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FORMAL KINSHIP CARE PROCEDURES AND OPERATIONAL GUIDANCE 2011

APRIL 2011

Foreword

East Dunbartonshire Council has a responsibility to make alternative accommodation and care arrangements for those children and young people who require to be looked after away from home. One of the ways in which accommodation and care may be provided is through Formal Kinship Care placements.

This Formal Kinship Care Procedures and Operational Guidance has been compiled to help ensure that the Social Work Service to children and young people whose needs are best met in Formal Kinship Care placements is provided in line with requirements and to the standards expected by the Council. This includes ensuring that the Council's duties towards children and young people who are looked after in Formal Kinship Care placements are fulfilled and their outcomes improved.

In compiling the Formal Kinship Procedures and Operational Guidance we have used the national Guidance on the Looked After Children (Scotland) Regulations 2009 to assist in setting out the detail of the steps and actions within the Procedures.

The Formal Kinship Care Procedures and Operational Guidance has been compiled for use by those staff who are involved in making arrangements for children and young people who require to be looked after away from home within a Formal Kinship Care placement, as well as for members of the Formal Kinship Care Panel who are charged with making recommendations about the approval and non approval of Formal Kinship Carers. However, the document will also be a source of reference for any other interested parties.

It would be our intention to review this Formal Kinship Care Procedures and Operational Guidance as necessary to ensure it is updated in line with any legislative or policy changes, as well as with learning from best practice and research.

SECTION 1: INTRODUCTION

- 1.1 East Dunbartonshire Council, under the Children (Scotland) Act 1995 and in accordance with the Looked After Children (Scotland) Regulations 2009, is required to provide accommodation for children and young people who are not able to live with their birth parents and who require to be looked after away from home. One of the ways in which accommodation and care may be provided is through Formal Kinship Care placements.
- 1.2 It is important to be clear about what is meant by Formal Kinship Care. In terms of the above Regulations kinship care arrangements which need to be formally recognised by a local authority are where a child or young person is looked after by the local authority within a kinship care placement assessed by the local authority. East Dunbartonshire Council is referring to these arrangements as Formal Kinship Care.
- 1.3 With reference to Formal Kinship Care, the legal definition of 'kinship carer' is provided in the Looked After Children (Scotland) Regulations 2009. These Regulations state that those carers known as kinship carers are:
- (a) Related to the child (either by blood, marriage or civil partnership)
Or
 - (b) Known to the child and with whom the child has a pre-existing relationship.
- 1.4 With reference to 'Looked After', this is defined by the Children (Scotland) Act 1995, as amended; a child/young person is looked after when he or she is:
- (a) Provided with accommodation by a local authority under section 25 of the 1995 Act
 - (b) Subject to a supervision requirement made by a children's hearing, in terms of section 70 of the 1995 Act
 - (c) Subject to an order, authorisation or warrant made under Chapter 2, 3 or 4 of Part II of the 1995 Act, and according to which the local authority has responsibilities in respect of the child. These include a child protection order, a child assessment order, an authorisation from a justice of the peace to remove a child to a place of safety or maintain a child in a place of safety, removal to a place of safety by a police constable, or a warrant to keep a child in a place of safety made by a children's hearing or a sheriff
 - (d) Living in Scotland and subject to an order in respect of whom a Scottish local authority has responsibilities, as a result of a transfer of an order to it under the Children (Reciprocal Enforcement of Prescribed Orders etc. (England and Wales and Northern Ireland)) (Scotland) Regulations 1996. These 1996 Regulations were made under section 33 of the 1995 Act; or

- (e) Subject to a permanence order made following an application by a local authority under section 80 of the Adoption and Children (Scotland) Act 2007 and where this order has not ceased to have effect.
- 1.5 There are many instances when family and friends support parents in caring for their children, for example for short periods at times of crisis and in some instances for longer periods. While those people providing the care might describe themselves as kinship carers, they are involved in informal arrangements made by families and they are not covered by the above noted legal definition of kinship care. As such, those informal kinship care arrangements are not covered by this Formal Kinship Care Procedures and Operational Guidance.
- 1.6 Within Social Work Services, the Children and Families Service is responsible for services to children and young people who are looked after, and to services in respect of Formal Kinship Care placements. This includes the preparation, assessment, support, supervision, training and review of Formal Kinship Carers. Social Work Services works to meet the needs of vulnerable children and young people and to improve their outcomes, including that they be safe, healthy, achieving, active, respected, responsible, included and nurtured. Social Work Services aims to:
- Safeguard children and young people
 - Promote the welfare of children and young people and improve their outcomes
 - Ensure that the welfare of children and young people is paramount in all decisions that affect them
 - Seek and have regard to the views of children and young people and their families in decisions that affect them
 - Treat each child, young person and their family with dignity and respect and in a manner that reflects a non-discriminatory approach
 - Protect the privacy of each service user and create a safe environment through the promotion and development of appropriate physical arrangements, routines, attitudes and general atmosphere
 - Assess and respond to the changing needs of children, young people and their families timeously and appropriately
 - Provide for the physical, social and emotional needs of individual children and young people.
- 1.7 For children and young people who are looked after by East Dunbartonshire Council and placed in Formal Kinship Care placements, their Formal Kinship Carers will always be approved by a Formal Kinship Care Panel to carry out the Formal Kinship Care task in accordance with legislation and regulations. The Formal Kinship Care Panel is the forum through which recommendations about approval and non approval of Formal Kinship Carers are made.
- 1.8 The detail of this document is intended to guide social work practice in relation to Formal Kinship Care. In order to better understand the detail of this document, it is important to understand the legal and policy context surrounding Formal Kinship Care.

- 1.9 It is essential too that Social Work Services staff make best use of their professional training, their experience and their skills in implementing these Procedures to best effect for our children and young people.
- 1.10 This Formal Kinship Care Procedures and Operational Guidance document is set out as follows:
- Section 1: Introduction
 - Section 2: Legal and Policy Context
 - Section 3: Formal Kinship Care – Planning and Managing the Service
 - Section 4: The Formal Kinship Care Panel, including Approval and Non Approval of Formal Kinship Carers
 - Section 5: Formal Kinship Carers – Initial Information and Initial Enquiries
 - Section 6: Formal Kinship Carers – Preparation and Assessment
 - Section 7: Formal Kinship Carer Agreements
 - Section 8: Formal Kinship Carers – Reviews and Termination of Approval
 - Section 9: Children and Young People – Placement with Formal Kinship Carers
 - Section 10: Children and Young People – Reporting Significant Incidents, including the Death of a Child/Young Person
 - Section 11: Children and Young People – Safety and Child Protection
 - Section 12: Children and Young People – Contact Arrangements
 - Section 13: Formal Kinship Care Placement Agreements
 - Section 14: Formal Kinship Carers – Case Records and Record Keeping
 - Section 15: Formal Kinship Carers – Allowances
 - Section 16: Formal Kinship Carers – Training, Support and Supervision
 - Section 17: Allegations Against Formal Kinship Carers
 - Section 18: Complaints
 - Section 19: Appendices and Contents Pages

SECTION 2: LEGAL AND POLICY CONTEXT

2.1	Duties and Functions of Local Authorities in Respect of Children and Young People Looked After by Them
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2.1.1 The Children (Scotland) Act 1995 (as amended) is the central legal basis for the Council's responsibilities to children and young people in need and who are looked after.

2.1.2 The Looked After Children (Scotland) Regulations 2009 and the associated Guidance support the implementation of the Children (Scotland) Act 1995.

2.1.3 The definition of a 'looked after' child is contained in section 17(6) of the 1995 Act (as amended). As noted earlier, a child/young person is looked after when he or she is:

- (f) Provided with accommodation by a local authority under section 25 of the 1995 Act
- (g) Subject to a supervision requirement made by a children's hearing, in terms of section 70 of the 1995 Act
- (h) Subject to an order, authorisation or warrant made under Chapter 2, 3 or 4 of Part II of the 1995 Act, and according to which the local authority has responsibilities in respect of the child. These include a child protection order, a child assessment order, an authorisation from a justice of the peace to remove a child to a place of safety or maintain a child in a place of safety, removal to a place of safety by a police constable, or a warrant to keep a child in a place of safety made by a children's hearing or a sheriff
- (i) Living in Scotland and subject to an order in respect of whom a Scottish local authority has responsibilities, as a result of a transfer of an order to it under the Children (Reciprocal Enforcement of Prescribed Orders etc. (England and Wales and Northern Ireland)) (Scotland) Regulations 1996. These 1996 Regulations were made under section 33 of the 1995 Act; or
- (j) Subject to a permanence order made following an application by a local authority under section 80 of the Adoption and Children (Scotland) Act 2007 and where this order has not ceased to have effect.

2.1.4 There is a range of statutory duties which local authorities have in respect of looked after children, which are set out in section 17 of the 1995 Act. The duties of East Dunbartonshire Council (EDC/the Council) then are to:

- Safeguard and promote the child's welfare, taking the welfare of the child as its paramount concern

- Make use of services that would be available for the child were he or she cared for by his or her parents
- Take steps to promote regular and direct contact between the child who is looked after and any person with parental responsibilities, so far as is practicable, appropriate and consistent with the duty to safeguard the child's welfare
- Provide advice and assistance with a view to preparing the child for when he or she is no longer looked after
- Find out and have regard to, so far as is practicable when making decisions about the child, the views of the child, his parents and any other person whom the local authority think is relevant
- Take account, so far as is practicable, of the child's religious persuasion, racial origin and cultural and linguistic background.

(Local authorities may deviate from complying with the above duties only when it is necessary to protect members of the public from serious harm, and then only to the extent required to achieve such protection for the public).

2.2 Provision for Formal Kinship Care

2.2.1 The Children (Scotland) Act 1995 as amended and the Looked After Children (Scotland) Regulations 2009 make provision for Formal Kinship Care.

2.2.2 There are, for example, Regulations in relation to the following:

- Criteria for a person to be considered as a Formal Kinship Carer
- Approval of Formal Kinship Carers
- Review of approval of Formal Kinship Carers
- Placement of children and young people in Formal Kinship Care
- Establishing and maintaining case records for Formal Kinship Carers
- Formal Kinship Care allowances.

2.3 East Dunbartonshire Council – Policy Context

2.3.1 East Dunbartonshire Council is committed to safeguarding and promoting the welfare of all of its citizens, including its children and young people. EDC has a variety of policies in place to support this approach, and these take account of relevant national policy (as well as legal requirements). All of the policies which relate to children and young people are underpinned by the Council's aspiration to ensure that all children and young people are safe, healthy, achieving, active, respected, responsible, included and nurtured.

2.3.2 These are national aims which also underpin the national programme 'Getting It Right for Every Child' (GIRFEC). GIRFEC aims to improve outcomes for all of Scotland's children and young people and to do this through encouraging a single system of service delivery across children's

services. This does not necessarily mean that services are all part of one department or agency, but that those working across children's services see themselves as part of a single system to deliver services to children, young people and their families and have the same overall aim of improving outcomes for children and young people.

- 2.3.3 EDC must ensure that Formal Kinship Care placements (and indeed other types of placements for children and young people) provide a safe environment and help children and young people have their educational, health, emotional and overall developmental needs met; further, that placements take account of any traumatic and damaging life experiences which children and young people may have encountered, as well as any missed opportunities they may have experienced (for example, missed health checks and inoculations, missed learning).
- 2.3.4 EDC must ensure that Formal Kinship Care placements (and other types of placements) have opportunities for children and young people to maintain appropriate contact with their birth families, provided it is in their interests. In placing a child or young person, we must take account of religious, cultural and ethnic factors in children and young people's backgrounds and also of their views, and those of their families, in decisions that affect the children and young people.
- 2.3.5 In identifying, preparing, assessing, supporting, monitoring and training Formal Kinship Carers on the Formal Kinship role, we must be mindful of the need for safety and to keep children and young people safe from harm and abuse.
- 2.3.6 All EDC staff working with children and young people in Formal Kinship Care, working with Formal Kinship Carers, have the responsibility to ensure that the relevant legal and policy requirements are met. This includes ensuring the safety and wellbeing of children and young people, and that Formal Kinship Carers are supported to be able to meet their responsibilities.
- 2.3.7 Like all children and young people, those placed in Formal Kinship Care have their own specific and individual needs. Many children and young people who are looked after in Formal Kinship Care will have had some experience of loss, trauma and disruption; in most instances, becoming looked after within a Formal Kinship Care placement will have a significant impact, even in instances when the Formal Kinship Carer is well known to them and is part of their extended family.
- 2.3.8 Some of these children and young people will have had experience of abuse and neglect: physical, emotional and sexual; they will have experienced a combination of trauma and inconsistency while living with their families which will often be reflected in their behaviours. It is important that Formal Kinship Carers and Social Work Services staff understand the demanding tasks that are involved in caring for a child or young person with these experiences, and are equipped to respond appropriately to their needs.

SECTION 3: FORMAL KINSHIP CARE – Planning and Managing Services

3.1 General

- 3.1.1 As noted earlier, social work services in respect of Formal Kinship Care are provided through Social Work Services Children and Families. There are a number of Children and Families Teams and they are located within the Social Work Services offices at the Triangle (Kirkintilloch Road, Bishopbriggs). The Care Planning and Placement Team, comprising a Team Manager and Social Workers, is responsible for the assessment, preparation, training, support and supervision of Formal Kinship Carers; it is responsible for ensuring that the relevant legislative requirements and standards are met.
- 3.1.2 EDC is clear that all of its services should aspire to the highest standards of practice, be well managed and that staff are equipped to deliver the services to the expected standards. Within Social Work Services this includes staff being professionally competent to meet the relevant legal, policy and procedural requirements.

3.2 Planning and Managing the Service

- 3.2.1 In this regard, EDC Social Work Services will:
- Ensure that the Care Planning and Placement Team fulfils the requirements of legislation, regulations and standards in relation to Formal Kinship Care
 - Establish, monitor and review the Council's policy and strategy in relation to Formal Kinship Care, including the preparation, assessment, and approval of Formal Kinship Carers
 - Establish plans to develop and maintain sufficient and appropriate high quality family based placements for children and young people who require to be looked after away from home
 - Plan, monitor and review how the Council carries out its roles and responsibilities for family based care for children and young people looked after away from home
 - Monitor Formal Kinship Care provision and outcomes for children and young people placed with Formal Kinship Carers
 - Monitor the support for and supervision of Formal Kinship Carers
 - Ensure that service development is based on sound information, including practice knowledge, the experiences and views of children,

young people and their families, the experiences and views of Formal Kinship Carers and their children, and of staff.

3.3 Professional Competence and Management of staff

3.3.1 In this regard, EDC Social Work Services will:

- Provide an appropriately trained, supported and qualified workforce to meet the needs of children and young people looked after by the Council
- Ensure that recruitment and appointment processes for staff are robust and thorough, including appropriate checks
- Ensure that the Council's Human Resources policies and procedures incorporate the requirements of child protection and child care legislation and procedures
- Ensure that the Service is appropriately managed and monitored
- Ensure that staff development is incorporated in staff supervision and that appraisal systems are in place and that these are monitored
- Make clear to staff lines of accountability for the Service
- Make clear that legal advice is available to staff in relation to child care issues
- Ensure that there are review systems for the Service which include feedback from, and the involvement of, those involved in the Service.

3.4 Annual Information Gathering and Review

3.4.1 To help ensure the best possible practice and improve outcomes for children and young people the Council will, on an annual basis, review the information it holds about Formal Kinship Care placements.

3.4.2 Examples of information which will be considered annually are:

- Profile of children and young people currently in Formal Kinship Care (e.g. age, legislative basis of the placement, gender, ethnicity, length of time in the placement)
- Profile of children and young people placed in Formal Kinship Care over the period covered by the report
- Number of children and young people in Formal Kinship Care assessed as needing permanent care arrangements
- Number of: new Formal Kinship Carer enquiries, applications and

assessments.

- 3.4.3 A report on the above will be prepared on an annual basis. The Annual Report, and the processes related to compiling it, will assist the Council fulfil some of the tasks noted at 3.3.1 above. In particular, it will help assess whether the Service has met the needs of those children and young people looked after by EDC in Formal Kinship Care placements.
- 3.4.4 Information from the Annual Report will be provided to Council Committee and be made more widely available, including to:
- Children and Families Manager
 - Resources Manager, Children and Families
 - Fieldwork Manager, Children and Families
 - Other relevant Social Work Services staff
 - Legal Services
 - Elected Members
 - Chair of the Formal Kinship Care Panel
 - Members of the Children's Panel.
- 3.4.5 The Annual Report will include an action plan in respect of any actions identified as necessary from the report.
- 3.4.6 The Care Planning and Placement Team Manager is responsible for compiling the Annual Report on Formal Kinship Care, for ensuring its appropriate distribution and for progressing the report action plan.

SECTION 4: THE FORMAL KINSHIP CARE PANEL - including Approval and Non Approval of Formal Kinship Carers

4.1 General

- 4.1.1 East Dunbartonshire Council will establish a Formal Kinship Care Panel. Membership of the Formal Kinship Care Panel will be from the EDC Fostering Panel, together with any additional Social Work Services staff which EDC considers appropriate.
- 4.1.2 The effective and efficient operation of the EDC Formal Kinship Care Panel relies on having appropriate and adequate membership, with Panel members having access to all relevant information and training required to fulfil the Panel role. Also important is professional support and oversight from Social Work Services.
- 4.1.3 The Service will appoint a Manager to be responsible for the functioning of the Formal Kinship Care Panel. This will be the Social Work Services Care Planning and Placement Team Manager.
- 4.1.4 All involved with the Formal Kinship Care Panel (e.g. staff, Formal Kinship Carers, children and young people and their families) should be clear about its role. Information in this section should help provide that clarity. This section goes on to provide information on the following:
 - 4.2 Appointment and composition of the Formal Kinship Care Panel
 - 4.3 Meetings of the Formal Kinship Care Panel
 - 4.4 Role of the Formal Kinship Care Panel
 - 4.5 Process for presentation of Formal Kinship Carer applications to the Formal Kinship Care Panel
 - 4.6 Discussion of Formal Kinship Carer applications at the Formal Kinship Care Panel Meeting
 - 4.7 Decision by Agency Decision Maker.

4.2 Appointment and Composition of the Formal Kinship Care Panel

- 4.2.1 The Formal Kinship Care Panel comprises members from the EDC Fostering Panel, and any additional Social Work Services staff considered appropriate by EDC to carry out the role of the Formal Kinship Care Panel.
- 4.2.2 The EDC Fostering Procedures and Operational Guidance sets out the arrangements for the appointment of the Fostering Panel. Those procedures state that in appointing the Fostering Panel, the Council will, through the Care Planning and Placement Team Manager, give consideration to the following:

- The procedures for recruiting and appointing the Fostering Panel members
- Information for potential Panel members
- Role descriptions and person specifications
- Expectations of Panel members, including attendance and confidentiality
- Appointment terms of reference and length of appointment
- Review and appraisal of Panel members
- Induction and training
- Monitoring Panel performance, including complaints
- Provision for remuneration of Panel members.

