



## Independent Review of Children's Social Care

### Kinship's response to the call for advice

#### April 2021

**Kinship** is the leading kinship care charity in England and Wales. We offer kinship carers financial, legal, practical, and emotional support and understanding from the moment they need it, for as long as they need it.

Our expert advice, information, and guidance help with complicated and stressful decisions that so many kinship families must make. We are always there to support them through difficult times and celebrate the good.

Kinship carers are strong and determined. Together, they are powerful. We help them build communities of support and action by connecting families locally and across England and Wales.

We are at the heart of kinship networks, partnering with and influencing service providers, local and national government, and other organisations.

We give everything we have to fight for each family and their rights, changing society until every kinship family is recognised, valued, and supported.

### Summary and recommendations

Around 200,000 children in the UK are growing up in kinship care, yet it is an under-valued and under-supported way of enabling children to remain living within their family or with people they know when their parents are unable to care for them.

There is a transformational opportunity for the Independent Review of Children's Social Care to make a step change in the way kinship care is understood, valued, and supported. Leading the expansion of well-supported kinship care will mean more children will be able to grow up within their family network rather than in the care system, and the evidence suggests their outcomes will be better and there will be short and long-term savings to the public purse.

Investing in well-supported kinship care is an essential step towards developing a better children's social care system.

## Recommendations

1. Family and friends should be involved as soon as possible in any statutory intervention. A genogram and ecomap should form part of every assessment, and family members should automatically be invited to a child in need and child protection meetings unless there are specific reasons why they should not be included.
2. Once the threshold has been met for a child protection plan to be created, serious consideration should be given at that point as to whether a family and friends' initial assessment should be undertaken.
3. All kinship carers should be entitled to independent advice and information either before becoming kinship carers or as soon as possible after taking on the care of the children.
4. Central and local government should develop strategies to raise the awareness and understanding about kinship care.
5. There should be a responsibility on local authorities to offer preparation training and support and this should be optional for kinship carers.
6. All kinship carers should be entitled to the same paid statutory leave that is offered to adoptive parents.
7. Therapeutic support should be made available for all kinship carers who take part in an assessment.
8. Kinship carers should be entitled to legal aid when making an application for a legal order to care for a child who is unable to live with their parents.
9. All kinship carers being assessed should receive funded legal advice, and carers who have a realistic option of having an order granted should be made a party to proceedings and receive full legal aid.
10. Once kinship carers have been granted a child arrangement order or special guardianship order, they should be entitled to legal aid for any future litigation brought by any party regarding the children in their care.
11. There should be a significant increase in research on kinship care.
12. All kinship carers should receive a fair allowance to cover the costs of raising someone else's child, in line with the national minimum fostering allowance. This will reduce the financial strain on kinship families and allow kinship carers to focus more on meeting the needs of the children in their care.
13. There is a need to make adaptations to the welfare benefits system so that the unique situation of kinship families is understood and supported.

14. All kinship carers should be offered tailored advice and support to help them navigate the benefits system and to access the financial support they are entitled to.
15. Support for kinship carers and their children should be developed by focusing on their specific and diverse needs.
16. Kinship carers and those with experience of growing up in kinship care must be involved in the development of strategies, services, and support.
17. Local authorities should develop a clear support offer for kinship families so kinship carers are able to freely access support for themselves and their children when they need it.
18. There should be a commitment to the inclusion of kinship care specifically and separately from other forms of permanence in strategic and decision-making forums at every level to ensure it is properly and fairly represented.
19. All public services should develop policies detailing how they will meet the needs of kinship carers and the children they care for.
20. A local offer for kinship families should be co-ordinated and well-publicised.
21. Young adults who have lived in kinship care should be afforded the same rights to support post-18 as children who have been in foster care.
22. A framework based on the 'staying put' model used in foster care should be developed for the specific needs for kinship care families.
23. Young people in kinship care should be supported to go into further or higher education, in the same way that care leavers are.



## Full report and recommendations

Kinship has responded to the review's call for evidence. This submission is based on the research included in our submission as well as our significant experience of providing advice and support services to kinship families since 2002.

### Reimagining Children's Social Care in England – The Importance of Family and Friends

We believe the Independent Review of Children's Social Care is an opportunity to recognise the often-overshadowed value and importance of kinship care. We believe that children's social care can be transformed by placing family at the heart of child support, child protection and alternative care for children. Investment in well-supported kinship care would prevent children from needing to be in foster care leading to security, stability and good outcomes for children and young people. An independent evaluation of our Kinship Connected programme has identified that well-supported kinship care is a cost-effective way of caring for children unable to live with their parents. This report presents our analysis and recommendations on how to achieve this.

