

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

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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