4.2.3 The Fostering Panel, which has a minimum of six members, comprises the following:

- Chair
- Depute Chair
- An Elected Member of the Council
- Two (minimum of) qualified members of staff from Social Work Services
- An Educational Psychologist from Education Services
- A lay person with expertise in the developmental needs of children and young people
- An Adoptive or Foster Parent
- A Legal Adviser
- A Medical Adviser.

4.2.4 Full detail on the Fostering Panel can be found in the Fostering Procedures and Operational Guidance. This includes information on membership, recruitment process, roles, functions and meetings of the Fostering Panel.

4.3 Meetings of the Formal Kinship Care Panel
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4.3.1 No business shall be conducted by the Formal Kinship Care Panel unless at least three of its members meet as the Panel. In this regard 'member' does not include the Medical or Legal Adviser. This quorum of three must include the Chair or Depute Chair, the Educational Psychologist and one of the Social Work Services members of staff.

General Panel Meetings

4.3.2 The Formal Kinship Care Panel will have twice yearly business meetings to consider and review its functioning. Within this, Panel Members will be expected to highlight any areas of exemplary practice, any areas of concern and discuss their training needs as Formal Kinship Care Panel Members.

4.3.3 On an annual basis the business meeting will consider its overall functioning and from this produce an annual report. The Formal Kinship Care Panel Annual Report will provide details of Panel members, terms of reference and a summary of the work of the Panel. To assist in this process, at this business meeting information will be provided by the Care Planning and Placement Team Manager on the following:

- An overview of all the business that has come before the Formal Kinship Care Panel
- Feedback from staff and prospective/Formal Kinship Carers involved with the Formal Kinship Care Panel
- Numbers of Formal Kinship Carers recruited and being de-registered
- Any other particular issues to be highlighted
- Overview of any significant research or practice development issues which relate to the work of the Formal Kinship Care Panel.

Panel Meetings to Consider Cases Referred

- 4.3.4 The Formal Kinship Care Panel will have a schedule of meetings to consider the cases referred by EDC (i.e. of prospective Formal Kinship Carers, of approved Formal Kinship Carers, of children and young people).
- 4.3.5 In carrying out the functions of the Formal Kinship Care Panel, members should:
- Consider objectively the case being presented; raise and fully discuss any issues; seek clarification and further information as required and agree or disagree with the recommendation of the assessing Social Worker
 - Treat all information as confidential and return all provided papers at the end of the Formal Kinship Care Panel meeting
 - Declare if they know any of the parties being presented to the Formal Kinship Care Panel. The Chair must use his/her discretion to decide if it is appropriate for that Panel Member to participate in the discussion of that case.
- 4.3.6 The Formal Kinship Care Panel will make a written record of its proceedings and the reasons for its recommendations. EDC will provide administrative support for this task.
- 4.3.7 On a routine basis, the Formal Kinship Care Panel will ask staff presenting cases to the Panel and prospective and approved Formal Kinship Carers attending, to complete a feedback form about their reception at the Formal Kinship Care Panel, the appropriateness of the areas explored, the thoroughness of the process and suggestions for improvement. These should be kept and reviewed by the Care Planning and Placement Team Manager and incorporated into the Annual Review process.
- 4.3.8 The Formal Kinship Care Panel should provide written feedback to staff presenting cases giving an overview of the Formal Kinship Care Panel's views on their report and presentation to the Panel. This should be done with a view to highlighting good practice and areas for improvement; this should be completed by the Chair of the Formal Kinship Care Panel. The Care Planning and Placement Team Manager should note any trends or significant issues highlighted by this feedback (e.g. trends that may suggest a wider training need for staff) and incorporate this into the Formal Kinship Care Annual Review.

4.4 Role of the Formal Kinship Care Panel

4.4.1 The EDC Formal Kinship Care Panel will:

- (i) Consider the case of every Formal Kinship Carer and prospective Formal Kinship Carer referred to it by EDC
- (ii) Make recommendations on the following matters:
 - (a) Whether a prospective Formal Kinship Carer is suitable or continues to be suitable to be a Formal Kinship Carer
 - (b) Whether a prospective Formal Kinship Carer would be a suitable Formal Kinship Carer for a particular child/young person
- (iii) Before making a recommendation under (ii) above, give the Formal Kinship Carer/prospective Formal Kinship Carer the opportunity to meet with the Formal Kinship Care Panel to discuss the matter
- (iv) In carrying out its role, have regard to –
 - (a) The duties imposed on EDC by section 17(1) of the 1995 Act (these are noted at 2.1.4 of this Procedure document)
 - (b) All the information and reports passed to it.

4.4.2 The above functions mean that the Formal Kinship Care Panel will consider and make recommendations about:

- Non approval of prospective Formal Kinship Carers
- Approval of Formal Kinship Carers and the terms of the approval
- Changes in the approval of Formal Kinship Carers, including where there have been concerns
- The annual reviews of approvals of Formal Kinship Carers
- The termination of approval of Formal Kinship Carers.

4.4.3 In addition, the Formal Kinship Care Panel may be asked to:

- Give advice on matters related to assessments of prospective Formal Kinship Carers
- Give advice on the placement of children and young people
- Consider applications by Formal Kinship Carers for orders under section 11 of the 1995 Act (i.e. Court orders relating to parental responsibilities and rights).

4.4.4 The Formal Kinship Care Panel has a responsibility to make recommendations to the Council on the cases presented to the Panel by EDC. The Council is responsible for making the decisions, through the appointed Agency Decision Maker (see 4.7 below). Within EDC there are two Agency Decision Makers: the Head of Social Work and the Social Work Services Children and Families Manager.

4.5	Process for the Presentation of Formal Kinship Carer Applications to the Formal Kinship Care Panel
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- 4.5.1 The Social Worker (the assessing Social Worker) who has carried out the assessment of the prospective Formal Kinship Carer is responsible for booking a date with the Formal Kinship Care Panel for each application being made. This is done by contacting the Care Planning and Placement Team Manager. The exception to this is when a date for the Formal Kinship Care Panel was arranged at the point of allocating the Formal Kinship Carer assessment, in which case the date will be known to all concerned.
- 4.5.2 As soon as the date is known, the assessing Social Worker should alert the prospective Formal Kinship Carers to this as they will be invited to attend the Formal Kinship Care Panel meeting which is to consider their application.
- 4.5.3 The assessing Social Worker is responsible for ensuring that all necessary checks have been undertaken and that they have all the necessary paperwork related to the assessment of the prospective Formal Kinship Carers. (A checklist for this is available).
- 4.5.4 The assessing Social Worker will ensure the assessment report and related paperwork is with the Care Planning and Placement Team Manager four weeks before the date of the Formal Kinship Care Panel meeting where the case is to be discussed.
- 4.5.5 The Care Planning and Placement Team Manager is responsible for ensuring that the relevant paperwork has been received and that the assessment report meets requirements. (See Section 6). Where this is not the case, the Care Planning and Placement Team Manager may seek supplementary information from the assessing Social Worker and if required an alternative date for presentation of the case to the Formal Kinship Care Panel may be arranged.
- 4.5.6 Invitations to the Formal Kinship Care Panel meeting will be sent at least two weeks before the Formal Kinship Care Panel meeting date. The Care Planning and Placement Team Manager is responsible for ensuring that invitations to the Formal Kinship Care Panel meetings are sent out timeously.
- 4.5.7 As a matter of routine, invitations are sent to the prospective Formal Kinship Carers, the assessing Social Worker and their Team Manager.
- 4.5.8 There may be occasions where invitations will be extended to others, for example, other professionals whose expertise is required in relation to an aspect of the application. Questions about the need for any additional invitations will be discussed between the Care Planning and Placement Team Manager and the Chair of the Formal Kinship Care Panel. The Chair will decide whether any other invitations are to be made and if yes, ensure that other Formal Kinship Care Panel members are made aware of this. The role of any additional person attending the Formal Kinship Care Panel

should be made clear to all involved, including to the assessing Social Worker who will make this clear to the prospective Formal Kinship Carers.

- 4.5.9 The Care Planning and Placement Team Manager is also responsible for ensuring that all the relevant paperwork is sent out alongside the invitations, to those who are invited to attend the Formal Kinship Care Panel meeting.
- 4.5.10 The Care Planning and Placement Team Manager will ensure that copies of the papers for Formal Kinship Care Panel Members are securely delivered at least ten working days in advance of the Formal Kinship Care Panel meeting; the Care Planning and Placement Team Manager will ensure that all papers are returned at the end of the Formal Kinship Care Panel meeting.
- 4.5.11 Where there are particular issues in relation to an application coming to the Formal Kinship Care Panel meeting, the Chair should be alerted in advance by the Care Planning and Placement Team Manager. Where possible, this will be done well in advance so that the Formal Kinship Care Panel business can be planned accordingly.
- 4.5.12 For new applications for approval of Formal Kinship Carers, the paperwork which is provided direct to the Formal Kinship Care Panel members is as follows:
- Application form signed by each prospective Formal Kinship Carer
 - Assessment report signed by the assessing Social Worker, their Team Manager and each applicant
 - Information gathered as evidence in relation to the application and assessment (see Section 6)
 - Medical reports on each applicant (these reports are only provided to the Medical Adviser).

4.6	Discussion of Formal Kinship Carer Applications at the Formal Kinship Care Panel Meeting
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- 4.6.1 Having considered the information provided to them in advance of the Formal Kinship Care Panel meeting, the Chair of the Formal Kinship Care Panel will usually invite the assessing Social Worker to provide an overview of their assessment report, highlighting any particular strengths of applicants as well as any areas where, if successful, applicants would need particular support.
- 4.6.2 Where particular issues have arisen in relation to children and young people in the applicants' family, the assessing Social Worker and the Formal Kinship Care Panel need to be aware of the range of consent and confidentiality requirements relating to the sharing of such information. This applies in the course of the discussion at the Formal Kinship Care Panel

meeting as well as subsequent to the meeting. There may also be confidential information provided by third parties.

- 4.6.3 In considering any application, the Formal Kinship Care Panel will normally want time as a group to draw together issues from the information provided, to clarify information with the assessing Social Worker and to consider any sensitive areas prior to applicants joining the meeting.
- 4.6.4 Formal Kinship Care Panel Members should be clear about the purpose of applicants' attendance at the meeting, in particular that they are not being assessed on their 'performance'. This is the applicants' opportunity to speak to their assessment and comment on any issues arising from their report. It is not a legal requirement that applicants attend and recognising the daunting nature of the Formal Kinship Care Panel meeting, non-attendance should not disadvantage them.
- 4.6.5 When the Chair feels that the relevant matters to allow the Panel to come to its recommendation have been covered, s/he will check this view with other Panel members before thanking the applicants for their attendance. Generally, the Formal Kinship Care Panel will then want time to discuss their recommendation and the Chair will advise the applicant of this before the applicants leave the meeting; the Chair will also remind applicants that the Formal Kinship Care Panel can only make recommendations, and that these are passed to the Agency Decision Maker who makes the final decision and who will write to applicants within twenty one days.
- 4.6.6 The assessing Social Worker and their Team Manager will be asked to remain while the Formal Kinship Care Panel comes to its recommendations.
- 4.6.7 Once the Formal Kinship Care Panel has made its recommendations this will be shared immediately with the assessing Social Worker. The assessing Social Worker will advise the applicants of this within twenty four hours.
- 4.6.8 Where the Formal Kinship Care Panel is not recommending approval, the reasons for this must be clearly articulated, both to inform the Agency Decision Maker and for careful and considerate feedback to the applicants. It will only be in very exceptional circumstances that areas of concern have not already been identified in advance with the applicants by the assessing Social Worker.
- 4.6.9 The Minutes of each Formal Kinship Care Panel should clearly identify the reports presented to the Formal Kinship Care Panel, the issues raised as a result of these, how they were addressed and resolved and the basis on which the Formal Kinship Care Panel reached its recommendations. Each 'voting' Formal Kinship Care Panel member (i.e. Formal Kinship Care Panel members other than the Medical and Legal Advisers) should be asked whether s/he recommends approval and the Minutes should make it clear whether the recommendation was unanimous or on a majority basis. The reasons for any divergence of views among the Formal Kinship Care Panel members should be made clear for the Agency Decision Maker.

- 4.6.10 The recommendations to the Agency Decision Maker will include comment on whether the parameters of the approval coincide with those in the assessment report, e.g. in relation to the specific children/young people about whom the assessment of the prospective Formal Kinship Carer was concerned.
- 4.6.11 The Minutes and related paperwork should be passed to the Agency Decision Maker by the Care Planning and Placement Team Manager within seven days of the Formal Kinship Care Panel meeting.

4.7 Decision by Agency Decision Maker

- 4.7.1 The Agency Decision Maker (ADM) will have the Minutes of the Formal Kinship Care Panel meeting together with reports considered by the Formal Kinship Care Panel available for the purposes of coming to a decision. If necessary, the ADM may discuss these with the Chair of the Formal Kinship Care Panel. In particular circumstances, the ADM may attend the Formal Kinship Care Panel (as an observer only).
- 4.7.2 The ADM will reach a decision within fourteen days of the Formal Kinship Care Panel meeting which made the recommendations.
- 4.7.3 A letter notifying the decision to the prospective Formal Kinship Carers will be sent within seven days of the decision being made.
- 4.7.4 Correspondence relating to the decision of the ADM will form part of the case records of prospective/approved Formal Kinship Carers.
- 4.7.5 Where the decision of the ADM is the same as the Formal Kinship Care Panel recommendation to approve the applicants, the letter to the applicants confirming the approval will include detail of the terms of approval. The letter will also include detail of any particular issues and needs identified during the assessment.
- 4.7.6 Where the decision of the ADM is the same as the Formal Kinship Care Panel recommendation not to approve the applicants, the letter sent to applicants should include information about the:
- Reasons for the decision
 - Council's complaints procedure
 - Council process for review/appeal of decisions not to approve applicants.

The process for review/appeal of decisions is detailed in Section 8 of this Procedure.

- 4.7.7 Where the decision of the ADM differs from the Formal Kinship Care Panel recommendation to approve the applicants, the ADM will record the reasons for the decision and this will form part of the applicant's case file. A letter

will be sent to applicants and this should include the information noted at 4.7.6. In these instances the ADM will advise the Chair of the Formal Kinship Care Panel of the decision and reasons for this. The Care Planning and Placement Team Manager will advise the assessing Social Worker of the decision; this will allow contact with the applicants to be made at the earliest stage. A meeting with the applicants to discuss this should be offered when options, depending on the reasons for the ADM's decision, for the next step may be discussed. For example, if it is a matter of gaps in the assessment process then arrangements may be made, provided the applicant wishes this, to fill these gaps and continue with the process. If it is the case that the applicants are not considered as suitable to be Formal Kinship Carers, only the information noted at 4.7.6 will be the focus of any discussion; if that is the case, the assessing Social Worker can only re-iterate the information bullet pointed above and it is a matter for the applicants to decide their next step. Applicants should be advised of the process for appealing the ADM decision / requesting a review of the decision. This is outlined in Section 8.4.

- 4.7.8 Where the decision of the ADM differs from the Formal Kinship Care Panel recommendation not to approve the applicants, the letter to the applicants will advise of the approval and will include detail of the terms of approval. The letter will also include detail of any particular issues and needs identified during the assessment. In addition, as soon as is practicable, s/he will make arrangements to discuss this with the Chair of the Formal Kinship Care Panel. The Care Planning and Placement Team Manager will advise the assessing Social Worker of the decision; this will allow contact with the applicants to be made at the earliest stage.

SECTION 5: FORMAL KINSHIP CARERS – Initial Information and Initial Enquiries

5.1 General

- 5.1.1 The identification of possible Formal Kinship Carers is often made by the parents of children and young people as the choice of placement for their child who is assessed as requiring to be looked after away from home. In some instances Social Workers identify possible Formal Kinship Carers. In other instances, individuals who consider themselves to be kinship carers approach the Service for assistance in this regard or to request that they be considered for providing kinship care to a particular child, e.g. for their grandson or niece. In all instances it is important that initial information is available to explain Formal Kinship Care and how to take an interest in this forward.
- 5.1.2 EDC Social Work Services will act to ensure that whenever possible, for children and young people separated from their birth parents, the option of a Formal Kinship Care placement is considered.
- 5.1.3 It is the responsibility of the Care Planning and Placement Team to ensure that the initial information available for enquirers is reviewed and updated at least annually or whenever there has been a significant change in the Council's policy in relation to Formal Kinship Care. This updating should include:
- Website updating
 - Checking and updating relevant telephone numbers
 - Ensuring any significant changes in relation to Formal Kinship Care, and/or changes in the law in relation to Formal Kinship Care, are included where appropriate in the material.

5.2 Initial Enquiries

- 5.2.1 EDC will provide a speedy and informative response to enquiries made about being a Formal Kinship Carer, and work to ensure that, where it seems appropriate, those enquiring maintain their interest. The Care Planning and Placement Team Manager will ensure that the Care Planning and Placement Team provides efficient and timeous responses to all enquiries, including telephone responses and provision of written information.
- 5.2.2 Initial enquiries received elsewhere should be directed to Social Work Headquarters Care Planning and Placement Team (Duty Worker). Council staff will be made aware that the contact point for enquirers is Social Work Headquarters and that any enquirers should be referred there.

- 5.2.3 Where enquirers indicate particular communication issues at the outset, these should be considered and taken into account in the initial response from the Care Planning and Placement Team and in handling any subsequent application.
- 5.2.4 At the initial enquiry stage, the Care Planning and Placement Team will provide initial information about the criteria for becoming a Formal Kinship Carer, give an overview of what is involved and will gather initial information from the enquirer. This initial information assists the Council to determine whether there is any immediate reason to suggest that the enquirer may not progress any further in the process. Reasons might be, for example, the enquirer being in very poor health. There is a pro forma used for the gathering of this information by the Care Planning and Placement Team. This completed pro forma will form part of the prospective Formal Kinship Carer case record.
- 5.2.5 All enquiries will be logged by the Care Planning and Placement Team on the EDC Social Work Service computerised records system, which is Carefirst.
- 5.2.6 Following the initial enquiry, where it is appropriate to provide written information to the enquirer (that is, where the enquirer wishes further information and where there is no immediate reason to suggest that the enquirer should not progress further in the process), this will be done by the Care Planning and Placement Team within three working days of the enquiry being made.
- 5.2.7 The information will make clear that to trigger the next step - an initial assessment via a home visit - the enquirer needs to contact the Care Planning and Placement Team, having read the information provided, to negotiate a suitable date and time for the visit.
- 5.2.8 If no contact is made by the enquirer, the Care Planning and Placement Team member who dealt with the enquiry will make follow up contact by phone call or letter within two weeks of the written information being sent out.