One of the founding principles of the Children Act 1989 is the importance of family for a child. Families usually offer love, support, consistency, and dedication to children, as well as a link to their genealogical histories. When a parent is struggling to care for their child, turning to family members for help is usually the first option. When children are unable to live with their parents anymore, regardless of the reason, it is usually the wider family who take on their care.

Children raised by their families have less of an isolating experience. In addition, close family friends often play an integral role in children's lives. They can provide trusted support to parents and children, and they can also step in to provide consistent care to children when necessary.

However, families and others with close relationships with children are often not at the centre of family support or child protection interventions. They are also frequently overlooked when children first need alternative care. When family and friends become kinship carers, they commonly do not get the support they need from the state. Without this support, many kinship carers are significantly disadvantaged. Their bravery and dedication to take on a caring role for another person's child have potentially kept the child out of local authority care.

The care review is an opportunity to reimagine the children's social care system in England by shifting the emphasis towards supporting children to remain within their family or with those they have relationships with. This requires a shift in culture, engagement, and support.

## Involving Family and Friends in Family Support and Child Protection

Children and parents rarely live in isolation. When parents are struggling to care for their children and need additional support, many turn to their family and friends for help. Usually, this support is enough, and the children never come to the attention of children's social care. However, as of March 2020, there were 389,260 children subject to child in need plans, and 51,510 were subject to child protection plans, indicating that a significant number of families are struggling to such an extent that they need statutory interventions.

Often, when children and their parents need support, their family and friends are not involved in assessments or planning. This is despite the Children Act 1989 highlighting the importance of family, the common assessment framework having sections dedicated to wider family and friends, and the success of interventions such as family group conferences.

Involving family and friends at an early stage would increase the protection of children and the support offered to parents. Earlier consideration of initial family and friends' assessments in more severe cases would allow thorough assessments to be completed and allow more children to be placed with kinship carers rather than strangers in foster care in an emergency.

### **Recommendations**

- **Family and friends should be involved as soon as possible in any statutory intervention. A genogram and ecomap should form part of every assessment, and family members should automatically be invited to a child in need and child protection meetings unless there are specific reasons why they should not be included.**
- **Once the threshold has been met for a child protection plan to be created, serious consideration should be given at that point as to whether a family and friends' initial assessment should be undertaken.**

### Becoming a Kinship Carer

People become kinship carers for many reasons and in different ways. They can care for the child informally through a private arrangement with the parents, or they may have a court order granting them care of the children and giving them parental responsibility.

The children coming into kinship care have usually suffered trauma in their lives. This frequently affects their development and leaves them with additional needs, with many displaying complex and challenging behaviours. As a group, kinship carers are more disadvantaged than any other raising children. They are more likely to be older, have a chronic health condition, live in poverty, live in a socially deprived neighbourhood, be insecurely housed, and be socially isolated.

Kinship carers are usually strongly motivated to take on the role. Most have a previous relationship with the children. They love them and do not want them to go into the care system or be placed for adoption.

However, when kinship carers first take on the role most know very little about kinship care. For most, becoming a kinship carer happens very quickly. Kinship carers do not know their rights over the children or their rights to support. The speed of events, the lack of clear information about rights and entitlements, and carers' fear that children will be removed into care or adoption creates a situation where carers are not able to make informed choices. They are doing the right thing, but the system and circumstances leaves many vulnerable to exploitation. Kinship carers often talk of agreeing to all the demands of children's social care just to ensure the children can remain with them.

## Recommendation

- **All kinship carers should be entitled to independent advice and information either before becoming kinship carers or as soon as possible after taking on the care of the children.**

A significant proportion of kinship carers undertake the role informally and are not known by children's social care. Identifying their needs is increasingly difficult because as a group there is a lack of information about them. We support many people who before using our services, were unaware they were kinship carers. They and their children will likely have similar needs to kinship families who are known to children's social care. However, most will not be aware of their entitlement to support or where to seek help when they need it.

Increasing awareness about kinship care will allow more people to realise they are kinship carers and encourage them to seek the information and support they and their children need. Greater understanding of kinship care within universal services, including education, health, and housing, will lead to more kinship carers being identified and signposted to support.

## Recommendation

- **Central and local government should develop strategies to raise the awareness and understanding about kinship care.**

Kinship carers often feel they were unprepared for the challenges of taking on the care of another person's child, with the vast majority receiving no training or preparation for the role. Where preparation support is available for kinship carers, such as the Kinship Ready programme developed by Kinship, kinship carers report feeling more informed and confident about their role and where to seek support. There is a statutory requirement that foster carers and adoptive parents undergo preparation training for their roles. This statutory requirement should not be placed on kinship carers as it may pose a barrier for some.

