for 1 Year to manage the backlog of financial reviews. Once the backlog is cleared, the Council will undertake options appraisal to assess the most cost effective way to continue delivering this work on a permanent basis.
- 1.37. The service area is currently under-resourced and there are financial implications associated with this as well as legal risks which may damage the Council reputation. The failure to resource a dedicated member of staff to manage this area of work could potentially result in overpayments going forward. This is a complex area of work and the Council needs to ensure that it recruits staff with the right skills and legislative knowledge going forward. Over the last year, the Council has received the following complaints and enquiries:
- One request to attend Court to review financial decision.
 - Seven formal complaints, some of which escalated to stage two of the complaints process. One was threat of Judicial Review (solicitors liaising through the Councils Legal Team).
 - Fifty-eight informal complaints.
- 1.38. Significant officer time has been refocused from other important areas of the Council to respond to complaints and legal matters from the private solicitors and the Court. It is approximated that responding to Stage 2 complaints can cost between £2.5K to £6k. Taking this into account and the staff time spent managing the remaining 58 complaints, it is approximated that 0.5 x FTE officer time (£17k) has been dedicated to managing the total number of complaints and legal enquiries. This cost estimate does not include the time and resource spent by Legal Services or the net financial impact of officers being taken away from their main work activity.



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APPENDIX 2 Haringey Allowance and Reward Rates 2017/18

Allowances and fees for 2016/17 - Haringey	Babies	Pre-primary	Primary	11 to 15	16 to 17
Haringey SG Allowance	£185.00	£185.00	£185.00	£232.00	£252.00
Haringey Foster Carer Reward Element	£192.00	£192.00	£192.00	£205.00	£205.00
total paid £	£377.00	£377.00	£377.00	£437.00	£457.00

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EQUALITY IMPACT ASSESSMENT

The **Equality Act 2010** places a '**General Duty**' on all public bodies to have '**due regard**' to the need to:

- Eliminating discrimination, harassment and victimisation and any other conduct prohibited under the Act
- Advancing equality of opportunity for those with 'protected characteristics' and those without them
- Fostering good relations between those with 'protected characteristics' and those without them.

In addition, the Council complies with the Marriage (same sex couples) Act 2013.

Stage 1 – Screening

Please complete the equalities screening form. If screening identifies that your proposal is likely to impact on protected characteristics, please proceed to stage 2 and complete a full Equality Impact Assessment (EqIA).

Stage 2 – Full Equality Impact Assessment

An EqIA provides evidence for meeting the Council's commitment to equality and the responsibilities under the Public Sector Equality Duty.

When an EqIA has been undertaken, it should be submitted as an attachment/appendix to the final decision making report. This is so the decision maker (e.g. Cabinet, Committee, senior leader) can use the EqIA to help inform their final decision. The EqIA once submitted will become a public document, published alongside the minutes and record of the decision.

Please read the Council's Equality Impact Assessment Guidance before beginning the EqIA process.

1. Responsibility for the Equality Impact Assessment

Name of proposal	To ensure the way that Haringey Council means tests claimants (using the Department for Education's Means Test Calculator) of Special Guardianship and Adoption Order allowances are reasonable and ensuring that adults caring for an eligible child has the correct level of allowance available to them after reasonable household and living costs are deducted from all sources of household income.
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Service area	CYPS
Officer completing assessment	Dominic Porter-Moore
Equalities/ HR Advisor	Nigel Wilson
Cabinet meeting date (if applicable)	
Director/Assistant Director	Sarah Alexander

2. Summary of the proposal

Please outline in no more than 3 paragraphs

- *The proposal which is being assessed*
- *The key stakeholders who may be affected by the policy or proposal*
- *The decision-making route being taken*

Proposal

The Council currently faces number of significant challenges in this area. A recent internal Council audit, February 2017, has identified that there are a number of pressing issues that must be addressed to ensure the Council is able to deliver consistently on its statutory responsibilities in this area. It was noted that the current process for applying financial assessment recommendations was not consistently applied or embedded across the service. The provision of support for this group would benefit from a clear policy and revised processes to ensure transparency and equitability for stakeholder.

Statutory Context

The provision of support for Adoption, Special Guardianships and Child Arrangement Orders is set within a legal framework: The Adoption and Children Act 2002. In accordance with the Act, Local Authorities have a duty to assess the support needs of adopters, special guardians and CAO arrangements.