5.3 Initial Assessments

- 5.3.1 Where Initial Assessments are to take place, these will be allocated by the Care Planning and Placement Team Manager and carried out within four weeks of the enquirer contacting the Service to say they wish to proceed. Section 6 provides information on Initial Assessments.

SECTION 6: FORMAL KINSHIP CARERS – Preparation and Assessment

6.1 General

- 6.1.1 EDC must ensure that all assessments of prospective Formal Kinship Carers for EDC are carried out in accordance with legislation, regulations and in line with Council policy.
- 6.1.2 Not all those who are interested in becoming Formal Kinship Carers will meet the criteria or be able to provide a suitable environment for the care and nurture of children and young people. The Council will ensure that those responsible for the preparation and assessment of Formal Kinship Carers understand the factors that indicate that applicants have the abilities, skills and potential to provide care for the specific children and young people for whom they wish to offer care.
- 6.1.3 In deciding to approve a person as a Formal Kinship Carer, the Council will ensure that the placements offered by these approved Formal Kinship Carers are safe and able to meet the needs of the children and young people placed. In addition, we want our Formal Kinship Carers to be able to help achieve good outcomes for the children and young people placed with them.
- 6.1.4 Through the Care Planning and Placement Team Manager, EDC will ensure that assessing Social Workers, and those involved in preparing prospective Formal Kinship Carers have a clear understanding of the:
- Nature of the Formal Kinship Care task
 - Challenges that Formal Kinship Carers may experience
 - Needs of the children and young people being placed
 - Qualities and skills required to provide those children and young people placed with care which promotes their safety and development and addresses the deficits of poor or abusive earlier experiences.
- 6.1.5 Where appropriate, the Care Planning and Placement Team Manager may arrange mentoring and training for staff, either individually or as a group, in order to support social work practice.
- 6.1.6 The preparation and assessment processes will provide prospective Formal Kinship Carers with information on the:
- Nature of the Formal Kinship task

- The needs of the children and young people concerned
- Expectations of Formal Kinship Carers, including in relation to legislation and regulation
- Council's key policies and procedures as relevant to the Formal Kinship Care task, for example, the Child Protection Procedures
- Process for assessment and approval of Formal Kinship Carers
- Relationship between the Council and Formal Kinship Carers; the responsibilities of each
- Key elements of theory about child development, for example on the impact of loss and separation, to help prospective Formal Kinship Carers understand the needs of the children and young people for whom they wish to offer care and how best to respond to these needs.

6.2 Initial Assessment

- 6.2.1 Where the outcome of the initial enquiry (Section 5) is to move to an Initial Assessment, these should be carried out within four weeks of the date the enquirer advised the Service of their wish to proceed further.
- 6.2.2 The Initial Assessment involves direct contact through home based visits (usually one or two) to the enquirers by the assessing Social Worker. The Care Planning and Placement Team Manager may also be involved in these Initial Assessments.
- 6.2.3 The overall purpose of this Initial Assessment is to determine, on the basis of the information available through this initial stage of the process, whether there are any barriers to the enquirer moving on to the next step to becoming a Formal Kinship Carer, and whether they wish to do so.
- 6.2.4 Due to the nature of this Formal Kinship Care, at this Initial Assessment stage contact will be made with the child/young person's allocated Social Worker and views will be sought on the possibility of the Formal Kinship Care placement from the child/young person concerned and their parents / others with parental responsibilities or rights.
- 6.2.5 Common issues which might arise at this stage that could affect the potential suitability of enquirers are in relation to information from criminal records checks, health issues, disagreement by the child/young person concerned, or their parents, about the enquirer as a Formal Kinship Carer for them. Where appropriate, early checks may be carried out to inform this initial assessment discussion; these early checks could also avoid unnecessary time and effort being used at the preparation or comprehensive assessment stage, on the part of the enquirer and the Service. This should be explained to the enquirers and in such cases, there should be discussion with the Care Planning and Placement Team Manager about whether any, and which, checks should be carried out at this

Initial Assessment stage. Should there be any contentious issues, the Care Planning and Placement Team Manager may decide that these be referred to the Formal Kinship Care Panel for advice.

6.2.6 Where the Care Planning and Placement Team Manager decides that it is appropriate for early checks to be made, the assessing Social Worker should seek completion by the enquirers of a Consent to Disclosure of Information form (Form A/F 13). This gives permission for the Council to undertake initial checks, i.e. with Disclosure Scotland, relevant Local Authorities, the National Health Service. In these circumstances, Proof of Identity - usually through the assessing Social Worker having sight of the enquirer's birth certificate - should also be obtained at this early stage.

6.2.7 This initial assessment will:

- Make clear the purpose of the initial visit and assessment, including the fact that from this a recommendation will be made to the Care Planning and Placement Team Manager on whether, from the available information, the enquirer is suitable to move to the next step to becoming a Formal Kinship Carer (provided the enquirer wishes to do so)
- Establish that the enquirer has a basic understanding of the Formal Kinship Care task and appears not to have a background which would prevent them from becoming a Formal Kinship Carer
- Clarify and expand on information about the child/young person for whom the enquirer wishes to provide a placement
- Be clear about the criteria for application: legislation (e.g. Looked After Children (Scotland) Regulations 2009); basis of the comprehensive assessment, but with reference to the needs of the specific child/young person for whom the enquirer wishes to offer Formal Kinship Care; additional criteria that the Council applies
- Explain the next step and the process involved to complete a comprehensive assessment: preparation, checks, references, home study assessment and Formal Kinship Care Panel. In addition to this the fact that, if it has not already taken place or requires updating, there will be an assessment of the child/young person's needs (the specific child/young person for whom the enquirer wishes to offer Formal Kinship Care)
- Provide an opportunity for questions and any discussion of any relevant personal issues.

6.2.8 The information gathered at this stage will include:

- Factual Information about the enquirer/s and others in the household
- Health related matters
- Information on the relationship with the child/young person for whom Formal Kinship Care is being sought, and on the relationships with their

parents

- Information about the accommodation (e.g. number of bedrooms, living space)
- Health and safety matters (e.g. window safety, arrangements for storing medicines and other hazardous household materials)
- Experience of caring for children/young people
- Information on any criminal convictions/charges pending
- Local facilities (e.g. access to G.P.s. and schools)
- Reasons for interest in becoming a Formal Kinship Carer.

6.2.9 Assessing Social Workers will be mindful that enquirers may find the initial assessment discussion stressful; most people have at least some discomfort in speaking to strangers about their life, background and experiences. Enquirers may also be concerned that they may be disallowed from providing care for a child/young person in whose care they have thus far played a significant role. Assessing Social Workers will take this into account in their dealings with enquirers.

6.2.10 The assessing Social Worker will consider the information obtained through this initial assessment and reach a conclusion as to the possible suitability of the enquirer to be a Formal Kinship Carer (for the specific children/young people). The assessing Social Worker will advise the enquirer of their conclusion, the reasons for it and that this will be passed to the Care Planning and Placement Team Manager who will make a decision on this.

6.2.11 The information gathered and conclusions made from this Initial Assessment will be recorded on the Initial Assessment pro forma (Form A/F) and passed to the Care Planning and Placement Team Manager. This should be done within two weeks of the last contact (i.e. home visit) with the enquirers.

6.2.12 Where it has not been necessary to seek early checks, the Care Planning and Placement Team Manager's decision will be relayed by him/her, in writing, to the enquirers within four weeks of the last contact (i.e. home visit). Where the decision is to proceed to the next stage, information will be given about any Preparation Group taking place. Where it is decided that it is not appropriate to proceed to the next stage, an indication of the reasons for this must be included in the letter from the Care Planning and Placement Team Manager. It may be appropriate that the assessing Social Worker first telephone the enquirer to make them aware of the decision and to offer a home visit to talk over the reasons for this and the action that the enquirer can take if she/he does not accept the decision. (As at 6.2.14). The assessing Social Worker should also advise the child/young person's Social Worker of this decision.

6.2.13 Where it has been necessary to seek early checks, it should be explained by the assessing Social Worker that a recommendation cannot be made by them, nor a decision made by the Care Planning and Placement Team Manager, until EDC receives a response on the early checks. Once these have been received, taken into account (and if necessary been subject to further discussion with the enquirer) and the Initial Assessment recorded, the Care Planning and Placement Team Manager's decision should be

relayed by him/her, in writing, to the enquirers as soon as it is possible to do so. Where the decision is to proceed to the next stage, information will be given about any Preparation Group taking place. Where it is decided that it is not appropriate to proceed to the next stage, an indication of the reasons for this must be included in the letter from the Care Planning and Placement Team Manager. It may be appropriate that the assessing Social Worker first telephone the enquirer to make them aware of the decision and to offer a home visit to talk over the reasons for this and the action that the enquirer can take if she/he does not accept the decision. (As at 6.2.14). The assessing Social Worker should also advise the child/young person's Social Worker of this decision.

- 6.2.14 Where the enquirer does not agree with the decision of the Care Planning and Placement Team Manager and wishes to appeal this they should be advised that they can do so by writing to the Children and Families Manager. Within their letter, enquirers should make clear the reasons for their disagreement with the decision. The Children and Families Manager will consider this matter and make a decision on the appeal within fifteen working days of the letter of appeal being received. The Children and Families Manager's decision in this is final.

6.3 Preparation of Prospective Formal Kinship Carers

- 6.3.1 Preparation of prospective Formal Kinship Carers starts early on in the communications between the Service and prospective Formal Kinship Carers; the initial information provided to enquirers and the Initial Assessment should begin to prepare people for the Formal Kinship Care task. However, there is a structured programme of preparation for prospective Formal Kinship Carers; at times this may take place on an individual basis, at others this will happen through a group process.

- 6.3.2 All those whose Initial Assessments determine that they may be suitable to be Formal Kinship Carers, and who wish to proceed, must become involved in the Preparation Programme. Where this is done through a Preparation Group, the Care Planning and Placement Team Manager is responsible for ensuring that invitations are sent to prospective Formal Kinship Carers to attend the Preparation Groups.

- 6.3.3 The purpose of this preparation process is twofold:

- To ensure that prospective Formal Kinship Carers have sufficient information upon which to make a decision about whether to make an application to become a Formal Kinship Carer and move forward to comprehensive assessment

And

- To allow EDC to test its initial assessments of prospective Formal Kinship Carers. (For example, through a Preparation Group it may become clear that a prospective Formal Kinship Carer involved does not have the necessary values conducive to good child care).

6.3.4 The Preparation Group/process will include the following:

- Clarifying the purpose of the preparation process (as above)
- The implications of the Formal Kinship Care task for Formal Kinship Carers and their families
- How applicants' capacity to understand these matters, respond appropriately and offer appropriate care will be assessed
- General information about the key areas to be covered in the comprehensive assessment
- EDC's expectations of Formal Kinship Carers in relation to children and young people who are looked after. For example: meeting the needs of children and young people; provision of care that meets defined standards; child protection; safe caring; capacity to work with birth parents; capacity to work with a range of professionals and systems; confidentiality and record keeping
- How EDC will deal with issues arising from checks, references, medicals
- The role of the assessing Social Worker and the Supervising Social Worker
- Making an application to become a Formal Kinship Carer and the process thereafter.

6.3.5 Where Preparation Groups take place, they may involve existing Formal Kinship Carers in the preparation process to maximise the relevance of information for prospective Formal Kinship Carers. Preparation Group facilitators will make it clear to those attending that there will be a report prepared on the Group, including feedback on participants' responses and involvement, some of which will be used in their comprehensive assessment report (for those who move to that stage). Each applicant will be advised of any comments made concerning them and will have the opportunity to discuss these with their assessing Social Worker. Preparation Group facilitators will discuss these comments with individual participants (or in the case of 'couples' with the two people concerned). This may be done at the end of the final Preparation Group or at a home visit arranged for the purpose.

6.3.6 Where a prospective Formal Kinship Carer who has attended all of the Preparation Group meetings, and who is considered as suitable to move to the comprehensive assessment stage, decides that they do not wish to move to comprehensive assessment, it will be important that there is a discussion about the reasons for this decision. Clearly individuals will make their own choices, but it might help the Service to know the reasons in case these suggest there needs to be changes for the way we approach and manage the Formal Kinship Care preparation process.

- 6.3.7 Where it is considered that any prospective Formal Kinship Carer involved in preparation is not suitable to move to the comprehensive assessment stage, facilitators will discuss the reasons for this with them. This may be done at the end of the Preparation Group or at a home visit arranged for the purpose.
- 6.3.8 Where it is assessed that participants have successfully managed the preparation process, they will be asked whether they wish to continue with an application to become a Formal Kinship Carer. This would require them to be involved in a comprehensive assessment (see Section 6.4 below), including what is referred to as the home study assessment process; this is a key part of the assessment whereby work is carried out in the home of the prospective Formal Kinship Carer.
- 6.3.9 Where people wish to proceed, Formal Kinship Carer application forms will require to be completed and the comprehensive assessment process will begin.
- 6.3.10 When the signed application to become a Formal Kinship Carer has been received by the Care Planning and Placement Team Manager, s/he will allocate staff to carry out a comprehensive assessment of the prospective Formal Kinship Carer. This allocation will take place as soon as it is possible to do so and a letter will be sent to the prospective Formal Kinship Carer providing the name and contact details of the Assessing Social Worker.
- 6.3.11 The Assessing Social Worker will contact the prospective Formal Kinship Carer to make arrangements for the first home visit of the comprehensive assessment.

6.4 Comprehensive Assessment of Prospective Formal Kinship Carers
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- 6.4.1 The comprehensive assessment, and presentation to the Formal Kinship Care Panel of the assessment, should be completed within six months of the Council receiving the completed application form unless unforeseen circumstances prevent this.
- 6.4.2 A record of all assessments in process will be kept by the Care Planning and Placement Team and it is the responsibility of the Care Planning and Placement Team Manager to ensure that assessments are being progressed at a pace and quality which will meet the completion timescale of six months. Where it appears that the timescale may not be met, the Care Planning and Placement Team Manager should intervene to prevent any delay (unless the circumstances of the case make this inappropriate).
- 6.4.3 On a quarterly basis, the Care Planning and Placement Team Manager will provide reports on the number of assessments in process, and any major issues related to their completion, to the Children and Families Resources Manager and the Chair of the Formal Kinship Care Panel.

- 6.4.4 Clearly any assessment of a person to be a Formal Kinship Carer must be as rigorous as possible and be based on information and evidence from a range of sources. Any decision to approve a person as a Formal Kinship Carer must be made in accordance with regulations. The Council uses a pro forma to record the information on and assessment of prospective Formal Kinship Carers.
- 6.4.5 On being allocated a Formal Kinship Carer assessment, the assessing Social Worker will make arrangements for the first home visit to initiate the comprehensive assessment. This visit should take place as soon as it is possible to do so, bearing in mind that there is a six month timescale for completion of the assessment – from the date the application to become a Formal Kinship Carer was received to the date the application is considered by the Formal Kinship Care Panel.
- 6.4.6 Within the discussion at this first home visit, the assessing Social Worker will give an overview of the assessment process which will be followed and arrange a schedule of meetings with the applicants. This schedule of meetings will be organised to fit with the timescale of presenting completed assessment reports to the Formal Kinship Care Panel within six months of the Council receiving the completed Formal Kinship Carer application.
- 6.4.7 Where applicants already have children in their family, attention should be paid to ensure that these children have had an opportunity to express their views about the application and to how they have been prepared. Clearly, this will depend on their ages and stages of development and will be an important part of any assessment. For older children, however, it may be relevant to consider additional written contributions by them.
- 6.4.8 All assessment reports will follow the same format; there is a pro forma for this; this helps ensure that all key areas are discussed with applicants. Form A/F/K is also a working tool for assessing Social Workers as it acts as a reminder in terms of guiding workers through the required areas of discussion for the assessment.
- 6.4.9 This comprehensive assessment will ensure there is appropriate and sufficient information to provide a recommendation to the Formal Kinship Care Panel on applicants' suitability to be Formal Kinship Carers, their strengths and any areas in particular where support would be needed should the applicants become Formal Kinship Carers.
- 6.4.10 The assessment will include coverage of the following areas:
- (a) **Factual and descriptive Information**
This will include a range of information on the applicants, their children and any other members of the household. For example: names and dates of birth; ethnicity; religion; employment; lifestyle. Information will also be gathered about applicants' accommodation (e.g. space, condition, hygiene) and access to local facilities (such as schools and health centres).

Information will be sought on the adults who the applicants intend to use for direct supporting care of any children/young people placed (i.e. to act as babysitters/childminders, for example when the Formal Kinship Carer/s is/are having an evening out); these adults will be subject to assessment and checks.

The views of all members of the applicants' household will be sought with regards to the application and how it might affect them.

Information will be gathered which enables the assessing Social Worker to provide to the Formal Kinship Care Panel, within their assessment report, a summary of the applicants' family background and current circumstances. This will include individual profiles of applicants (family history, education, training, employment, health, personality, interests, significant relationships and events); marital/partnership profile (where applicable); family lifestyle; applicants' motivation to becoming a Formal Kinship Carer and placement considerations.

(b) Information on the assessment process, checks, references and any other supporting evidence

This will include information on how the assessment will be done and the range of checks that will be sought. In relation to the assessment process, examples of this are: home based discussions with the applicants (e.g. case studies, exercises to be completed outwith the direct contact with the assessing Social Worker); observations of the applicants.

In terms of the checks and references, this will include: Health; Disclosure Scotland; Local Authorities; proof of identity; (where applicable) proof of marriage, civil partnership, divorce; health and safety check (re accommodation); (where applicable) reports from Schools and Health Visitors (re any children of applicants and depending on their ages); references from employers; reference from previous spouses and/or partners (if applicable and appropriate); three personal references.

There are pro formas for the various checks and references as well as a checklist of these.

(c) Formal Kinship Carer Parenting Capacity

There will be an assessment of applicants in terms of their parenting capacity with reference to their ability to provide good care for the child/ren and young person/people who are to be looked after by them. This will include the applicant's ability/potential around the following areas: Caring for children and young people; Provision of a safe and caring environment; Working as part of a team; Formal Kinship Carers own development. This aspect of the assessment will take into account the particular needs of the child/young person for whom Formal Kinship Care is being sought.

(d) Information on the child/young person, for whom Formal Kinship Care is sought, and their needs

It is the responsibility of the Social Worker allocated to the child/young person to assess their needs, including their long term care needs. However, the Formal Kinship Carer assessment will consider this (from the report provided by the child/young person's Social Worker and through discussion with that Social Worker) and discuss this with the prospective Formal Kinship Carer as part of their assessment. Information on the nature of the relationship between the applicant and the child/young person concerned will also be considered. These considerations will include the views of the child/young person.