## Recommendation

- **There should be a responsibility on local authorities to offer preparation training and support and this should be optional for kinship carers.**

When kinship carers take on the care of children, they take on full responsibility for them. They help the children transition into their care. They often attend many meetings and take part in assessments. Children in kinship carer often need more support than children in the general population. Kinship carers often find they must take children to health appointments. The children are more likely to need to attend special education provisions or have a reduced timetable. These issues affect kinship carers' ability to work, especially when the children first move in.

## Recommendation

- **All kinship carers should be entitled to the same paid statutory leave that is offered to adoptive parents.**

Certain types of kinship care, such as special guardianship, require the kinship carer to be subject to an assessment. The first assessment is commonly referred to as a 'viability assessment' and people who are assessed as being 'viable' then take part in a full assessment. The use of language is important. Kinship carers commonly report being upset at the use of the word viable. Viability assessments are often deficit and risk focused. The assessment should be refocused to a more strengths-based

approach to identify *what support does this kinship carer require to enable them to care for this child*. This would shift the culture away from one of fear towards a more positive partnership between children's social care and the family. It would also aid the development of support plans and encourage kinship carers to seek support early when they need it.

The assessments are commonly intrusive and require kinship carers to talk about historic and current difficult and traumatic experiences. Kinship carers rarely receive any emotional support during or after the assessment process. They are often expected to cope by themselves. This can be especially difficult for carers who are related to the child's parents and may already be caring for kinship children. They often find themselves trying to support their children's emotional distress whilst having to manage their own.

#### **Recommendation**

- **Therapeutic support should be made available for all kinship carers who take part in an assessment.**

The legal processes formal kinship carers go through to acquire a legal order for the children are often complex and costly. When kinship carers make a private application for a child arrangement order or an SGO, they rarely receive legal aid. For many, this means they must pay out for the legal application and legal representation themselves. This can cost tens of thousands of pounds. Many are forced to use savings, sacrifice pensions, re-mortgage homes or take out loans. It is fundamentally unfair that people who are trying to keep children safe and provide them with a loving stable family home are financially penalised for doing so.

#### **Recommendation**

- **Kinship carers should be entitled to legal aid when making an application for a legal order to care for a child who is unable to live with their parents.**

When there are public care proceedings, kinship carers who are being assessed for a child arrangement order or special guardianship order are currently not legally entitled to be a party to proceedings or have legal representation funded by legal aid unless they already have parental responsibility for the child.

#### **Recommendation**

- **All kinship carers being assessed should receive funded legal advice, and carers who have a realistic option of having an order granted should be made a party to proceedings and receive full legal aid.**

Once a kinship carers care of a child is secured through a legal order, parents can still apply for the order to be discharged. This can be disruptive for the children and the kinship carers. It can also be financially difficult.

#### **Recommendation**

- **Once kinship carers have been granted a child arrangement order or special guardianship order, they should be entitled to legal aid for any future litigation brought by any party regarding the children in their care.**

#### Being a Kinship Carer

Kinship care is consistently found to be a positive placement choice for many children who would otherwise be in local authority foster care. There is evidence to indicate that many placements are

stable and offer children the love, stability, and security they need as they grow up. There is also evidence that the outcomes for children in kinship care are positive and are better than those for children in foster care. However, there is a need for longitudinal studies to enable a better understanding of the lifelong impact that kinship care has on children throughout their lives.

### **Recommendation**

- **There should be a significant increase in research on kinship care.**

One of the main issues kinship carers face is a lack of support for themselves and the children in their care. Many kinship carers receive no support at all. Kinship carers' entitlement to support is variable and dependant on the specifics of each family's circumstance and the policies of the local authority where they live.

The introduction of SGOs has led to positive changes for some kinship carers, but it appears to have exacerbated the inequalities within kinship care as much support is tailored to the order the child is subject to – and whether the child was in local authority care immediately prior to the order being granted - rather than on the needs of the child and family.

It is common for informal kinship carers to not receive support. Often, they are unaware they are entitled to support or do not meet the thresholds local authorities put in place. Children on child arrangements orders are also unlikely to be receiving regular support unless they have previously been in local authority care. Children subject to SGOs are entitled to and receive more support than other types of kinship carers. Although children subject to SGOs who had previously been in local authority foster care, even with kinship foster carers, are entitled to more support than those who have not. For example, Pupil Premium Plus and therapeutic support through the Adoption Support Fund is limited to children with SGOs who were previously looked after. Finally, kinship foster carers are entitled to the same support as foster carers. This has led to a perverse situation where many kinship foster carers do not want to apply for an SGO because they are concerned that the support they receive will end. This has resulted in many children remaining in local authority foster care rather than being made subject to the permanence of SGO.

Kinship carers take on all financial responsibility for the children. Although parents are expected to maintain their children, their lifestyles generally make this impossible, leaving carers to pay for the upkeep of the children themselves. However, being a kinship carer reduces a person's ability to work for the reasons explained previously. This means that most kinship carers are significantly disadvantaged due to taking on the role. The reduction in employment opportunities also means kinship carers are unable to pay into pensions which means they can face a lifetime of poverty or the prospect of having to work past the age of retirement.

