

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

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**DOCUMENTS CONTROL**

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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**

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