- 6.4.11 The assessing Social Worker will make use of information gathered prior to this comprehensive assessment stage, for example from the Initial Assessment and preparation process. Any checks that were completed at the early stage (as at 6.2) do not necessarily have to be re-done.
- 6.4.12 The Health check on applicants is done through seeking a medical examination on each applicant. This is normally done by applicants' own G.P.s. and initiated through a request from the Council for this. Medical reports are considered by the Formal Kinship Care Panel Medical Adviser with only a summary of the information being provided to the assessing Social Worker.
- 6.4.13 In relation to households where adults smoke, this will be part of the assessment.
- 6.4.14 Medical reports, but usually not full medical examinations, are also sought on any adult in the household; this includes applicants' adult children of sixteen years and over.
- 6.4.15 The three personal references which are required are again about gathering information on applicants' suitability as Formal Kinship Carers and doing this through the 'independent' views of individuals who have known the applicants over a reasonable period and have knowledge of applicants' current family circumstances. Two of these personal references should not be from anyone related to the applicants; the third personal reference may be from a relative. Where the Formal Kinship Care application is made by an individual, clearly all personal references will be about them as an individual. Where the application concerns a 'couple', one of the referees should be someone who knows them as a couple; each of the other two references should be about each of them as individuals.
- 6.4.16 Routinely, two of the personal references will be followed up with direct interviews by the assessing Social Worker. Any reference which suggests a matter of concern, or where matters need to be clarified, will always be followed up; depending on the nature of this, follow up may be by telephone or interview.
- 6.4.17 In seeking references, the Council asks whether referees are happy for their response to be shared with applicants. Should referees indicate they do not wish information shared, assessing Social Workers will follow this up with

the referee emphasising the importance of the information and of being able to discuss this with applicants. Should permission to share the information be withheld, advice on this will be sought from the Care Planning and Placement Team Manager.

6.4.18 Assessing Social Workers should make clear to applicants the reason for these personal references and provide guidance to applicants to help them decide who might act as referees for their application. Ideally, these should be referees who:

- Have known the applicants for some time
- Have, between them, a balanced knowledge of all existing family members and of the child/young person for whom Formal Kinship Care is being considered
- May have known applicants through periods of particular relevance for the assessment, such as former relationships or times of stress
- Will be part of applicants support network
- May have information about areas in applicants background, such as periods abroad when full records checks may not be available
- Have relevant understanding of the task of Formal Kinship Care.

6.4.19 The experience which children and young people have when placed with Formal Kinship Carers is a paramount concern; we need to be assured that Formal Kinship Carers are able to meet children and young people's needs and improve their outcomes. In all aspects of the assessment, the assessing Social Worker will be gathering information and assessing what this means with regards to the specific needs of the child/young person concerned, taking into account the nature of the relationship between them and the applicant.

6.4.20 Should the assessing Social Worker during the course of the assessment process identify difficulties in relation to the assessment, and following discussion of this with the applicants, the assessing Social Worker will discuss these with the Care Planning and Placement Team Manager. The Care Planning and Placement Team Manager will provide advice on how to proceed and this will be discussed with the applicants. The option of seeking advice from the Formal Kinship Care Panel may be used if the Care Planning and Placement Team Manager decides this to be appropriate. Where advice is being sought from the Formal Kinship Care Panel, applicants may be invited to attend for that part of the Formal Kinship Care Panel meeting. The outcome of this will be fully discussed with the applicants.

6.4.21 As part of the assessment process, in addition to the contact by the assessing Social Worker, there will also be a joint visit made by the assessing Social Worker and the Care Planning and Placement Team Manager. This will be towards the end of the assessment. The purpose of this is to:

- Discuss the Formal Kinship Care Panel process

- Discuss again the Formal Kinship Carer Agreement - the expectations of the Council and what Formal Kinship Carers can expect of EDC, including with regards to allowances
- Provide an opportunity for any outstanding issues to be raised.

There may be instances where more than one joint visit takes place; for example, where within the course of the assessment process issues arise which necessitate the involvement of the Care Planning and Placement Team Manager.

6.4.22 Once the assessment is completed the assessing Social Worker will complete their written report. In providing the required information, the assessment report will be a mix of description, analysis and recommendations.

6.4.23 There will be a clear recommendation from the assessing Social Worker in terms of approval or non approval as a Formal Kinship Carer. Where the recommendation is for approval, there may be recommendations in respect of the approval for the specific children and young people to be placed, i.e. any particular support that will be needed by the Formal Kinship Carer in respect of the specific children/young people.

6.4.24 The completed assessment report will be discussed with the applicants and they will be asked to sign this. It should be unlikely that there is anything major within the report which is unexpected by the applicants, given the preparation they have had and their integral part in the assessment process. However, should there be any aspects with which they disagree, this should be noted, alongside their views on these and included within the report.

6.4.25 The process for presenting the application to the Formal Kinship Care Panel is covered in Section 4 of this Procedure. Assessing Social Workers should use the checklist to ensure they have all the relevant information and paperwork required by the Formal Kinship Care Panel. Information will be provided to the Formal Kinship Care Panel as follows:

- A clear statement about the views of the child/young person, and their parents/those with parental responsibilities and rights, on the possible placement (i.e. included within the assessment report)
- An outline of the information gathered from (a minimum of three) written references in relation to the application (i.e. included within the assessment report as evidence regarding the applicant's suitability in respect of the Formal Kinship Care task)
- An outline of the information gathered from interviews with two of the referees (i.e. included within the assessment report as evidence regarding the applicant's suitability in respect of the Formal Kinship Care task)
- An outline of the information gathered from interviews with the applicant's children, including adult children, living within or outwith the family home (i.e. included within the assessment report as evidence

regarding the applicant's suitability in respect of the Formal Kinship Care task as well as advising of their views on the application)

- An outline of the information from school reports where applicants have school aged children (i.e. included within the assessment report as evidence of the applicant's suitability in respect of the Formal Kinship Care task)
- An outline of the information gathered from a reference from a former spouse/partner (where this applies to the applicant) where such a reference is considered as relevant to the application (i.e. included within the assessment report)
- A brief account of the joint visit by the assessing Social Worker and the Care Planning and Placement Team Manager, and of the joint visit with the child/young person's Social Worker (see 9.6.6) (i.e. included in the assessment report)
- Confirmation within the assessment report that the applicant's birth certificates, marriage certificates, civil partnership certificates and other relevant documentation have been seen (e.g. regarding previous divorce)
- Medical information on applicants (i.e. outlined within the assessment report as well as Medical Reports. (These are only circulated to the Medical Adviser)
- Confirmation within the assessment report that all the relevant other checks have been made and their outcome.

SECTION 7: FORMAL KINSHIP CARER AGREEMENTS

- 7.1 Formal Kinship Carer Agreements are required by legislation. It is a requirement that where the Council makes a decision to approve a Formal Kinship Carer, it must enter into a written agreement with the Formal Kinship Carer on the matters and obligations detailed in Schedule 5 of the Looked After Children (Scotland) Regulations 2009, and any other matters EDC consider appropriate.
- 7.2 Formal Kinship Carer Agreements provide information on the main terms on which Formal Kinship Carers will:
- Provide care for children and young people looked after and placed by EDC with the Formal Kinship Carer/s and
 - Be supported, supervised and remunerated by the Council.
- 7.3 The EDC Formal Kinship Carer Agreement will help to ensure clarity about the duties and responsibilities of the Council and those of the Formal Kinship Carer. This will assist Formal Kinship Carers to have a full understanding of what is expected of them and what they can expect from the Council.
- 7.4 Following approval as a Formal Kinship Carer, Formal Kinship Carers must consider and sign the Formal Kinship Carer Agreement, having had an opportunity to talk through with their Supervising Social Worker the mutual obligations for EDC and the Formal Kinship Carer/s.
- 7.5 Formal Kinship Carers must read and sign a Formal Kinship Carer Agreement before any placement can take place. It is the responsibility of the Care Planning and Placement Team Manager to allocate a worker to Formal Kinship Carers for the overall purpose of support and supervision of the Formal Kinship Carers. In carrying out this role the worker is known as the Supervising Social Worker.
- 7.6 The areas which Formal Kinship Carer Agreement covers are:
- Formal Kinship Carer support, training and supervision
 - How Formal Kinship Carer approval should be reviewed
 - The procedure for handling complaints against Formal Kinship Carers
 - How children/young people are placed, including financial arrangements, Placement Agreements, potential legal liabilities
 - The obligation to comply with Placement Agreements

- Formal Kinship Carer's responsibility to notify EDC of changes in circumstances
 - Formal Kinship Carer's obligation not to use physical punishment
 - The obligation to maintain confidentiality
 - The care of children/young people placed with Formal Kinship Carers
 - Formal Kinship Carer's obligation to notify EDC of serious illness or incident affecting children placed
 - Formal Kinship Carer's obligation to allow the child/young person to move on at the end of placement.
- 7.7 In addition to the above matters, the EDC Formal Kinship Carer Agreement will detail the terms of the approval of the Formal Kinship Carer/s. That is, the specific child/children/young person/s being placed.
- 7.8 A copy of the signed Formal Kinship Carer Agreement will be placed in the Formal Kinship Carer's case file and a copy provided to the Formal Kinship Carer.
- 7.9 Formal Kinship Carers must inform EDC, usually their Supervising Social Worker, of any significant changes to their household or circumstances.
- 7.10 The terms of the Formal Kinship Carer Agreement will be reviewed, at a minimum, on an annual basis as part of the annual review of the approval of Formal Kinship Carers. (See Section 8 of this procedure for full details on reviews of approvals of Formal Kinship Carers). Where changes are made, the Formal Kinship Carer Agreement must be updated and signed, a copy provided to the Formal Kinship Carer and a copy retained in the Formal Kinship Carer's file.
- 7.11 The Formal Kinship Carer Agreement may be reviewed in any other circumstance where the approval of the Formal Kinship Carer is being reviewed, for example, in the event of significant changes of circumstance. (See also Section 9).

SECTION 8: FORMAL KINSHIP CARERS – Reviews and Termination of Approvals

8.1 General

- 8.1.1 The Council policy is to review the approval of Formal Kinship Carers at least once a year and that the first Review (i.e. of newly approved Formal Kinship Carers) takes place within six months of the day the decision to approve the Formal Kinship Carer was made.
- 8.1.2 Subsequent Formal Kinship Carer Reviews will take place within a year of the previous Review or at any time which the Council consider that a Review is necessary or appropriate. Such circumstances may include, for example, where there are significant changes in the circumstances of the Formal Kinship Carer/their household or where an allegation has been made against the Formal Kinship Carer.
- 8.1.3 The Review of approval requires a Review Assessment to be undertaken and this is normally conducted by the Formal Kinship Carer's Supervising Social Worker.
- 8.1.4 The overall purpose of the Review Assessment is to consider whether the Formal Kinship Carer continues to be a suitable person with whom to place the children/young people concerned.
- 8.1.5 Reviews of approval will help ensure that Formal Kinship Carers continue to offer good quality care and receive appropriate training, support and supervision to assist them undertake the Formal Kinship Care task.
- 8.1.6 In addition, Reviews of approval are an opportunity for Formal Kinship Carers to look back at the previous year's Formal Kinship Care experiences with their Supervising Social Worker and the Formal Kinship Care Panel and to consider:
- The contribution they have made with their skills and commitment
 - The support they and their family, including children, have received
 - Any problems arising
 - Their needs and the needs of their family for training and development.
- 8.1.7 Formal Kinship Carers are aware, from their initial assessment and approval and through the Formal Kinship Carer Agreement, that their approval will be reviewed regularly and the reasons for this. Supervising Social Workers should, nonetheless, remind Formal Kinship Carers of this, make clear the process involved and support Formal Kinship Carers in the Review process. Some Formal Kinship Carers may find the experience stressful, even when there have been no particular areas of concern for them.

- 8.1.8 Formal Kinship Carers are expected to take part in the Review Assessment process and are asked to attend and take part in the Formal Kinship Care Panel meeting which considers their review.

8.2 Review Assessments

- 8.2.1 The Review Assessment will revisit the areas of Formal Kinship Carer assessment, indicating areas of strength, areas for development, and any training needs; it will consider the development of the Formal Kinship Carer during the period being reviewed.
- 8.2.2 In addition, renewed Disclosure Scotland and local authority checks on those in the Formal Kinship Care household over 16 years of age will be taken up every two years. Medical updates will also be requested every two years on those in the Foster Care household over 16 years of age. Outwith these routine medical updates, a Formal Kinship Carer who has experienced serious or chronic ill health would be asked to have a medical update.
- 8.2.3 Information will also be considered regarding:
- Health and safety in the Formal Kinship Carers' home
 - The unannounced visits to the Formal Kinship Carer (by the Supervising Social Worker)
 - Identification of the future needs for training, support and supervision
 - The outcome of any investigations, where appropriate
 - The views of the Supervising Social Worker
 - The views of the child/young person's Social Worker.
- 8.2.4 In carrying out the Review Assessment the Supervising Social Worker (or other worker allocated to do the Review Assessment) will consult and take account of the views of:
- The child/ young person placed with the Formal Kinship Carer (taking into account their age and stage of development) and their parents (unless it is decided that this is not appropriate). Form A/F/KX is available as a guide for this aspect but views should be sought in a way best suited to the individual child/young person
 - The Formal Kinship Carer and members of their household.
- 8.2.5 Formal Kinship Carers should be asked for written comment which will be submitted to the Formal Kinship Care Panel alongside the Review Assessment report (and other supporting paperwork). Form A/F/KX is used for this purpose.

- 8.2.6 Within the Review Assessment report, Supervising Social Workers should make clear the strengths and skills demonstrated by the Formal Kinship Carers, and consider these against the needs of the child/young person placed; acknowledge any stresses experienced and how these were managed; identify any areas where further training and support is required. Supervising Social Workers should also reflect within the Review Assessment report the views expressed by the Formal Kinship Carers on the service they have received from EDC in terms of the Formal Kinship Care task.
- 8.2.7 Review Assessment reports will make clear the recommendation of the assessing Social Worker on whether the Formal Kinship Carer continues to be a suitable person with whom to place the child/young person. The report content should provide information to evidence this assessment. Guidance provided earlier in these Procedures on the assessment of prospective Formal Kinship Carers should be used to assist in this Review Assessment task. (See Section 6).
- 8.2.8 Should the assessment be that approval as Formal Kinship Carers should continue, the assessing Social Worker should also identify whether there are any particular supports which should be in place in order for the placement to continue.
- 8.2.9 Where a Review is taking place because of a significant incident or change, all relevant information in that regard and the outcome of any investigation will also be made available as part of the Review Assessment Report and process.
- 8.2.10 Where a Review is the first Review after the initial approval of the Formal Kinship Carer, the Formal Kinship Panel will also have access to the original reports and the approving Formal Kinship Care Panel Minutes.
- 8.2.11 Assessing Social Workers will discuss their completed Review Assessment report with the Formal Kinship Carer/s. Formal Kinship Carers will also have the opportunity to make comment direct to the Formal Kinship Care Panel as they are invited to participate when their Review is being considered.
- 8.2.12 Formal Kinship Carers are not provided with a copy of the Review Assessment report at this stage. However, a copy of the report, excluding any confidential third party information, is sent out to them alongside their invitation to the Formal Kinship Care Panel. It must be made clear to Formal Kinship Carers that copying the assessment report or disclosing any of the contents to any other party without the permission of EDC is not permitted.
- 8.2.13 All Reviews of approval of Formal Kinship Carers are considered by the Formal Kinship Care Panel. The process for obtaining a date for presentation of the Review Assessment report to the Formal Kinship Care Panel is the same as that for reports on prospective Formal Kinship Carers. This is detailed in Section 4.5.

8.3 The Formal Kinship Care Panel – Reviews of Approvals

- 8.3.1 The role of the Formal Kinship Care Panel dealing with Formal Kinship Carer Reviews is to make recommendations on whether the Formal Kinship Carer should continue to be approved for the coming year and the terms of this approval.
- 8.3.2 As noted above, the Formal Kinship Care Panel is provided with the Review Assessment report and any relevant supporting documentation.
- 8.3.3 The timescales for submission of all the relevant paperwork is the same as that for prospective Formal Kinship Carer paperwork submission timescales which is outlined in Section 4.5.
- 8.3.4 The process around ensuring the paperwork meets requirements, for sending invitations, distributing paperwork, etc is the same as that for prospective Formal Kinship Carers outlined in Section 4.5.
- 8.3.5 In reviewing the approval of Formal Kinship Carers, the Chair of the Formal Kinship Care Panel will ensure that there is a discussion of all relevant matters and that each Formal Kinship Carer has the opportunity to be involved in that discussion and to make comment to the Formal Kinship Panel.
- 8.3.6 The discussion should include consideration of what the Formal Kinship Carers might do to develop further their skills and what the Council might do in supporting and providing learning opportunities to the Formal Kinship Carers.
- 8.3.7 When the Chair feels that the relevant matters to allow the Formal Kinship Care Panel to come to its recommendation have been covered, s/he will check this view with other Panel members before thanking the Formal Kinship Carers for their attendance. Generally, the Formal Kinship Care Panel will then want time to discuss their recommendation and the Chair will advise the Formal Kinship Carer of this before they leave the meeting. The Chair will also remind them that the Formal Kinship Care Panel can only make recommendations, and that these are passed to the Agency Decision Maker who makes the final decision and who will write to the Formal Kinship Carers within twenty one days.
- 8.3.8 The assessing Social Worker and their Team Manager will be asked to remain while the Formal Kinship Care Panel comes to its recommendations.
- 8.3.9 Once the Formal Kinship Care Panel has made its recommendations this will be shared immediately with the assessing Social Worker. The assessing Social Worker will advise the Formal Kinship Carers of this within twenty four hours.
- 8.3.10 Where the Formal Kinship Care Panel is recommending a variation of the terms of the approval or termination of approval, the reasons for this must be clearly articulated, both to inform the Agency Decision Maker and for

careful and considerate feedback to the applicants. It will only be in very exceptional circumstances that areas of concern have not already been identified in advance with the Formal Kinship Carers by the assessing Social Worker.

8.3.11 Following the Formal Kinship Care Panel meeting where the Review is discussed and recommendation made, the Council will record a report of the Review. This report will include the written material provided to the Formal Kinship Care Panel together with a Minute of the discussion at the Formal Kinship Care Panel. The report must include:

- (i) Information obtained in respect of the Review
- (ii) Details of the proceedings at the Formal Kinship Care Panel arranged by EDC at which the approval of the Formal Kinship Carer is reviewed (including comments from the Formal Kinship Carers)
- (iii) Details of any recommendations or arrangements made in the course of or as a result of the Review.