Our advice service supports over 3,000 kinship families every year, with finance being the top concern. Kinship carers frequently struggle to access the welfare benefits they are entitled to and are forced to rely on grants arranged by charities like Kinship to pay for essential items like white goods, children's beds, clothing, and school shoes. Research also indicated that financial pressure is one of the main stress's kinship carers face, which can reduce their capacity to meet the needs of the children.

### **Recommendations**

- **All kinship carers should receive a fair allowance to cover the costs of raising someone else's child, in line with the national minimum fostering allowance. This will reduce the financial strain on kinship families and allow kinship carers to focus more on meeting the needs of the children in their care.**



- **There is a need to make adaptations to the welfare benefits system so that the unique situation of kinship families is understood and supported.**
- **All kinship carers should be offered tailored advice and support to help them navigate the benefits system and to access the financial support they are entitled to.**

Support for kinship carers is poorly developed in relation to that for other cohorts of carers, such as adopters or foster carers. Support and services at national and local level that were developed to meet the needs of foster carers or adopters are sometimes offered to some kinship carers without adequate adaptation or even an attempt to rename the service to suggest inclusivity and encourage access. For example, the Adoption Support Fund nationally includes provision for some SGO families but is primarily benefiting adoptive families (just 11% applications to the fund are understood to be for SGO families). Special guardians report receiving offers of support from Regional Adoption Agencies through marketing materials and communications which are written for adoptive parents. This ‘add-on’ approach or ‘pivot’ of existing services that were designed for other groups of carers/parents fails kinship families on many levels: it is excluding rather than inclusive, it fails to reflect their unique and diverse needs, and, as a consequence, services will not deliver the impact they could.

Support and services must be designed to reflect and meet the needs of kinship carers and their children, which are commonly uniquely shaped by the complexities of their family situations. Furthermore, kinship carers are a more disparate group who are often isolated from their communities and other kinship carers. They generally have had less training, support and development in their caring role which leads to less well-developed networks. They have comparatively less social capital and can be socially disadvantaged. This means for generations the voices of kinship carers have been largely ignored by people in positions of influence and power.

### **Recommendations**

- **Support for kinship carers and their children should be developed by focusing on their specific and diverse needs.**
- **Kinship carers and those with experience of growing up in kinship care must be involved in the development of strategies, services, and support.**
- **Local authorities should develop a clear support offer for kinship families, so kinship carers are able to freely access support for themselves and their children when they need it.**
- **There should be a commitment to the inclusion of kinship care specifically and separately from other forms of permanence in strategic and decision-making forums at every level to ensure it is properly and fairly represented.**

Kinship carers often face many challenges engaging with public services. The kinship carer role is unique and unfortunately, most of the structures that underpin the work of public services were developed without considering their needs. This has led to kinship carers experiencing difficulties when trying to access certain services for their children. For example, many carers struggle to get passports for their children. Informal kinship carers often do not have parental responsibility for the children, which can cause them problems engaging with education and health care. Kinship carers can also experience difficulties accessing benefits for the children. For example, some kinship carers are told by children’s social care that they have to give up work to be able to care for the children, however when they do, they are then told to seek employment by the Job Centre, leaving them in an impossible situation.

## Recommendations

- **All public services should develop policies detailing how they will meet the needs of kinship carers and the children they care for.**
- **A local offer for kinship families should be co-ordinated and well-publicised.**

Being a kinship carer is usually a lifetime commitment. It is common for children to remain living with their carers well into adulthood in the same way that young people often remain living with their parents until they are ready for independence. The needs of the young people who live in kinship care do not end when they reach the age of 18, although any state support they receive generally does. Often the children's early life experiences mean they have specific needs that will require support into adulthood. Research consistently finds that the commitment kinship carers show to the children they care for means they continue to support them financially and emotionally once they become adults. However, the lack of statutory support means they generally must do this alone.

## Recommendations

- **Young adults who have lived in kinship care should be afforded the same rights to support post-18 as children who have been in foster care.**
- **A framework based on the 'staying put' model used in foster care should be developed for the specific needs for kinship care families.**
- **Young people in kinship care should be supported to go into further or higher education, in the same way that care leavers are.**

## Conclusion

There is a transformational opportunity for the Independent Review of Children's Social Care to make a step change in the way kinship care is understood, valued, and supported. Leading the expansion of well-supported kinship care will mean more children will be able to grow up within their family network rather than in the care system, and the evidence suggests their outcomes will be better and there will be short and long-term savings to the public purse.

Investing in well-supported kinship care is an essential step towards developing a better children's social care system.

## For further details or discussion, please contact

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