The Department of Education (DFE) has set out within statutory guidance the provision of support for these groups, through the use of a DfE Standardised Means Test tool which will enable consistent application of financial testing against parameters and ensure transparency and equitability for affected groups. It is proposed that the local authority follow this statutory guidance and within the service, establishes the processes and procedures required to deliver this.

Area of responsibility

- The Council is required to make arrangements for the provision of special guardianship support services within Haringey.
- Financial support is one type of special guardianship support services. The regulations set out limitations on the types of financial support that the Council may be obliged to pay and when financial support is payable.
- The statutory framework specifies the circumstances in which the Council may carry out an assessment of a person's need for services and in which the Council must

do so. If the Council carries out an assessment and finds a need for services, the Council must decide whether or not to provide those services.

- The regulations specify a limited range of circumstances in which the Council's obligations may extend to persons outside of Haringey. This covers relevant children who are looked after by the Council, or who were looked after by the Council immediately before the making of a special guardianship order.
- The Council will usually only pay special guardianship allowances in respect of children for who it has responsibility under the statutory framework and, to the extent that the Council has discretion to make such payments in respect of other children, it will generally exercise its discretion against such payments. This reflects the limited resources available to the Council.

Key Stakeholders

- All current Adopters, Special Guardians and holders of Children Arrangement Orders (CAO) in receipt of financial support. This group of stakeholders are already accessing support and this proposal will not affect the current provision.
- All future Adopters, Special Guardians and CAO's will also be subject to the adopted Statutory Policy guidance.
- All former looked after children up to their 18th Birthday in adoption/special guardianship placements, where support provision is being accessed.

Decision-Making Route

It is proposed that a decision on implementation would be made via a Lead Member signing, subject to an options paper and EqIA.

3. What data will you use to inform your assessment of the impact of the proposal on protected groups of service users and/or staff?

Identify the main sources of evidence, both quantitative and qualitative, that supports your analysis. Please include any gaps and how you will address these

This could include, for example, data on the Council's workforce, equalities profile of service users, recent surveys, research, results of relevant consultations, Haringey Borough Profile, Haringey Joint Strategic Needs Assessment and any other sources of relevant information, local, regional or national. For restructures, please complete the restructure EqIA which is available on the HR pages.

Protected group	Service users	Staff
Sex	n/a	n/a
Gender Reassignment	n/a	n/a
Age	<ul style="list-style-type: none"> • Monthly performance management data will provide information relating to the ages of C&YP currently in these arrangements. • Management reports also provide the age of special guardians/adopters so that we are able to understand the demographic profile of this cohort. • Complaint activity by parents, foster carers & advocates on behalf of Looked after Children. • Care plans and permanency planning in statutory reviews and care proceedings. • Consultation with older looked after children 	n/a
Disability	<ul style="list-style-type: none"> • Monthly performance management data will provide information relating to the race and ethnicity of C&YP currently 	n/a

	<p>in these arrangements.</p> <ul style="list-style-type: none"> • There is little data about the disability status of the carers entered into SG/Adoption arrangements, however looking at the types of benefits they are claiming may provide insight into their needs. • Complaint activity by parents, foster carers & advocates on behalf of Looked after Children 	
Race & Ethnicity	<ul style="list-style-type: none"> • Monthly performance management data will provide information relating to the race and ethnicity and gender of C&YP currently in these arrangements. • Management reports also provide the race and ethnicity and gender of special guardians/adopters so that we are able to understand the demographic profile of this cohort. 	n/a
Sexual Orientation	Information not held in this context, however the policy is not thought to disproportionately affect this protected group.	n/a
Religion or Belief (or No Belief)	Information not held in this context, however the policy is not thought to disproportionately affect this protected group.	n/a
Pregnancy & Maternity	Information not held in this context, however the policy is not thought to disproportionately affect this protected group.	n/a
Marriage and Civil	Information not held in this	n/a