All of this information will also form part of the Formal Kinship Carer's case record.

8.3.12 The Social Worker who has completed the Review Assessment report, and this is usually the Supervising Social Worker, is responsible for advising Formal Kinship Carers of the recommendation of the Formal Kinship Care Panel. It is essential that Formal Kinship Carers are reminded that this is a recommendation only and that the decision is yet to be made by the Agency Decision Maker.

8.3.13 Where Formal Kinship Carers disagree with the recommendation made, the assessing Social Worker or Supervising Social Worker should advise them that they may raise this, in writing, with the Agency Decision Maker and that this should be done within seven days of the Formal Kinship Care Panel meeting.

8.3.14 The Formal Kinship Care Panel recommendations together with the relevant paperwork, which had been provided to the Formal Kinship Care Panel (as outlined within Section 8.2 above), will be passed to the Agency Decision Maker by the Care Planning and Placement Team Manager within seven days of the Formal Kinship Care Panel meeting.

8.3.15 The Agency Decision Maker will make the decision on the outcome of the Review of approval on behalf of EDC. This decision will be made within fourteen days of the date of the Formal Kinship Care Panel meeting which made the recommendations.

8.3.16 On considering the Review of the approval of the Formal Kinship Carer and the recommendations of the Formal Kinship Care Panel in that regard, the Agency Decision Maker may:

- (a) Vary the terms of the approval

(b) Terminate the approval

(c) Confirm the decision to approve a person as a Formal Kinship Carer.

- 8.3.17 Notice of the decision, including any variation or termination of approval made, will be given to the Formal Kinship Carers within seven days of the decision being made. Reasons for any changes in approval will be provided.
- 8.3.18 In the case of a Formal Kinship Carer notifying EDC that they no longer wish to act as a Formal Kinship Carer, EDC must terminate the approval.
- 8.3.19 Complaints about the way the assessment was carried out may be directed to the Care Planning and Placement Team Manager.
- 8.3.20 Complaints about the Formal Kinship Care Panel process, or about its recommendations, may be referred to the Agency Decision Maker.
- 8.3.21 Appeals about / requests for reviews of decisions by the Agency Decision Maker may be made and the process for this is detailed at 8.4 below.
- 8.3.22 Advice on further complaints options and procedures may be found in the EDC document on complaints.

8.4 Requests for Reviews of Approvals / Appeals by Formal Kinship Carers and Prospective Formal Kinship Carers

- 8.4.1 EDC has in place arrangements whereby Formal Kinship Carers and prospective Formal Kinship Carers who wish to request reviews of their approval can do so. This is in effect an appeal against the decision made by EDC.
- 8.4.2 Prospective Formal Kinship Carers who have not been approved as Formal Kinship Carers may request a review of the decision.
- 8.4.3 Formal Kinship Carers who have been approved may request a review of the terms of their approval.
- 8.4.4 Where, through the Formal Kinship Carer Review process noted above, EDC has made a decision to:
- Vary the terms of a Formal Kinship Carer's approval or
 - Terminate a Formal Kinship Carer's approval,
- the Formal Kinship Carer may ask for a review of the decision.
- 8.4.5 In relation to decisions made by the Agency Decision Maker (that is as noted at 8.4.2 to 8.4.4 above) where a prospective Formal Kinship Carer or

Formal Kinship Carer wishes to request a review of a decision they must do so within twenty eight days of the date of the notice of the decision.

- 8.4.6 Any such request received by EDC must be referred to the Formal Kinship Care Panel. In such instances, the role of the Formal Kinship Care Panel is to make a recommendation to the Council, however in these cases the Formal Kinship Care Panel will be a differently constituted Formal Kinship Care Panel.
- 8.4.7 EDC, through the Care Planning and Placement Team Manager, will work to ensure that there is no unnecessary delay in arranging this meeting of the Formal Kinship Care Panel.
- 8.4.8 The Care Planning and Placement Team Manager will ensure that the following information is provided to the (differently constituted) Formal Kinship Care Panel members:
- a) A copy of the decision and reasons for the decision
 - b) The information provided to the Formal Kinship Care Panel (i.e. from which the Agency Decision Maker had made their decision)
 - c) Any further representations received by EDC from the Formal Kinship Carers/prospective Formal Kinship Carers
 - d) Any other relevant information, which may include the written communication from the Formal Kinship Carers/prospective Formal Kinship Carers requesting a review of / appealing the decision.
- 8.4.9 The above information will be provided to the Formal Kinship Care Panel members at least ten working days before the date of the Formal Kinship Care Panel meeting and the Care Planning and Placement Team Manager will ensure they are returned at the end of the meeting.
- 8.4.10 The Formal Kinship Carers / prospective Formal Kinship Carers will be invited to attend for part of the meeting and they should be advised that they may bring someone with them to support them.
- 8.4.11 In general terms, the process detailed in Section 4.6 concerning discussions at the Formal Kinship Care Panel meeting will also apply here.
- 8.4.12 Once the Formal Kinship Care Panel members have considered the case, the Formal Kinship Care Panel will make a (fresh) recommendation to the Council on whether:
- The prospective Formal Kinship Carer is suitable to be a Formal Kinship Carer, or
 - The terms of the Formal Kinship Carer's approval should be varied.
- 8.4.13 The procedure detailed in Section 4.6 concerning the Minutes of the Formal Kinship Care Panel meeting and related paperwork applies here (i.e. 4.6.9 –

4.6.11). The Care Planning and Placement Team Manager will ensure that this documentation is with the Agency Decision Maker (i.e. a different Agency Decision Maker) within seven days of the date of the Formal Kinship Care Panel meeting.

- 8.4.14 The Agency Decision Maker will consider all the information and come to a decision (i.e. the reviewed decision) on the case within fourteen days of the Formal Kinship Care Panel meeting which made the recommendation.
- 8.4.15 A letter notifying the decision to the Formal Kinship Carer/prospective Formal Kinship Carer will be sent within seven days of the reviewed decision being made.
- 8.4.16 This reviewed decision is the final decision of the Council and there is no other form of appeal.
- 8.4.17 The Agency Decision Maker, in making the reviewed decision, may:
- Vary the terms of the approval
 - Terminate the approval
 - Approve a person as a Formal Kinship Carer.
- 8.4.18 Correspondence relating to this reviewed decision will form part of the case records kept by the Council.

SECTION 9: CHILDREN AND YOUNG PEOPLE – Placements with Formal Kinship Carers

9.1 General

- 9.1.1 As noted earlier, EDC must ensure that Formal Kinship Care placements provide a safe environment and help children and young people have their educational, health, emotional and overall developmental needs met. Further, that placements take account of any traumatic / damaging life experiences which children and young people may have encountered, as well as any missed opportunities they may have experienced (for example, missed health checks and inoculations, missed learning).
- 9.1.2 In addition, EDC must ensure that Formal Kinship Care placements include opportunities for children and young people to maintain appropriate contact with their parents and any individuals significant to the child/young person, provided it is in their interests. In placing a child or young person, EDC must take account of religious, cultural and ethnic factors in children and young people's backgrounds and also of their views, and those of their families, in decisions that affect the children and young people.
- 9.1.3 In considering whether a child/young person may be placed with a Formal Kinship Carer all of the above must be taken into account. Where possible placements should be planned. It is recognised however, that some circumstances will mean that children/young people will require to be placed on an emergency basis (for example, due to child protection concerns) and in some circumstances children/young people may already be in the care of the prospective Formal Kinship Carer.
- 9.1.4 Other related documents which are also relevant to the placing of children and young people in Formal Kinship Care placements include the EDC Social Work Service's: Guidance on the Immediate Care Planning for Children Placed Away From Home; Standards – Children and Families – Looked After Children Care Planning.
- 9.1.5 The following paragraphs detail the process for placement of a child/young person with a Formal Kinship Carer, for review of the care plan for the child/young person and for ending placements. The information is set out as follows:
- 9.2 Planned Placements: Assessment of the child/young person's needs and consideration of these against the assessment of the proposed Formal Kinship Carer/s
 - 9.3 Planned Placements: Placement Agreement Planning Meeting
 - 9.4 Planned Placements: Initial Care Plan and Looked After Child Review
 - 9.5 Planned Placements: Review of the Care Plan, Timing of Reviews

- 9.6 Emergency Placements
- 9.7 Children and Young People in Placement: Visits by Social Work Services
- 9.8 Notifications of Placements / Cessation of Placements
- 9.9 Respite Placements.

9.2	Planned Placements: Assessment of the child/young person's needs
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- 9.2.1 Where a child/young person is already looked after away from home, the decision to consider a Formal Kinship Care placement should be made at a Looked After Child Review. From the Review meeting, arrangements should be made for a referral to the Care Planning and Placement Team in relation to the assessment of the proposed Formal Kinship Carer/s. This referral must be in writing and an email communication should be used to do this at this stage. (There is a pro forma for this).
- 9.2.2 Where a child/young person is looked after at home, the decision to consider a Formal Kinship Care placement should be made at a Looked After Child Review. From the Review meeting, arrangements should be made for a referral to the Care Planning and Placement Team in relation to the assessment of the proposed Formal Kinship Carer/s. This referral must be in writing and an email communication should be used to do this at this stage. (There is a pro forma for this).
- 9.2.3 Where a child/young person is being worked with on a voluntary basis while at home, the decision to consider a Formal Kinship Care placement should be made at an Integrated Assessment Framework (IAF) Planning Meeting. From the IAF Planning Meeting, a referral should be made to the Care Planning and Placement Team in relation to the assessment of the proposed Formal Kinship Carer/s. This referral must be in writing and an email communication should be used to do this at this stage.
- 9.2.4 In all instances where a placement is being considered, the Care Planning and Placement Team Duty Worker must be advised and (once they have all the relevant information about the child/young person) discuss this with the Care Planning and Placement Team Manager in relation to assessment of the prospective Formal Kinship Carer.
- 9.2.5 The legal basis for the child/young person's placement must be clear at all times. In addition, in considering the placement, any legal requirements to which the child/young person is currently subject must be considered. For example, the child/young person may be required to live at a certain address/with a certain person, or there may be contact requirements, which are part of a legal order, authorisation or warrant. Where this is the case, advice must be sought from the Care Planning and Placement Team Manager about the appropriateness of continuing to consider a Formal Kinship Care placement for the child/young person, and if it is appropriate to do so the steps that must be taken to do this, including the legal route to be followed.

- 9.2.6 The Care Planning and Placement Team Duty Worker is responsible for ensuring that they have clarity about the legal status of the child/young person for whom Formal Kinship Care is being sought and the legal basis of the proposed placement. Further, if there is any reason to suggest that placing the child/young person referred would contravene legal arrangements or requirements, the Care Planning and Placement Team Duty Worker must alert the referring Social Worker and the Care Planning and Placement Team Manager to this, so that the matter may be re-considered and resolved.
- 9.2.7 When considering whether a child/young person is to be placed with a Formal Kinship Carer, the child/young person's allocated Social Worker (or other Social Worker dealing with the child/young person's case) must carry out the assessment of the child/young person in accordance with Regulation 4 of the Looked After Children (Scotland) Regulations 2009. That is, an assessment of:
- (a) The child/young person's immediate needs and how those needs can be met
 - (b) The child/young person's long term needs and how those needs can be met
 - (c) Proposals for safeguarding and promoting the child/young person's welfare
 - (d) Proposals for making sustainable and long term arrangements for the care of the child/young person
 - (e) The nature of the services proposed for the child/young person in the immediate and long term
 - (f) Alternative courses of action including the possibility of making an arrangement for the child/young person to be cared for by his/her parent/s or person who has parental rights and parental responsibilities in respect of that child/young person or whether there are any other individuals whom EDC should consider approving as a Formal Kinship Carer
 - (g) Whether the local authority should seek a change in the child/young person's legal status
 - (h) The arrangements which require to be made for the time when the child/young person will no longer be looked after by the local authority
 - (i) The existing health arrangements for the child/young person, and taking account of their health history and current state of health and development, whether there is a need to change such arrangements
 - (j) The current arrangements for education, and taking account of their education history and their educational needs, the proposals for

meeting those needs, and the proposals for achieving continuity in the child/young person's education

- (k) The child/young person's religious persuasion and the need for her/him to continue to be brought up in accordance with their religious persuasion
- (l) Any other matter relating to the welfare of the child/young person either in the immediate or long term as appears to the local authority to be relevant.

- 9.2.8 It should be noted that Regulation 4 applies to all children/young people who are, or are about to be, looked after – and not only those requiring Formal Kinship Care placements. Within EDC Social Work Services this regulation has been taken into account in the development of the Integrated Assessment Framework (IAF). Therefore, completion of an IAF for a child/young person for whom a Formal Kinship Care placement is being considered should help ensure that all of the above noted information is considered for that child/young person.
- 9.2.9 In relation to the health of the child/young person (i.e. re 9.2.3(i)), if a child/young person is to be placed with Formal Kinship Carers s/he should be medically examined before they move into their placement. Where this is not possible, this medical examination should take place as soon as possible after the placement start date and certainly within five working days. It is the responsibility of the Social Worker to arrange this.
- 9.2.10 The medical examination is normally carried out by the child/young person's own G.P. and the Child Health Medical Record Booklet is used to record the information from the medical examination. Written parental consent, and child/young person consent (where appropriate) must be obtained for this. In the case of children/young people giving their consent, the Age Of Legal Capacity Act (1991) allows a child under the age of sixteen to consent to any medical procedure or practice if in the opinion of the attending medical practitioner s/he is capable of understanding the nature of possible consequences; thus a child/young person may withhold their consent.
- 9.2.11 The Council Guidance on the Immediate Care Planning For Children Placed Away From Home provides further guidance on the arrangements to be made when children and young people are placed away from home. This includes reference to assessments. The Social Worker must arrange a comprehensive health assessment for any child/young person who becomes looked after away from home and obtain the written report of that assessment. This comprehensive health assessment should take place within ten weeks of the child/young person becoming looked after away from home; it should be requested within three working days of the child/young person being placed. The Guidance on Immediate Care Planning for Children Placed Away from Home should be referred to for further information.
- 9.2.12 In making an assessment of the child/young person's needs, the Social Worker must, where appropriate, seek and take into account the views of:

- The child/young person, taking account of their age and maturity
- The child/young person's parents
- Any person with parental responsibilities or parental rights in respect of the child/young person
- Any other person as the Council considers appropriate.

9.2.13 Further, in making such an assessment and where any other child in the same family is looked after or about to be looked after, the Social Worker must, in making their assessment, take into account the need to ensure, where practical and appropriate, that those children are placed with the same Formal Kinship Carer.

9.2.14 When considering that a child/young person be placed with a Formal Kinship Carer, there must also be an assessment, by the child/young person's allocated Social Worker (or the Social Worker dealing with the child/young person's case), of the contact arrangements with the child/young person's parents, their family, any person with parental responsibilities or parental rights and any other specified person and whether such arrangements should be changed. (See Section 12 on Contact Arrangements).

9.2.15 EDC has a duty to record specific information in relation to any child/young person who is looked after. This is linked to the information considered within the assessment of the child/young person (i.e. as noted at 9.2.7 above). The Social Worker who carries out the assessment is responsible for ensuring there is a record of this information. Within EDC completion of the Essential Core Record and IAF will ensure the relevant information is recorded. This information is as follows:

- 1) Name, sex, date and place of birth and present address of the child/young person, their parents and any relevant person
- 2) Nationality, race, religion and language
- 3) Physical description
- 4) Present legal status of the child/young person, including any statutory responsibility the local authority has for the child
- 5) Why consideration is to be given to the child/young person being looked after by the Council
- 6) Previous history of involvement of the child/young person with any local authority or other relevant organisation.
- 7) Details of any brothers and sisters, including their dates of birth, addresses and any details in respect of their being looked after by EDC or another local authority
- 8) The extent of contact with members of the child/young person's family and any other significant person who does not live in the same household as the child/young person
- 9) The child/young person's health history, current state of health and development and existing arrangements for their medical and dental care
- 10) The child/young person's education history and current arrangements for provision of education
- 11) Personality and social development

12) Interests and recreational activities.

- 9.2.16 Where a child/young person needing a placement has a disability, the placement should be suitable to meet the child/young person's particular needs.
- 9.2.17 For children/young people who have or are likely to develop a chronic or terminal illness, it is important that Formal Kinship Carers are knowledgeable about the likely progress of the illness and any hygiene or treatment issues.
- 9.2.18 Where a referral is in respect of a sibling group, and where the assessment is that the needs of each child/young person would best be met by being placed together, this needs to form part of the assessment of the proposed Formal Kinship Carers. It may be that where the assessment is that the sibling group should be placed together and where the assessment of the proposed Formal Kinship Carers does not match this, that an alternative placement will have to be considered.

9.3 Planned Placements: Placement Agreement Planning Meeting
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- 9.3.1 On confirmation of the placement, the Team Manager responsible for the child/young person will arrange a Placement Agreement Planning Meeting and ensure that all relevant parties are invited (see 9.3.5 below). This meeting should take place prior to the placement start date.
- 9.3.2 For planned placements, it will only be in exceptional circumstances that it is not possible to have the Placement Agreement Planning Meeting and visits (where appropriate) prior to the placement start date. In such exceptional circumstances, this meeting should take place within three working days of the placement beginning.
- 9.3.3 The Team Manager will ensure that copies of any relevant paperwork (e.g. IAF, Looked After Child Review Meeting minute) considered necessary for the discussion at the meeting is available for the meeting (and where it is practical this paperwork will be circulated prior to the meeting).
- 9.3.4 This Placement Agreement Planning Meeting will consider the plan for the child/young person and formulate a Placement Agreement; a Placement Agreement must be compiled for each child/young person being placed. The purpose of the Placement Agreement is to establish an agreement between the Formal Kinship Carer and the Council about the specific care of the child/young person being placed; this statement will contain information which the Council consider necessary to enable the Formal Kinship Carers to care for the child/young person. Clearly, where the Formal Kinship Carer knows the child/young person really well, they will already be aware of this information and may have in fact provided it to EDC. (See Section 13 for more information on Placement Agreements).
- 9.3.5 The Placement Agreement Planning Meeting, which is chaired by the Team Manager responsible for the child/young person, involves the child/young person (depending on their age/stage of development), their family

members as appropriate, the child/young person's Social Worker, the Formal Kinship Carers and their Supervising Social Worker. Where appropriate, others with a key role – or who are going to have a key role - in the child/young person's life may be invited to this meeting. It may be that the meeting is best conducted in two parts, with the first part involving the aforementioned people and with others joining the second part of the meeting. Others with a key role in the child/young person's life might include, for example:

- Teacher/Early Years staff
- Educational Psychologist and/or other education professional
- GP and/or other health professional involved with the child (e.g. Health Visitor, Consultant)
- Addiction Worker/other Council staff, such as Homecare, Children's Residential Unit staff
- Voluntary agency providing a service
- A person chosen by the child/young person to attend the meeting to support them/represent them at the meeting.

