

Children and Young People Act 2014 Secondary Legislation

Part 12 - Services in relation to children at risk of becoming looked after etc

Part 13 – Support for Kinship Care

Part 12 (Services in relation to children at risk of becoming looked after etc)

Under section 68 (1) of the Act, a local authority must make arrangements to secure that relevant services of such description as the Scottish Ministers may by order specify are made available for the eligible persons (as defined in this section of the Act).

The initial consultation with kinship carers and key stakeholders in summer 2013 has identified a number of suggestions for the services that could be provided including:

- *Family Group Conferencing*
- *Bereavement/Grief Counselling*
- *Family Therapy*
- *Addiction Therapy (for both child and carer)*
- *Drug & Alcohol Awareness Sessions (for both child and carer)*
- *Mental Health Support Services (for both child and carer)*
- *Life Story Work (child)*
- *Workshops on:*
 - o *Attachment*
 - o *Dealing with Behavioural Issues*
 - o *Parenting*
 - o *Providing Emotional Support*

Under section 68 (3), an eligible child is (a) a child who the authority considers to be at risk of becoming looked after, or (b) a child within such other description specified by order.

Under section 69 (1), the Scottish Ministers may by order make provision about—
(a) when or how relevant services specified in an order under section 68(1) are to be provided,
(b) when or how a local authority is to consider whether a child is within paragraph (a) or (b) of section 68(3),
(c) when or how a local authority is to review whether a child continues to be within paragraph (a) or (b) of section 68(3),
(d) such other matters about the provision of relevant services specified in an order under section 68(1) as the Scottish Ministers consider appropriate.

(2) An order under subsection (1)(d) may include provision about—
(a) circumstances in which relevant services specified in an order under section 68(1) may be provided subject to conditions (including conditions as to payment), and
(b) consequences of such conditions not being met.

It is recognised that a degree of flexibility will be required so that the local authority can determine the best form of therapeutic intervention for the circumstances of the family, once the eligibility test has been met. The eligibility test for these services will be where a child is at risk of becoming looked after. It is envisaged that in most cases, determining the risk to a child of becoming looked after will happen through a form of initial assessment by the local authority. An important feature of this entitlement to services is that families must be willing to engage with their issues and motivated to take control over the challenges they face.

The Scottish Government would welcome suggestions on how we could ensure through the legislation and guidance that families receive the right type of services which are centred around the needs of the child (and are flexible to suit the unique circumstances of each family), bearing in mind any potential implications/ issues for the implementation.

Part 13 – Support for Kinship Care

Under section 71 (1) and (2) of the Act, a local authority must make arrangements to secure that kinship care assistance of such description as the Scottish Ministers may by order specify is made available to relevant persons (defined in this section of the Act).

This may include (please note that these are all just proposals at this stage):

- Information, advice and counselling support (please see more detail below) – initial assessment of needs would be provided to all those who apply to determine the nature of the family vulnerability, the child's needs and the support required. This would also be the mechanism for determining whether the family meets the eligibility test.
- Essential start-up grant £500 (to contribute to essential items such as a bed, bedding, clothing nappies etc.) This should be provided once a Kinship Care Order (KCO) is granted but may need to be time-limited – what would be reasonable?
 - Assistance with essential transport to comply with section 11 contact order – to assist with birth parent / sibling contact arrangements. This may also need to be time-limited – what would be reasonable?
- Transitional support (where a child is formally looked after immediately prior to the order) from looked after status for a period of 3 years. This support would be means tested and take account of any entitlements under the Welfare System.
- Any other financial support / Allowance (this is the subject of the ongoing Kinship Care Financial Review and will be considered once the review is completed)
- Assistance with kinship care order petition – this would be means tested

The initial consultation with kinship carers and key stakeholders in summer 2013 has identified a number of suggestions for the type of information, advice and counselling support (**in addition to those listed under Part 12**) that could be provided including for example :

- information on the carer's legal rights and responsibilities and support available from a range of sources (not just social work)
- Advice on financial support including benefits entitlement
- Respite for kinship carers and children in their care
- Better support for children at school / access to support groups

As with the proposals under Part 12, it is recognised that a degree of flexibility will be required so that the local authority can determine the best package of support for the unique circumstances of the family, once the eligibility test has been met. The eligibility test for the assistance will be where a child is at risk of becoming looked after. It is envisaged that in most cases, determining the risk to a child of becoming looked after will happen through a form of initial assessment by the local authority.

The Scottish Government would welcome suggestions on how we could ensure through the legislation and guidance that kinship care families receive adequate support that is centred around the needs of the child (and is flexible to suit the

unique circumstances of each family), bearing in mind any potential implications/ issues for the implementation.

Family Care Team
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