Partnership	context, however the policy is not thought to disproportionately affect this protected group.	
<p>Outline the key findings of your data analysis. Which groups are disproportionately affected by the proposal? How does this compare with the impact on wider service users and/or the borough's demographic profile? Have any inequalities been identified?</p> <p><i>Explain how you will overcome this within the proposal.</i></p> <p><i>Further information on how to do data analysis can be found in the guidance.</i></p>		
<p>Analysis of broad spectrum looked after children data does not indicate that protected groups would be disadvantaged by this proposal any more or less than other looked after children.</p> <p>Age – The statutory guidance set out clearly that it is only children between the ages of 0-18 years who could be considered eligible for an allowance. As the child increases in age the basic fostering reward and SG weekly allowance increases at key age points. It is possible that some households of children will receive less of an allowance because the parents/guardians have more disposable income.</p> <p>Disability - Currently children who receive Disability Living Allowance do not have this sum of money included within the overall household income. Disability Living Allowance will be disregarded for the purpose of the assessment, this means that no child's needs, as a direct result of disability, will be unmet as the child will continue to receive DLA for those specific needs.</p> <p>Race & Ethnicity - The process for means testing claimants of allowances does not make any distinctions regarding race and is focused only on financial resources available to the household. Each child is considered in the context of their family so if they reside in a larger family due to cultural traditions/beliefs there is no difference in the financial calculation of the allowance. If they reside in a family where income is derived from sole trading or small businesses the same financial evidence is requested regardless of race and there are no exemptions due to the ethnicity of the claimant.</p> <p>Sexual Orientation - All claimants of allowances are means tested against available household income and no distinction is drawn regarding their sexual orientation.</p> <p>Religion or Belief (or No Belief) - Claimants are only asked to provide financial evidence and personal beliefs/religion or expenditure linked to these is not considered as a necessary expenditure. This is not a change to the current process of and ensures there is a fair approach to the means test and does not penalize those of any faiths.</p> <p>Pregnancy & Maternity – N/A</p> <p>Marriage and Civil Partnership – N/A</p>		

4. a) How will consultation and/or engagement inform your assessment of the impact of the proposal on protected groups of residents, service users and/or staff?

Please outline which groups you may target and how you will have targeted them

Further information on consultation is contained within accompanying EqIA guidance

It is proposed that the policy will not be applied with the new rates to the current cohort of SG/Adopters as the majority of arrangements have been formally agreed via court order. The Council is maintaining its current allowance rates. In effect the proposal would reiterate the national guidance around annual financial assessment, requiring that the current cohort is subject to an annual review as set out by the DfE.

The service will communicate by letter to all current SG/Adopters in receipt of support to advise them of the annual review arrangements and its requirements.

It is possible that those who are caring for a child with a disability would be communicated with in more detail about the discretionary element of the policy and how it might be applied, to ensure that any disproportionate impact would be mitigated.

4. b) Outline the key findings of your consultation / engagement activities once completed, particularly in terms of how this relates to groups that share the protected characteristics

Explain how will the consultation's findings will shape and inform your proposal and the decision making process, and any modifications made?

It is recommended that the Council does NOT initiate a formal consultation on reviewing its current fostering reward and Special Guardian allowance rates with a view to reduce the rates that is in line with the national minimum fostering allowance. It is to maintain current allowance rates for Special Guardians and Foster Carers in common with the North London Fostering & Adoption Consortium average rates. This is to allow the Council to apply a systematic and robust approach to ensuring it all historical decisions concerning allowance payments are reviewed to ensure carers are being paid the correct weekly allowance.

5. What is the likely impact of the proposal on groups of service users and/or staff that share the protected characteristics?

Please explain the likely differential impact on each of the 9 equality strands, whether positive or negative. Where it is anticipated there will be no impact from the proposal, please outline the evidence that supports this conclusion.

Further information on assessing impact on different groups is contained within accompanying EqIA guidance

1. Sex *(Please outline a summary of the impact the proposal will have on this protected characteristic and cross the box below on your assessment of the overall impact of this proposal on this protected characteristic)*

It is anticipated that there will be a neutral impact related to this characteristic. The sex of a child of carer is not a determination in adoption, special guardianship or CAO applications

Positive		Negative		Neutral impact	X	Unknown Impact	
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2. Gender reassignment *(Please outline a summary of the impact the proposal will have on this protected characteristic and cross the box below on your assessment of the overall impact of this proposal on this protected characteristic)*

There will be no reduction in allowances and therefore there will not be an impact on looked after children with this characteristic.