9.3.6 A Placement Agreement is required for every child/young person placed in Formal Kinship Care (and some other placements) and it is the responsibility of the child/young person's Social Worker to write this (from the discussions with all relevant parties, and in accordance with the detail of the outcome of the Placement Agreement Planning Meeting). (Any changes subsequently made at Looked After Child Reviews must be reflected in an updated Placement Agreement). Clearly the assessment and other information referred to at Section 9.2 above will inform the Placement Agreement. However, the Placement Agreement is a statutory requirement and the following information must be included in the Placement Agreement:

- The reason the child/young person is looked after away from home and the Plan for him/her
- The legal basis on which the child/young person is placed
- The role of his/her parent/s, other significant adults and siblings, how they will maintain a role in the child/young person's life; contact arrangements and details of who has parental rights/responsibilities for the child/young person
- The child/young person's personal history (an overview), religious persuasion, cultural and linguistic background and racial origin
- The child/young person's state of health, need for healthcare, the name of their G.P. (during the Formal Kinship Care Placement) and arrangements for medical consent

- The child/young person's educational needs
- Arrangements for financial support of the child/young person
- Arrangements for other activities for which consent needs to be obtained, such as school outings and activities
- The circumstances where it is necessary to obtain advance approval for the child/young person to stay away from the home of the Formal Kinship Carer or for someone other than the Formal Kinship Carer to look after the child/young person
- Arrangements and frequency of Social Work Service visits to the child/young person and of Looked After Child Reviews
- Compliance by the Formal Kinship Carers with the terms of the Placement Agreement, with their Formal Kinship Carer Agreement¹, and their co-operation with arrangements made by EDC
- The work to be carried out and with whom to enable the placement goals to be achieved.

9.3.7 In all aspects of care planning (that is, planning the current and future care of the child/young person) consideration will be given to the child/young person's needs for continuity in their important relationships, not only with regards their family but also in relation to school, health care and routine activities.

9.3.8 The outcomes and decisions of the Placement Agreement Planning Meeting will form the additional detail of the Placement Agreement, which will also form part of the record of the meeting. The Placement Agreement should be signed by the Social Worker, their Team Manager and the Formal Kinship Carers. There are also areas where the child/young person and their parents/others with parental responsibilities/rights are asked to sign the Placement Agreement, and this includes the consents to medical treatment.

9.3.9 A copy of the signed Placement Agreement must be provided to the Formal Kinship Carers within ten working days of the start of the child/young person's placement. A copy of the Placement Agreement should also be retained as part of the child/young person's case record. A Minute of the meeting will be made and the Team Manager will ensure that the Minute is circulated appropriately and within twenty working days of the meeting taking place. A copy of the Minute will be retained as part of the child/young person's case record.

¹ All EDC Formal Kinship Carers will have, on their approval, signed an agreement with the Council relating to the main terms on which they will (i) Provide care for the child/young person looked after and placed by EDC with the Formal Kinship Carer/s and (ii) Be supported, supervised and remunerated by Social Work Services.

9.4 Planned Placements: Initial Care Plan and Looked After Child Review

- 9.4.1 The Council has a duty to draw up a Care Plan for every child/young person who is looked after; there is also a duty to review such Plans. When a child/young person is first looked after away from home an initial Care Plan will be compiled. The person with key responsibility to ensure the Care Plan is in place is the child/young person's Social Worker.
- 9.4.2 Whenever possible, the Care Plan should be drawn up in consultation with the child/young person, their parent/s, the Formal Kinship Carer/s, and other important individuals or agencies in the child/young person's life. If the Care Plan is not drawn up before a child/young person is placed (for example, from the Looked After Child Review or IAF Planning Meeting where the decision was made to seek the Formal Kinship Care placement for the child/young person) it should be drawn up as soon as possible after the child/young person is placed. The initial Care Plan will then be considered through a Looked After Child Review; decisions made at the Looked After Child Review will inform the detail of the agreed Care Plan.
- 9.4.3 The first Looked After Child Review will take place within twenty working days of the placement start date. (The second review must then take place within three months from the date of the first review and subsequent reviews taking place within six months from the date of the previous review).
- 9.4.4 The responsibility for arranging the Looked After Child Review rests with the Team Manager responsible for the child/young person. The Team Manager will ensure that:
- Invitations to the Review are sent out to all relevant parties at least fifteen working days before the Review Meeting is to take place
 - Children/young people and their parents and Formal Kinship Carers are provided with Review documentation for completion, at least ten working days before the date of the Review Meeting
 - Requests for other relevant reports for the Review Meeting (e.g. Education Report, Health Report) are made at least ten working days prior to the Review Meeting
 - The allocated Social Worker will meet with the child/young person, their parents and Formal Kinship Carer to discuss the content of the Social Work Review report and to discuss the content of the draft Care Plan
 - The allocated Social Worker will discuss with the child/young person their need for additional support/representation at the Review Meeting (that is, whether the child/young person would like someone other than those already invited to attend the Review Meeting with them to help them express their views and wishes/to provide emotional support to them at the meeting)
 - Completed Reports for the Review are circulated to the relevant parties at least five working days before the date of the Review Meeting.

- 9.4.5 Reports which should be requested/completed for Looked After Child Reviews are as follows:
- Social Worker's Report
 - Formal Kinship Carer's Report
 - Parent's Report (and/or other persons with parental responsibilities /rights)
 - Education Report
 - Health Report
 - Reports from any other relevant party (e.g. another service working with the child/young person).
- 9.4.6 In addition the child/young person (depending on their age and stage of development) will be provided with a 'Have Your Say' form which they should be encouraged to complete as one of the ways of letting others know their views. (As is best practice when working with children and young people, the most appropriate ways to support children/young people to be able to make their views known should be utilised).
- 9.4.7 The Team Manager responsible for the child/young person will normally chair the Looked After Child Review Meeting and ensure that a Minute of the meeting is made. Any dissent on the decisions made at the Review Meeting will be noted in the Minute.
- 9.4.8 The Team Manager will ensure that the allocated Social Worker updates the Care Plan for the child/young person in line with the decisions of the Looked After Child Review Meeting. The Care Plan will make clear the outcomes expected for the child/young person and includes information on the:
- Immediate and longer term plans for the child/young person
 - Details of the services to be provided to meet the care, education, health and development needs of the child/young person
 - Responsibilities of -
 - East Dunbartonshire Council
 - The child/young person
 - Any person/s with parental responsibility for the child/young person
 - The Formal Kinship Carer/s
 - Any other person involved in the Care Plan for the child/young person.
 - Name and address of the Formal Kinship Carer/s (unless this is not in the best interests of the child/young person)
 - Role of the child/young person's parent/s or any other person in the child/young person's care
 - Arrangements for involving those persons and the child/young person in decision making

- Arrangements for contact between the child/young person and any important people in his/her life and any reason why contact with any of those persons is not possible or in the child/young person's best interests
- Expected length of the placement, what action should be taken – and by whom - before the placement ends to support and progress the Plan for the child/young person.

9.4.9 The updated Care Plan will be completed within twenty working days of the Looked After Child Review Meeting and circulated to the relevant parties at that point. The Team Manager is responsible for ensuring this happens.

9.5 Planned Placements: Review of the Care Plan, Timing of Reviews

9.5.1 As noted above, EDC has a duty to review the plans for children and young people who are looked after. For those children/young people who are looked after away from home, as noted above there must be a Looked After Child Review within twenty working days of a placement start date (unless the placement is an emergency placement – see 9.6 below). The second Looked After Child Review must take place within 3 months from the date of the first review; subsequent reviews must take place within 6 months from the date of the previous Review. These timescales do not prohibit the arranging of a Review in response to significant events/changes, where a Review is deemed appropriate.

9.5.2 A Looked After Child Review should also be arranged in the following circumstances:

- Before making a decision to seek a Children's Hearing review for a child/ young person whose supervision requirement the Council is seeking to vary or terminate
- Before applying for a permanence order, a parental responsibilities order, an order to free a child/young person for adoption or placing a child/young person for adoption
- Where practicable, under any other circumstances when a Children's Hearing is arranged for the child/young person.

9.5.3 In reviewing a child/young person's plan, the information and process outlined at 9.4 above applies.

9.5.4 The Looked After Child Review will consider how far the existing Care Plan for the child/young person has been progressed, what outcomes have been achieved and/or what outcomes should be achieved in the future and what changes should be made to the Care Plan to achieve these. In brief, the Looked After Child Review should provide the opportunity to:

- Examine the child/young person's needs and circumstances and ensure that EDC is fulfilling its responsibilities for the child/young person's development and well being
- Consult formally with the child/young person and their parents/carers, acknowledging and taking into account their views
- Assess the effectiveness of current plans as a means of securing the outcomes identified for the child/young person and the best interests of the child
- Oversee and make accountable the work of professional staff involved
- Agree future plans for the child/young person.

9.5.5 In reviewing the child/young person's plan there remains the requirement to assess:

- (i) The child/young person's needs and how those needs are being met
- (ii) The child/young person's long term needs and how those needs are being or can be met
- (iii) Whether the child/young person's welfare is being safeguarded and promoted
- (iv) The child/young person's development
- (v) Whether the accommodation is suitable for the child/young person
- (vi) The child's educational and health needs and whether those needs are being met.

9.6 Emergency Placements

- 9.6.1 Emergency placements can occur for a variety of reasons, for example as a result of a serious family crisis or because of a legal process, such as the granting of a Child Protection Order by a Sheriff.
- 9.6.2 When a placement is made on an emergency basis, and especially when the Service has had no previous dealings with the child/young person, the information available about the child/young person may be limited. There will be situations however, where although the placement is being made on an emergency basis, the Service has been working with the child/young person and/or their family and may hold extensive information about the child/young person.
- 9.6.3 In all cases where a Formal Kinship Care placement is being considered on an emergency basis, all the available information should be used to inform the assessment and referral for a placement.

- 9.6.4 As far as it is possible to do so, efforts should be made to work to the procedures for planned placements as detailed in 9.2 – 9.4 above. Otherwise, the following applies in relation to the assessment of the child/young person's needs and referral with regards Formal Kinship Care.
- 9.6.5 The Social Worker dealing with the child/young person's case should make a written referral – by email - to the Care Planning and Placement Team. In contacting the Care Planning and Placement Team Duty Worker the Social Worker should:
- Provide information on the child/young person's background, education, health and emotional development; where possible this should include information about the child/young person's personality and essential family information
 - Advise of the legal basis for the emergency placement (and have available for the prospective/Formal Kinship Carer a copy of any legal order in place)
 - Advise of the reasons for the child/young person being placed away from home / requiring to be placed with the prospective/Formal Kinship Carer and what is known of the child/young person's understanding of this
 - Make clear the contact arrangements to be maintained in the emergency placement, if any, between the child/young person and their family/other significant people
 - Provide any relevant information available from the pre-admission medical or confirm that this medical has been arranged
 - Provide information on the proposed Kinship Carer/s.

Where the Service has available written assessments or reports on the child/young person, for example an IAF or Child Protection Investigation Report, relevant information should be used from these to help inform decisions about the appropriateness of the proposed Formal Kinship Care placement and to assist in the care of the child/young person.

- 9.6.6 The Care Planning and Placement Team Duty Worker will discuss the referral with the Care Planning and Placement Team Manager. The Care Planning and Placement Team Manager will make arrangements for allocation of the assessment of the proposed emergency placement (to an assessing Social Worker). At this stage, on a joint basis with the assessing Social Worker, it may be that the child/young person's allocated Social Worker is involved in carrying out this immediate assessment.
- 9.6.7 Where the immediate assessment of the proposed Formal Kinship Carer concludes that the child/young person can be placed, within three working days of the child/young person being placed EDC must review their case to determine whether the placement continues to be in the best interests of the

child/young person. This is a statutory requirement, as emergency placements cannot exceed three working days.

9.6.8 It is the responsibility of the Team Manager to:

- Arrange this Looked After Child Review
- Ensure all relevant parties are invited
- Ensure that the required paperwork is available (see 9.4.5 and 9.4.6)
- Chair the Review (there may be instances where another member of Social Work Services' staff chairs the Review meeting)
- Arrange for a Minute of the Review to be completed and circulated.

9.6.9 In reviewing the emergency placement, EDC will:

(a) Consult -

- (i) The child/young person, taking into account their age and maturity
- (ii) The prospective/Formal Kinship Carer with whom the child has been placed
- (iii) Any parent of the child/young person
- (iv) Any person with parental responsibilities or parental rights in respect of the child/young person.

(b) Assess –

- (i) Whether the placement is in the best interests of the child/young person
- (ii) Whether the placement of the child/young person with that prospective/Formal Kinship Carer is in the best interests of the child/young person
- (iii) All the information available relevant to EDC's duties towards children/young people looked after by us
- (iv) Whether there are other placement options which need to be considered for the child/young person, including other possible Formal Kinship Care options.

9.6.10 Where it is assessed through this Looked After Review that placement with the prospective/Formal Kinship Carer (i.e. who has provided the emergency placement up to this point) continues to be in the best interests of the child/young person, EDC will carry out all the relevant requirements of the Looked After Children (Scotland) Regulations 2009, where these have not as yet been done. These requirements are noted earlier in this Section (9.2.4 – 9.2.14). Therefore, the process detailed in those sections should now be followed. A comprehensive assessment of the (emergency) prospective/Formal Kinship Carer must take place and it is the responsibility of the assessing Social Worker to do this.

9.7 Children and Young People in Placement – Visits by Social Work Services
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9.7.1 The Looked After Children (Scotland) Regulations 2009 set out the minimum requirements for visits by the local authority to children and young people looked after away from home. EDC has taken the minimum requirements into account and in relation to our children and young people who are looked after in Formal Kinship Care placements the following standards apply.

9.7.2 The child/young person and their Formal Kinship Carer must be visited -

- a) Within one week of the placement being made.
This will be by the child/young person's Social Worker; where the care plan/placement arrangements require it, this may be a joint visit including the Formal Kinship Carer's Supervising Social Worker
- b) Thereafter the Supervising Social Worker will visit on a four weekly basis, in terms of the role they have in supervising the placement, and providing support. (See Section 16)
- c) There will also be (at a minimum) one joint visit by the child/young person's allocated Social Worker and the Formal Kinship Carer's Supervising Social Worker on a quarterly basis. There should be one of these quarterly joint visits in the lead up to the child/young person's Looked After Child Review and this should be used in preparation for the Review (so, for example, assessing progress, issues, etc)
- d) There will be a minimum of two unannounced visits by the Supervising Social Worker each year. (See Section 16.3).

And, notwithstanding the above –

- e) In accordance with the arrangements made by Looked After Child Reviews, and reflected in the child/young person's Care Plan and the Placement Agreement
- f) On any occasion where EDC consider it necessary or appropriate to safeguard or promote the welfare of the child/young person
- g) On any occasion where EDC consider it necessary or appropriate to provide support and assistance to the child/young person's Formal Kinship Carer for the purpose of safeguarding or promoting the welfare of the child/young person
- h) Where reasonably requested to do so by the child/young person or their Formal Kinship Carer.

9.7.3 It is the responsibility of the Social Worker making the visits to ensure that a written record of each visit is made and that the record makes clear the purpose and focus of each visit. The purpose of each visit by a Social

Worker should be clearly linked to the Care Plan for/assessment of the child/young person, the Placement Agreement and/or to the tasks associated with the Formal Kinship Carer Agreement.

9.8	Notifications of Placements/Cessation of Placements with Formal Kinship Carers
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9.8.1 In each instance where we place a child/young person in a Formal Kinship Care placement, and when each placement ends, there is a range of notifications which must be made. The Care Planning and Placement Team Duty Worker is responsible for this and will, as soon as practicable but within five working days of the placement start or placement end date, provide notification to the following:

- (i) The local authority for the area in which the Formal Kinship Carer lives if this is outwith the EDC area
- (ii) The Health Board which provides services in the area in which the Formal Kinship Carer lives
- (iii) EDC Education Services (where the child/young person is of school age)
- (iv) Each parent of the child/young person (unless they have already received a written copy of the Care Plan advising them of this)
- (v) Any person with any parental responsibilities or parental rights in relation to the child/young person (unless they have already received a written copy of the Care Plan advising them of this)
- (vi) The EDC Social Work Children and Families Administration section.

In relation to (iv) and (v) the notification should not be given if giving this would not be in the best interests of the child/young person or where another order or warrant specifies that the place at which the child/young person is to live must not be disclosed to those particular persons.

9.8.2 These notifications must be made in writing and include the details of the placement. There are pro formas in place for this purpose.

9.9	Respite Placements (in relation to Formal Kinship Care Placements)
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9.9.1 There are occasions when Formal Kinship Carers providing care for children and young people who are looked after require respite. This may be due, for example, to commitments related to wider friends' events requiring travel over a weekend and where it is considered not appropriate for children or young people to attend.

9.9.2 The assessments of Formal Kinship Carers will include the arrangements which Formal Kinship Carers have/will have for helping when babysitting /

child care support is needed by them, for example to allow them to have a night out. Where a Formal Kinship Carer makes a request for respite, EDC would in the first instance consider whether respite might be appropriately arranged with those persons known to the child/young person.

- 9.9.3 In any event, respite requests will be considered by EDC, and a view taken on the appropriateness of this. It is expected that where respite is requested, this request will be made at least four weeks in advance of the respite period wanted. Formal Kinship Carers are expected to ensure consideration of maintenance of a child/young person's routine, for example children maintaining attendance at their own school. It is expected that children/young people will also be included in holidays with the Formal Kinship Carers, and that any period of respite will not be regarded as the child/young person's "holiday". At all times the welfare of the child/young person must be paramount and their legal status, and any conditions attached to orders etc, may determine decisions about respite requests.
- 9.9.4 Formal Kinship Carers must discuss – at the earliest stage and at least four weeks in advance of the period being requested - any request for respite with their Supervising Social Worker and with the child/young person's allocated Social Worker. Clearly where there is an emergency situation this can only be raised with Social Workers at that point.