Positive		Negative		Neutral impact	X	Unknown Impact	
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3. Age *(Please outline a summary of the impact the proposal will have on this protected characteristic and cross the box below on your assessment of the overall impact of this proposal on this protected characteristic)*

This may have an impact on older looked after children as the current allowances are higher for older children which may be a limited feature in the decision by foster carers to adopt or become a Special Guardian.

Positive		Negative	X	Neutral impact		Unknown Impact	
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4. Disability *(Please outline a summary of the impact the proposal will have on this protected characteristic and cross the box below on your assessment of the overall impact of this proposal on this protected characteristic)*

Currently there is no Haringey policy or protocol on additional payments for children with

exceptional needs. Currently decisions are made on a case by case basis depending on the needs of the child. Financial support is offered so this is not an impediment to adoption, special guardianship or Children Arrangements Order. It is not thought that there will be a negative impact on children with this characteristic.

Positive		Negative		Neutral impact	X	Unknown Impact	
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5. Race and ethnicity *(Please outline a summary of the impact the proposal will have on this protected characteristic and cross the box below on your assessment of the overall impact of this proposal on this protected characteristic)*

Children from range of ethnicities are adopted, made subject to a Special Guardianship or Children Arrangements Order. It is not thought that a reduction in allowances would impact negatively because of a child's ethnicity

Positive		Negative		Neutral impact	X	Unknown Impact	
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6. Sexual orientation *(Please outline a summary of the impact the proposal will have on this protected characteristic and cross the box below on your assessment of the overall impact of this proposal on this protected characteristic)*

Experience indicates that usually older children and adolescents identify their sexual orientation at an age where adoption or special guardianship is unlikely. It is difficult to evidence whether a reduction in allowances would impact negatively on a looked after child because of their sexual orientation.

Positive		Negative		Neutral impact		Unknown Impact	X
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7. Religion or belief (or no belief) *(Please outline a summary of the impact the proposal will have on this protected characteristic and cross the box below on your assessment of the overall impact of this proposal on this protected characteristic)*

There is no evidence that a possible reduction of allowances would prevent a child with a religious faith or none from being adopted or made subject to an SGO.

Positive		Negative		Neutral impact		Unknown Impact	X
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8. Pregnancy and maternity *(Please outline a summary of the impact the proposal will have on this protected characteristic and cross the box below on your assessment of the overall impact of this proposal on this protected characteristic)*

There may a negative impact if a foster carer is considering seeking an SGO on the pregnant looked after child if allowances are reduced. However, the Dept would assess what was in the young person's best interests and would support a permanency option if

available.

Positive		Negative		Neutral impact		Unknown Impact	X
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9. Marriage and Civil Partnership (*Consideration is only needed to ensure there is no discrimination between people in a marriage and people in a civil partnership*)

N/A

Positive		Negative		Neutral impact		Unknown Impact	X
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10. Groups that cross two or more equality strands e.g. young black women

It is not thought likely that a Looked after Child with two or more protected characteristics such as gender or ethnicity would be negatively impacted however, this may impact on a child who also has a disability. Individual child with two or more protected characteristics will be reviewed to ensure they are not disadvantaged in permanency planning.

Outline the overall impact of the policy for the Public Sector Equality Duty:

- **Could the proposal result in any direct/indirect discrimination for any group that shares the protected characteristics?**
- **Will the proposal help to advance equality of opportunity between groups who share a protected characteristic and those who do not?**
 This includes:
 - a) **Remove or minimise disadvantage suffered by persons protected under the Equality Act**
 - b) **Take steps to meet the needs of persons protected under the Equality Act that are different from the needs of other groups**
 - c) **Encourage persons protected under the Equality Act to participate in public life or in any other activity in which participation by such persons is disproportionately low**
- **Will the proposal help to foster good relations between groups who share a protected characteristic and those who do not?**

There may be a risk that carers of looked after children with a protective characteristic may choose to remain as foster carers rather than to choose to become an adopter, Special Guardians or holders of a CAO due to concerns about an annual means test and the impact of allowances being reduced after 3-year transition period.

There is an emerging trend unconnected to the draft proposal to reduce allowances to adopters & special guardians, that foster carers have expressed concern about the withdrawal of Departmental support [both social work and financial support] if a looked after child ceases to be looked after.