SECTION 10: CHILDREN AND YOUNG PEOPLE – Reporting Significant Incidents, including the Death of a Child or Young Person

10.1 General

10.1.1 The safety, protection and welfare of all children and young people who are looked after away from home are key considerations at all times. All those involved in the care of a child/young person will have a role in ensuring they are safe and that their welfare is promoted. Nonetheless, situations will arise which are of particular concern, constitute an emergency and which require responses in accordance with legal requirements and EDC policy. These are as follows -

- The child/young person dies
- The child/young person has suddenly become ill, suffers a serious injury or had an accident
- Absence/s by a child/young person. That is, the child/young person
 - does not return home within a reasonable time and their whereabouts is unknown
 - runs away
 - has not returned home to the Formal Kinship Care placement from an unsupervised visit to their family
 - has been removed, without lawful authority, from the Formal Kinship Care placement
- A parent or someone else wants to remove the child/young person without permission
- The child/young person is in trouble with the police or is suspected of committing an offence
- There is a strong suspicion or disclosure of abuse
- There is a sudden crisis in the Formal Kinship Care home affecting the placement.

10.1.2 In all such emergency situations the Service must be contacted by the Formal Kinship Carer as a matter of urgency; some situations will mean the Service is the first point of contact while for others it will be essential that Formal Kinship Carers contact the NHS and/or Police before contacting the Service. At all times the child/young person's safety is the paramount consideration and should determine the first step.

- 10.1.3 When contacting the Service about an emergency situation during office hours, the Formal Kinship Carer should ask for the child/young person's Social Worker or their Team Manager, saying it is an emergency. If both are unavailable the Formal Kinship Carer should ask for the duty Social Worker or their Manager. (In due course it is also advisable that Formal Kinship Carers inform their Supervising Social Worker of the emergency and their subsequent response/s).
- 10.1.4 Outside office hours, Formal Kinship Carers should contact the emergency social work service provided by the West of Scotland Standby Service (0800-811-505) on behalf of EDC. (The West of Scotland Standby Service will inform EDC of the emergency and the actions taken in response as soon as it is possible to do so).
- 10.1.5 On receiving the information from the Formal Kinship Carer about any of the emergency situations noted (or in any instance where the worker becomes aware of any of the above circumstances) the procedures detailed below should be followed.

10.2 The Child/Young Person Dies

- 10.2.1 Regulation 6 of the Looked After Children (Scotland) Regulations 2009 sets out the requirements in relation to the death of a child/young person who is looked after. The requirements have been incorporated into these Procedures.
- 10.2.2 The death of a child/young person who is looked after (like the death of any child/young person) will cause distress and, for some, extreme emotional pain to a range of people, not least their birth parents, family and Formal Kinship Carers. Depending on the cause of death, sometimes feelings of anger are expressed by parents or Formal Kinship Carers that more could have been done to prevent the death. Social Workers and other workers involved in the care of the child/young person are also likely to be affected. While these Procedures must be followed, the tasks detailed must be carried out with respect and awareness of the possible impact of the death on those involved.
- 10.2.3 On being advised by the Formal Kinship Carer (or any other person on behalf of the Formal Kinship Carer) that a child/young person placed with them has died, the Social Worker (allocated to the child/young person or dealing with the child/young person's case) must obtain information about the circumstances of the death. At this stage a minimum level of information will suffice and this includes:
- The name of the child/young person
 - The child/young person's date of birth
 - Time and date of the child/young person's death
 - Where the child/young person died
 - The cause of the death of the child/young person (if known)
 - Brief details of the circumstances of the child/young person's death (if known).

- 10.2.4 The Social Worker should check whether any immediate assistance is required by the Formal Kinship Carer, advising that their Supervising Social Worker will be informed (of the death and any immediate support required). The Social Worker should remind the Formal Kinship Carer that there are procedures that must be followed and that the Service will be back in touch with them very soon.
- 10.2.5 The Social Worker will immediately advise their Team Manager of the death and the information gathered about this.
- 10.2.6 The Team Manager will immediately inform the Fieldwork Manager, the Resources Manager, the Children and Families Manager and the Care Planning and Placement Team Manager.
- 10.2.7 The Children and Families Manager will immediately inform the Head of Social Work of the death. The Head of Social Work will ensure that the following are made aware of the death of the child/young person: Director of Community Services; Chief Executive; Convener of Social Work; Chair of the Child Protection Committee. A report of a death of a child will also be prepared for the Social Work Committee.
- 10.2.8 The Children and Families Manager will immediately allocate a Manager to act as Lead Officer in relation to the death of the child/young person. The Lead Officer will ensure that the steps to be taken in response to the death of the child/young person are co-ordinated and carried out in line with procedures. The Lead Officer may find it helpful to do this through calling a meeting of the relevant Managers and allocating tasks through this meeting. It will be essential that the steps to be taken are carried out timeously and also in the correct order (not least to avoid additional distress to those involved).
- 10.2.9 Where necessary, the Lead Officer will consider whether any particular action is required in terms of media contact/interest in the death, discuss this with the Children and Families Manager and ensure that the Council guidance in relation to media contact is followed.
- 10.2.10 The Lead Officer will notify Scottish Ministers of the death of the child/young person within one working day of their death. This is done by advising the Social Care and Social Work Improvement Service (SCSWIS). This notification should be by telephone, unless it is not practicable to do so, in which case the notification can be by fax or email. SCSWIS contact details are:

SCSWIS,
Ladywell House,
Ladywell Road,
Edinburgh,
EH12 7TB
Telephone: 0131-244 4735
Fax: 0131-244 5496

- 10.2.11 The Lead Officer should provide SCSWIS with:

- The name of the child/young person
- The child/young person's date of birth
- The legal circumstances in which the child/young person was being looked after and where
- Brief details of the cause and circumstances of the child/young person's death, if known.

This information should be confirmed immediately in writing and a copy of the death certificate should be forwarded as soon as it is available.

- 10.2.12 Within twenty eight days, EDC will provide SCSWIS with a detailed report, with supporting information, on the death of the child/young person. (See 10.2.22 below).
- 10.2.13 The Lead Officer will make arrangements to notify the parent/s of the child/young person and every person who has parental responsibilities for her/him. This, clearly, will be done with sensitivity and should be done immediately unless it is not practicable to do so (for example, their whereabouts is unknown) in which case this should be done as soon as possible. Depending on the relationship between the Formal Kinship Carer and the child/young person's parents/those with parental responsibilities, it may be that the Lead Officer will consider it appropriate for the Formal Kinship Carer to be involved, possibly alongside a member of staff, in notifying the parents/others of the death. (If the child/young person was with their parent/s or others with parental responsibilities/rights at the time of their death, then this notification is not necessary in respect of those individuals).
- 10.2.14 Where the address of the parents/persons with parental responsibilities/rights is not known, other statutory agencies may be able to assist in identifying or finding them. It may also be appropriate to seek the help of other agencies in notifying the persons concerned where they live some distance outwith the EDC area. Where this is outwith the UK it may not be possible to gain the help of authorities. If a person to be notified has been identified but is living outside the UK, EDC may have to give the information about the child/young person's death in writing, although this is not ideal. Where the person is a UK citizen living abroad, the British Consulate in the country concerned may be able to assist.
- 10.2.15 Appendix 3 provides information about funeral arrangements for the child/young person. It should be noted that where parents retain their parental responsibilities, they have responsibility for all the funeral arrangements unless they delegate that to EDC or cannot be found. Support may be required from EDC regarding this. Where EDC has parental responsibilities and rights, the Lead Officer will identify who is to make the funeral arrangements with the parents, and anyone else with responsibilities or rights.
- 10.2.16 The Lead Officer will ensure that all those involved in the Care Plan for the child/young person are advised of their death, unless it is not appropriate to do so. The timing and method of this will take into account the

circumstances of the death; whether it has been possible to advise the parent/s and others with parental responsibilities/rights for the child/young person; any additional legal requirements and/or constraints which may inhibit the sharing of information (e.g. an ongoing police investigation).

- 10.2.17 The Lead Officer, in discussion with the relevant Managers, will consider whether support is required for any staff who have been closely involved with the child/young person. Where this is needed, the Lead Officer will consider what support may be offered from EDC.
- 10.2.18 The Care Planning and Placement Team Manager will advise the relevant Supervising Social Worker of the death, ensuring that the Supervising Social Worker is available to offer support and guidance to the Formal Kinship Carer, (if appropriate), once decisions have been made by EDC about how best and when this is to be done.
- 10.2.19 As noted above a detailed report and supporting information must be provided to SCSWIS within twenty eight days of the child/young person's death. There may be instances where it is not possible to provide complete information within this timescale (e.g. when criminal proceedings are outstanding and/or a police investigation is not yet completed) but as full a report as possible should be provided, noting that a supplementary report will follow as soon as the outstanding information becomes available. Along with the report, any supporting information should be provided (e.g. copy of the death certificate, copy of post-mortem report if one has taken place).
- 10.2.20 The Lead Officer will draft the detailed report on the death of the child/young person but may allocate another member of staff to assist in this. The detailed report should provide information on the following.
- A medical history of the child/young person, distinguishing between the state of his or her health before and after s/he became looked after. This history should outline any measures which were taken or not taken to improve his or her health or to alleviate the effects of ill health or disability. The term "state of health" should be interpreted widely to include abuse of drugs, alcohol or volatile substances, attempts at self-harm, mental health problems or any disabilities. The medical history should be accompanied by copies of relevant medical reports and, if available, a post-mortem report
 - A social history of the child/young person, including the circumstances which led up to him or her being looked after, any services which were provided prior to him or her being looked after, and the services provided whilst s/he was looked after. Within this section, the report should outline any concerns which existed about the welfare of the child/young person or any other difficulties, the progress made by the child/young person, and the effectiveness of the services provided by Social Work and other agencies, including the placement, in meeting his or her needs. The social history should be accompanied by copies of relevant supporting documents, for example: child protection case

conference minutes and reports, reports to children's hearings, child care review minutes and reports, the Formal Kinship Carer Assessment

- An account of the circumstances of the death. Details should be provided of the medical help which was sought. Details of the G.P. and other doctors who attended the child/young person during the critical period before death should be provided. Copies of relevant hospital or other medical reports should be provided
- Where death was through terminal illness or disability, the account should include details of the progress of the illness or disability, the counselling which was provided to the child/young person, his or her relatives and his or her carers and any attempts which were made to make the child/young person's death as peaceful and pain free as possible
- Where death followed an accident, homicide or suicide copies of any available formal statements made in regard to the incident by Social Work or other agencies should be attached. An account should be provided of the circumstances leading to the incident and of any other events which could be connected to it, including previous events concerning the same child/young person, previous events concerning other children/young people in the same placement or previous events concerning local children/young people. Where a Fatal Accident Inquiry has been held and where the Sheriff's determination has been obtained by EDC, a copy should be provided
- Where death was the result of child abuse EDC will want to assure itself and others, including Scottish Ministers, that it has acted promptly and competently in the particular case and will want to identify any necessary improvements. There may be public interest which also needs to be taken into account. EDC will conduct its own internal inquiries into the handling of the case. There may also be criminal inquiries, and there may be subjudice considerations. These inquiries may be lengthy but the submission of as full a report as possible should not be withheld beyond twenty eight days. The report of any EDC inquiry should be forwarded to SCSWIS once it is completed
- Details should be provided of how parents or anyone with parental responsibility were informed of the child/young person's death (or if they were not informed what efforts were made to inform them) where the child/young person was not physically in their presence at the time of death. Information should be provided about the funeral, burial or cremation and any support (for example, bereavement counselling) provided to anyone concerned by the death. This includes, for example, parents, siblings, Formal Kinship Carers, other children/young people in the same placement. Information on any issues which emerged as a consequence of the death (such as anger expressed by parents/Formal Kinship Carers who feel that more could have been done to prevent the death) and how they were dealt with should also be included in the report.

- 10.2.21 Once drafted, the Lead Officer will provide the detailed report to the Children and Families Manager along with all supporting information. The Children and Families Manager will consider the report and determine whether there is any action which should be taken by EDC. (For example, the reviewing of policy or practice, identification of lessons to be learned). The Children and Families Manager will consider whether a significant case review is required and if so will make links with the Child Protection Committee in this regard. The Children and Families Manager may amend the draft report and include action identified for EDC.
- 10.2.22 The Children and Families Manager will pass the completed report, and the supporting information, to the Head of Social Work. The final approval of the report is made by the Head of Social Work.
- 10.2.23 SCSWIS will acknowledge all reports in writing. SCSWIS may also request supplementary information from EDC, including information from other agencies which have been involved with the child/young person (e.g. Health). Scottish Ministers will consider the report/s and advise EDC of their conclusions and also of any further action they will take, or that they require EDC to take. Scottish Ministers will do this through SCSWIS or any other relevant agency. Scottish Ministers may decide to proceed to:
- Examine the arrangements made for the child/young person's welfare during the time s/he was looked after
 - Assess whether action taken or not taken by EDC may have contributed to the child/young person's death
 - Identify lessons which need to be drawn to the attention of EDC and/or other local authorities or other statutory agencies
 - Review legislation, policy, guidance, advice or practice in the light of the case or any trends emerging from deaths of children/young people being looked after.
- 10.2.24 The Lead Officer will ensure that there is appropriate feedback on the final report to the relevant Managers and other staff members.

10.3 The Child/Young Person Has Suddenly Become Ill, Suffers a Serious Injury or Had An Accident

- 10.3.1 In all instances where a child or young person who is looked after by Formal Kinship Carer has suddenly become ill, suffers a serious injury or had an accident, Formal Kinship Carers should always seek medical help first.
- 10.3.2 On contacting the doctor or emergency services Formal Kinship Carers should advise that the child/young person is looked after by them and also advise of the name and telephone number of the child/young person's allocated Social Worker. If the child/young person is in need of urgent treatment, the doctor is able to take a decision on whether to treat them. In terms of any consent for treatment that might otherwise be needed, the Formal Kinship Carer will know (from the terms of the agreements in place about the child/young person's placement with them) what authority they have in relation to consents for medical treatment and where other consents

need to be sought. (General guidance on consent to medical treatment is given in Section 9).

10.3.3 As soon as it is practicable to do so, the Formal Kinship Carer should contact the child/young person's Social Worker or if unavailable Team Manager or, out of hours, the emergency Social Work Standby Service. Formal Kinship Carers should advise the Social Worker of the:

- Name and date of birth of the child/young person
- Nature of the illness, injury or accident and details of when it occurred/how it became known to the Formal Kinship Carer
- Action taken by the Formal Kinship Carer so far with regards the illness, injury, accident; details of any treatment, medication prescribed or advice given by medical staff
- Current condition and whereabouts of the child/young person.

10.3.4 The Social Worker should check whether any immediate assistance is required by the Formal Kinship Carer and if yes, make arrangements for such assistance. Depending on the nature of this, the Social Worker may discuss this with the Formal Kinship Carer's Supervising Social Worker as it may be more appropriate that they provide the assistance required.

10.3.5 Should the information suggest that there needs to be further work done to assess the wellbeing of the child/young person and their care arrangements, the Social Worker will discuss this with the Team Manager. The Team Manager will decide how best to respond to this (e.g. further discussion with the Formal Kinship Carer, discussion with the child/young person, Looked After Child Review etc) and make arrangements for any necessary plan of work / action to be undertaken.

10.3.6 In any event, the child/young person's Social Worker should make arrangements to visit the child/young person, for the purposes of assessing their wellbeing. This should be done immediately unless the circumstances related to the nature of the illness, injury or accident and the condition of the child/young person dictates otherwise.

10.3.7 As soon as it is practicable to do so, the child/young person's Social Worker should inform the child/young person's parents, and any others with parental rights/responsibilities, of the illness, injury or accident; of the response made (e.g. contact with G.P.) and of the child/young person's current condition.

10.3.8 If required, the child/young person's Care Plan will be reviewed to take account of the event.

10.4 Absences by a Child/Young Person

10.4.1 Absences by a child/young person include instances where the child/young person:

- Does not return home within a reasonable time and their whereabouts is unknown
 - Runs away
 - Has not returned home to the Formal Kinship Care placement from an unsupervised contact visit
 - Has been removed, without lawful authority, from the Formal Kinship Care placement.
- 10.4.2 In all of the above circumstances the Council's procedures and guidance, entitled 'Looked After and Accommodated Children and Young People Who Are Missing' should be followed. These procedures link to Strathclyde Police's own procedures – Children and Young people Missing From Local Authority Care.
- 10.4.3 Formal Kinship Carers are aware of their responsibilities in relation to unauthorised absences of children/young people from their care and know that there will be instances when they must immediately contact the Police and other instances where the first point of contact is with Social Work.
- 10.4.4 The detail which now follows is extracted from the Council document 'Looked After and Accommodated Children and Young People Who Are Missing'.
- 10.4.5 In assessing the significance of a child's absence from the location where they should be, Formal Kinship Carers will take into consideration:
- The age of the child/young person
 - Issues already considered as part of a care plan or background information
 - Previous behaviour patterns
 - Perceived risk/state of mind of the child/young person
 - Whether the child/young person might be running to or away from a situation or person.
- 10.4.6 Although some absences for short periods by adolescents may be perceived to be boundary testing and not a risk, especially if Formal Kinship Carers know their likely whereabouts and there is a pattern of returning quickly, it is important that the potential significance of single or multiple episodes of being missing by a young person is not minimised. The young person may have specific reasons to be unhappy in the placement, may have an unrecognised depression, and will also be at risk of being targeted for exploitation because of their accommodated status.
- 10.4.7 If a Formal Kinship Carer has immediate reason to be concerned that a child/young person might be in danger, they must notify the Police without delay.
- 10.4.8 In all circumstances Formal Kinship Carers must notify the child/young person's Social Worker or Team Manager or the Standby Service if out of hours. Consideration should be given by the first line manager in the

Service notified as to whether or at what point concern would be considered to be covered by this procedure.

10.4.9 When the absence is considered significant, the Team Manager or Manager within the Standby Service if out of hours will ensure that the following are or have been notified:

- The Police
- The parents and those who have parental responsibility
- The Social Worker, Team Manager and Fieldwork Manager
- The Social Work HQ Children and Families Duty Worker
- The Reporter to the Children's Panel.

10.4.10 Information to be made available to the Police and HQ would include:

- Description of the child/young person
- When they were last seen and with whom
- A recent photograph of the child/young person
- Family and other significant persons' addresses
- People known to them who may have information
- School information
- Contact details of GP/dentist/ any other significant professionals.
- Any circumstances which may increase risk to the child
- The Head of Service Social Work.

10.4.11 The Fieldwork Manager will take the role of overall co-ordination officer in ensuring that liaison with the police and implementation of activities in which the Council are involved, e.g. support to Formal Kinship Carers, birth family members, finding information is being progressed. She/he must be kept informed of the situation by the team manager responsible for the child. The Fieldwork Manager will decide, within a maximum of five days of the episode, at what point a more formal multi agency meeting should be arranged with key personnel to consider additional measures of action.

10.4.12 The Notification of Child Missing from Placement form (Form LAACM1) should be completed by the social worker, their substitute or duty officer by the end of the first working day of the child being missing, and given to the Fieldwork Manager; the Duty Worker, HQ Children and Families Section; the Head of Service and the Reporter as core information. Details should also be recorded on Care First.