Foster Carer motivations are complex often driven by altruism and a sense of public

service however, for many, the professional fee is also a source of income. Local Authorities often expect foster carers not to be in other paid employment so they can retain the primary focus on the looked after child in their care.

6. a) What changes if any do you plan to make to your proposal as a result of the Equality Impact Assessment?

Further information on responding to identified impacts is contained within accompanying EqIA guidance

Outcome	Y/N
No major change to the proposal: The EqIA demonstrates the proposal is robust and there is no potential for discrimination or adverse impact. All opportunities to promote equality have been taken. <u>If you have found any inequalities or negative impacts that you are unable to mitigate, please provide a compelling reason below why you are unable to mitigate them.</u>	Y
Adjust the proposal: The EqIA identifies potential problems or missed opportunities. Adjust the proposal to remove barriers or better promote equality. Clearly <u>set out below</u> the key adjustments you plan to make to the policy. If there are any adverse impacts you cannot mitigate, please provide a compelling reason below	Y
Stop and remove the proposal: the proposal shows actual or potential avoidable adverse impacts on different protected characteristics. The decision maker must not make this decision.	Y

6 b) Summarise the specific actions you plan to take to remove or mitigate any actual or potential negative impact and to further the aims of the Equality Duty

Impact and which protected characteristics are impacted?	Action	Lead officer	Timescale
There is a risk that foster carers may hesitate to adopt a child or become special guardians when in other circumstances they would offer a looked after child the opportunity to become a permanent member of their family.	Additional protocol for harder to place or disabled children may be required to ensure they are not denied the opportunity for a permanency outcome of either adoption or special guardianship or Children Arrangements Order.	Service Manager, Fostering & Adoption Service	30.9.2017
Review of allowances: a) Allowances made prior to 2017. b) The Policy on	a) The Dept needs to determine whether historical decisions on allowances will	Director of CSC, Assistant Director – safeguarding & Support Shouldn't this be HOS with a	asap

allowances has incorporated an annual review of allowances which will incorporate any change in the circumstances of the child or adopter/guardian	be reviewed & what resources are directed to this task. b) Annual reviews to be undertaken.	recommendation to DCS?	
Monitoring of impact	Impact will be measured by feedback from Social Workers, Independent Reviewing Officers, and advocates and looked after children and complaints. Performance data will also be a source of measurement	Service Manager, Fostering & Adoption Service	Monthly review
Appeals Process	The policy provides for a review/appeal of any decision making on allowances to the Assistant Director Safeguarding & Support	Assistant Director, Safeguarding & Support	As & when

Please outline any areas you have identified where negative impacts will happen as a result of the proposal but it is not possible to mitigate them. Please provide a complete and honest justification on why it is not possible to mitigate them.

There is a risk that Foster Carers and Connected Persons Foster Carers will not seek to adopt or become Special Guardians if allowances risk being withdrawn or reduced in the future. For most foster carers the professional fee is a significant source of income. If this risk remains, then there is no incentive for them to convert to become adopters or Special Guardians and a child will remain looked after.

There is an additional risk in seeking to reduce or limit historical agreements may increase the statutory complaints process through Stage 1, Stage 2 up to the Local Government Ombudsman investigations. This would potentially cause additional avoidable cost in officer time in responding to complaints and the fees paid to independent complaints investigators. The other financial risk comes from the threat of a judicial review by a former foster carer.

Due to historical inconsistent payment decision, expectations may have been raised around the levels of allowance rates available. The proposal going forward to review and apply the Policy and Means Test to all existing cohort of SG, may result complaints, Stage 1 and Stage 2 complaints. The council has put forward procedure to mitigate and manage expectations in the Cabinet report.

6 c) Summarise the measures you intend to put in place to monitor the equalities

impact of the proposal as it is implemented:

- Ensure that data relating to the number of SG/Adoptions is reviewed post-policy implementation to ensure that there have been no unintended consequences for specific groups such as former looked after children or the Looked after Children population more broadly.
- Use of informal/formal feedback from staff and foster carers.
- Analysis of the complaints process at Stage 1

7. Authorisation

EqlA approved by
(Assistant Director/ Director)

Date
.....

8. Publication

Please ensure the completed EqlA is published in accordance with the Council's policy.

Please contact the Policy & Strategy Team for any feedback on the EqlA process.

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