10.4.13 Any absences of longer than twenty eight days, and then of six months, will be formally reviewed by the Service Delivery Co-ordinator, or a person delegated the task by her/him, to assess whether everything possible is being done.

10.4.14 When the child/young person returns, notifications should be made by the Social Worker and Team Manager to all those notified of the child/young person being missing [as listed in 3.4 of the missing children procedure]. This will include filling out Form LAACM2 and distributing it to those who received Form 1. CareFirst should also be updated. When a child/young

person has been reported as missing to the police, force officers will, in any case, carry out an interview with the child/young person when he/she is located.

- 10.4.15 The Fieldwork Manager should oversee the follow up strategy by Social Work Services including interviews and reviews. The issue of the child/young person's immediate well being within their current care placement should be addressed. In most situations where there is no concern about safety within the placement, the best outcome will be for the child/young person to be welcomed back and helped to settle down. However, awareness of the possibility of the placement being the source or location of the child/young person's problem should be borne in mind. Consideration should also be given to the need for immediate medical attention and to assessing the child/young person's health needs.
- 10.4.16 Whether or not a child/young person has been interviewed by the police, an exploratory interview must be carried out by the child/young person's Social Worker, or another professional decided on by the Fieldwork Manager within 72 hours of the child/young person's return as an absolute maximum. This must be someone suitably competent in interviewing skills and child protection awareness, and must not be an immediate support worker or manager of carers or residential staff.
- 10.4.17 The interviewer, Team Manager and Fieldwork Manager may then assess that they are satisfied that the problem which triggered the episode has been resolved, or is understood and being addressed by the Care Planning group responsible for the child/young person. If not, a strategy discussion should be arranged forthwith which will be chaired by a person appointed by the Service Delivery Co-ordinator, to consider their concerns further. This person might be the Fieldwork Manager, Child Protection Co-ordinator or the Resources Manager, depending on the nature of concerns emerging.

10.5 A Parent or Someone Else Wants to Remove the Child/Young Person Without Permission
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- 10.5.1 The child/young person's Placement Agreement and Care Plan will specify who can or should have contact with the child/young person, and whether there are any restrictions to someone with parental rights removing them from the placement.
- 10.5.2 No one without parental rights or where there is a legal condition of residence with the Formal Kinship Carers can remove the child/young person. If this is threatened or suggested, Formal Kinship Carers must contact Social Work and/or the Police. At all times the welfare of the child/young person is paramount and there should be no delay in first contacting the Police if the circumstances dictate that as necessary.
- 10.5.3 Where a parent with parental rights wishes to remove the child/young person unexpectedly the Formal Kinship Carer should, only if possible and safe to do so, try to negotiate with that person, suggesting that s/he can

contact the child/young person's Social Worker, the duty Social Worker or emergency Social Work Standby Service.

- 10.5.4 The Formal Kinship Carer should make a note of the full name, address, telephone number and relationship of the person to the child/young person (where these details are known). If the person is still insisting on moving the child/young person, the Formal Kinship Carer should contact the child/young person's Social Worker, the duty worker or emergency Social Work Standby Service for advice.
- 10.5.5 If the situation is becoming difficult or the Formal Kinship Carer is concerned for the welfare of the child/young person, or indeed for themselves or other members of their household, the Police should be called by dialling 999.
- 10.5.6 Formal Kinship Carers should attempt to minimise the distress of the child/young person in the event of anyone attempting to remove them from the placement. For example, if it is possible and safe, the Formal Kinship Carer may ask the child/young person to remain in their bedroom while the discussion between the Formal Kinship Carer and person trying to remove the child/young person is taking place; if there are other adults in the Formal Kinship Care household, they may make sure the child/young person is otherwise occupied.
- 10.5.7 Where the Formal Kinship Carer has contacted the Police they should, as soon as is practicable after that, contact the child/young person's Social Worker or if unavailable Team Manager or, out of hours, the emergency Social Work Standby Service. Formal Kinship Carers should advise the Social Worker of the:
- Name and date of birth of the child/young person
 - Details of the incident, including when it occurred and of the known details of the person who wanted to remove the child/young person
 - Action taken by the Formal Kinship Carer with regards the incident; any Police involvement and the outcome of this
 - Current whereabouts and condition of the child/young person (e.g. how they are coping following the incident, any views being stated, their mood, etc).
- 10.5.8 The Social Worker should check whether any immediate assistance is required by the Formal Kinship Carer and if yes, make arrangements for such assistance. Depending on the nature of this, the Social Worker may discuss this with the Formal Kinship Carer's Supervising Social Worker as it may be more appropriate that they provide the assistance required.
- 10.5.9 Should the information suggest that there needs to be further work done to assess the wellbeing of the child/young person and their care arrangements, the Social Worker will discuss this with the Team Manager. The Team Manager will decide how best to respond to this (e.g. further discussion with the Formal Kinship Carer, discussion with the child/young person, Looked After Child Review etc) and make arrangements for any necessary plan of work / action to be undertaken.

- 10.5.10 In any event, the child/young person's Social Worker should make arrangements to visit the child/young person, for the purposes of assessing their wellbeing; the timing of this visit will depend on the nature of the incident and subsequent action.
- 10.5.11 As soon as it is practicable to do so, the child/young person's Social Worker should inform the child/young person's parents and any others with parental rights (unless they were involved in trying to remove the child/young person) of the incident, of the response made and of the child/young person's current condition.
- 10.5.12 If required, the child/young person's Care Plan will be reviewed to take account of the incident.

10.6 The Child/Young Person is in Trouble with the Police or is Suspected of Committing an Offence

- 10.6.1 There may be times when children and young people who are looked after by Formal Kinship Carers get into trouble with the Police or are suspected of committing an offence.
- 10.6.2 In general terms, these are matters which are dealt with in the day to day care of a child/young person, and through planned work by the Social Worker allocated to the child/young person.
- 10.6.3 However, there may be times when more immediate action is required, for example due to the nature of the reasons for involvement by the Police or the nature of the suspected offence.
- 10.6.4 In any instance where the child/young person is to be interviewed by the Police, attempts should be made to ensure that a responsible adult is present with the child/young person.
- 10.6.5 As the main carer of the child/young person, unless there are reasons where it would not be appropriate for this to happen, the Formal Kinship Carer would be expected to be present during the interview. In some circumstances the child/young person's Social Worker, a duty Social Worker, or a Social Worker from the emergency Social Work Standby Service will be involved at the interview. The child/young person may have a view on who they would prefer to be present and if possible and appropriate, this request should be accommodated. It is important that children and young people are aware of their rights with regards this and Formal Kinship Carers and Social Workers have a role in ensuring this.
- 10.6.6 As soon as it is practicable to do so, the Formal Kinship Carer should contact the child/young person's Social Worker or if unavailable Team Manager or, out of hours, the emergency Social Work Standby Service. Formal Kinship Carers should advise the Social Worker of the:
- Name and date of birth of the child/young person

- Details of the incident/suspected offending behaviour, including when it is said to have occurred/how it became known to the Formal Kinship Carer
- Details of the Police's intentions (if known) with regards the incident/suspected offending behaviour
- Action taken by the Formal Kinship Carer so far with regards the incident/suspected offending behaviour
- Current whereabouts of the child/young person and their condition (e.g. how they are coping with the allegation made against them, their mood, etc).

10.6.7 The Social Worker should check whether any immediate assistance is required by the Formal Kinship Carer and if yes, make arrangements for such assistance. Depending on the nature of this, the Social Worker may discuss this with the Formal Kinship Carer's Supervising Social Worker as it may be more appropriate that they provide the assistance required.

10.6.8 Should the information suggest that there needs to be further work done to assess the wellbeing of the child/young person and their care arrangements, the Social Worker will discuss this with the Team Manager. The Team Manager will decide how best to respond to this (e.g. further discussion with the Formal Kinship Carer, discussion with the child/young person, Looked After Child Review etc) and make arrangements for any necessary plan of work / action to be undertaken.

10.6.9 In any event, the child/young person's Social Worker should make arrangements to visit the child/young person, for the purposes of assessment, including the wellbeing of the child/young person; the timing of this visit will depend on the nature of the incident/suspected offending behaviour, the condition of the child/young person and whether the current plan of work includes addressing offending behaviour.

10.6.10 As soon as it is practicable to do so, the child/young person's Social Worker should inform the child/young person's parents, and any others with parental rights, of the incident/suspected offending behaviour, of the response made and of the child/young person's current circumstances.

10.6.11 If required, the child/young person's Care Plan will be reviewed to take account of the event.

10.7 There is a Strong Suspicion or Disclosure of Abuse

10.7.1 In all instances the EDC Child Protection Procedures: Responsibilities of the Social Work Services in Protecting Children from Abuse must be followed. In relation to Formal Kinship Care, although the term 'child' is used, these procedures would apply where children and young people are, or have been, looked after in Formal Kinship Care Placements.

10.7.2 These Child Protection Procedures detail the Service's step by step considerations and actions that must be taken in all instances where child abuse is alleged or suspected – the term child being used to mean both

children and young people; they form the Social Work aspect of the West of Scotland Interagency Child Protection Procedures, which also includes the responsibilities of other Services and agencies.

- 10.7.3 Where a Formal Kinship Carer has reason to think that a child/young person is being or has been abused, because they suspect it or because information has been disclosed to them of abuse, they must report this to the child/young person's Social Worker.
- 10.7.4 Formal Kinship Carers should be aware of the Child Protection Procedures (e.g. through preparation, training and information from the Service), and of the fact that these must be followed in all instances where abuse is alleged or suspected.
- 10.7.5 There is further information on this subject in the next section, that is, Section 11: Children and Young People – Safety and Child Protection.

10.8 There is a Sudden Crisis in the Formal Kinship Care Home Affecting the Placement
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- 10.8.1 Aside from the significant incidents already outlined within this Section, there may be other events or incidents which are experienced as a sudden crisis in a Formal Kinship Carer home and these may detrimentally affect the placement. Sudden crisis could include, for example, the sudden illness of a Formal Kinship Carer or another child in the placement.
- 10.8.2 In some instances the effect of the crisis may be manageable and be overcome quickly. In other instances, without consideration of what, if any, support is required there could be a risk to the placement continuing, and indeed to the welfare of the child/young person and others in the household. It is essential that Formal Kinship Carers advise Social Workers of any sudden crisis or significant changes within their household.
- 10.8.3 Where the crisis can be safely and appropriately managed by the Formal Kinship Carers, this should happen. For example, where it is necessary, Formal Kinship Carers should make the safest possible urgent or temporary arrangement for the child/young person's care. Ideally this should be done in consultation with the child/young person's Social Worker and the Supervising Social Worker. However, there can be occasions when Formal Kinship Carers may have to make their own decision to use a babysitter or a relative until care arrangements can be properly reviewed. On these occasions, it remains essential that as soon as possible, and no later than within twenty four hours, the Formal Kinship Carer advises Social Work of the crisis and the arrangements made for the child/young person.
- 10.8.4 In all cases when a Formal Kinship Carer ceases to live in the Formal Kinship Care household, Social Work Services must be advised immediately. This is also the case when a Formal Kinship Carer dies. In these circumstances assessments will be made to consider what arrangements, including alternative arrangements for the child/young person if this is in their best interests, and supports need to be in place. It

should be noted that there is provision with the Regulations for placements to continue pending the approval of other adults in the household as Formal Kinship Carers (where this is appropriate).

- 10.8.5 Where there are any significant changes within the Formal Kinship Carer household, these must be advised to Social Work. Further information on this is provided in Section 7 – Formal Kinship Carer Agreements.

SECTION 11: CHILDREN AND YOUNG PEOPLE – Safety and Child Protection

11.1 General

- 11.1.1 Formal Kinship Carers are responsible for the wellbeing, safety and protection of any children and young people placed with them. Social Workers, other Council staff as well as others involved in the Care Plan for the child/young person share this responsibility. Each has a role to play in safeguarding children and young people.
- 11.1.2 There are matters of concern which require consideration of child protection measures. There are also the wider safety matters which Formal Kinship Carers are expected to manage in their day to day care of children and young people.
- 11.1.3 Information on both of these areas now follows.

11.2 Child Protection

- 11.2.1 In all instances where there is an allegation or a suspicion that a child/young person who is looked after in a Formal Kinship Care placement may have been abused or may be at risk of being abused, the EDC Child Protection Procedures: Responsibilities of the Social Work Services in Protecting Children from Abuse must be followed.
- 11.2.2 All EDC Formal Kinship Carers should have an awareness of the Child Protection Procedures and will be aware of their responsibilities in this regard. Formal Kinship Carers should know that if they have concerns that a child/young person in their care may be at risk of abuse or the child/young person or another person discloses previous harm, they should report this immediately to the child/young person's Social Worker or Team Manager, or the duty service, or the Care Planning and Placement Team. Out of hours, the emergency Social Work Standby Service should be contacted.
- 11.2.3 All Social Work Services staff should also have an awareness of the Child Protection Procedures; those staff who are employed in posts where their role involves them in working with children, young people and their families will also have practice based knowledge of using the procedures.
- 11.2.4 The Child Protection Procedures are available on the EDC web site; they are not replicated within this Formal Kinship Procedure and Operational Guidance but can be accessed through the following link:

<http://www.eastdunbarton.gov.uk/PDF/SW%20C&F%20Social%20Work%20Child%20Protection%20Procedures.pdf>

- 11.2.5 In addition, further information on child protection is available on the EDC Child Protection Committee webpages, which can be accessed through the following link: <http://www.edpc.org.uk>
- 11.2.6 The Child Protection Procedures includes information on:
- Referrals and initial inquiries
 - Investigations into allegations of abuse of children living at home
 - Sexual abuse by children or young people within the family and/or in the community
 - Children placed in accommodation by EDC under a child protection order
 - Medical examination and assessment
 - Investigations by the Social Work Standby Service
 - Legal measures
 - Child protection conferences
 - Post child protection registration
 - Child protection case recording
 - Investigation of allegations of abuse of children in foster care
 - Investigation of allegations of abuse of children in residential care
 - Support to child witnesses.
 - Child protection and criminal justice
 - Criminal injuries compensation for children who have been abused.

11.3 Wider Safety Matters

- 11.3.1 Part of the assessment of Formal Kinship Carers is concerned about the ability to provide a safe environment for children and young people, to provide safe care and to protect them from harm.
- 11.3.2 The Placement Agreements and Care Plans relating to individual children and young people in placement will provide further clarity about any areas of particular concern regarding safety about which the Formal Kinship Carer should be aware, and where appropriate, address.
- 11.3.3 Supervising Social Workers will provide Formal Kinship Carers with guidance on areas of children and young people's safety. This includes matters related to:
- Personal safety - Sexual health; tobacco, alcohol and other harmful substances
 - Accident Prevention
 - Fire Safety
 - Window Safety
 - Potentially dangerous animals
 - Firearms and weapons
 - Outdoor Activities
 - Overnight Stays.

- 11.3.4 In relation to overnight stays, there are times when children and young people in Formal Kinship Care placements may want to stay with friends occasionally and it may be valuable for them to have these experiences when relationships of some substance have been built up. No arrangements for overnight stays can be made without discussion with the Supervising Social Worker and child/young person's Social Worker.
- 11.3.5 Any restrictions on a child/young person's contacts with others, e.g. through existing orders, authorisations or warrants, must be adhered to. Where a Permanency Order is in place and where ancillary powers are noted, then those powers apply.
- 11.3.6 When overnight stays are requested by children/young people, as well as the child/young person's Social Worker making relevant enquiries and safety checks, the following is essential:
- The Formal Kinship Carer must know the name and address of the person with whom the child/young person is to stay; where this is the home of a friend that the child/young person has made since being in placement, the Formal Kinship Carer must know the adults/family concerned
 - The Formal Kinship Carer or Social Worker must contact the adults at the proposed address to ensure the child/young person is expected and welcome
 - A time for going to and returning from the visit must be agreed between the Formal Kinship Carer and those with whom the child/young person is to stay
 - It must be agreed that the child/young person does not go off and stay elsewhere
 - If the child/young person is staying overnight with a friend who is part of the household of another Formal Kinship Carer, that 'friend's' Social Worker and the Care Planning and Placement Team for that Formal Kinship Carer must be advised
 - Existing contact arrangements should not be interfered with, nor should the child/young person's usual routines.
- 11.3.7 The safety checks may include Disclosure Scotland checks. This will depend on the circumstances of the household being visited (e.g. Disclosure Scotland checks will already have been done on Formal Kinship Carer households).
- 11.3.8 Where the timing does not allow for Disclosure Scotland checks to be undertaken, the Social Worker for the child/young person must discuss this with their Team Manager. Should there be a decision to allow the overnight stay, this will be on the basis that the adults within the household of the person with whom the child/young person is staying has in any case agreed to a Disclosure Scotland check being undertaken.
- 11.3.9 The advice to Formal Kinship Carers includes key questions to consider with regards to overnight stays; these are:
- How old is the child/young person?

- How long have they been friends with the other child/young person?
- Do they know the other child/young person and family well?
- What are the views of the child/young person's parents?
- Has the child/young person stayed with these people before and, if so, how did it go?
- Does this child/young person require special care or constant supervision?
- What are the sleeping arrangements? Does the child/young person have their own room?
- Do you have doubts about the suitability of the family? (If so, saying 'no' to an overnight stay is the safest option).

SECTION 12: CHILDREN AND YOUNG PEOPLE – Contact Arrangements

12.1 Contact – General

- 12.1.1 EDC has a duty (under section 17(1)(c) of the Children (Scotland) Act 1995) to take steps “to promote on a regular basis, personal relations and direct contact between the child and any person with parental responsibilities”. This duty is qualified in that EDC should make these arrangements so far as they are practicable and appropriate, and taking into account our duty to safeguard and protect a child/young person’s welfare as the paramount concern.
- 12.1.2 When children/young people are looked after away from home, decisions about contact arrangements are made through the Looked After Child Review process. It is the responsibility of the Social Worker allocated to the child/young person to assess their need for contact. The assessment will take account of the views of the child/young person and their parent/s. When children and young people are looked after within Formal Kinship Care, there should be discussion too with the Formal Kinship Carer/s about the contact arrangements. In the case of emergency placements, decisions about interim contact arrangements will be made. This will be done through discussion by the Social Worker with their Team Manager and reconsidered at the first Looked After Child Review.
- 12.1.3 During the preparation and assessment of prospective Formal Kinship Carers, the issue of contact is explained and explored and all EDC approved Formal Kinship Carers should be aware of the general expectations on them around contact and that this is part of the child/young person’s Care Plan. However, arrangements will vary from child to child and there must be clarity for all - including the Formal Kinship Carer/s - involved in a child /young person’s Care Plan, of the contact arrangements specific to that individual child/young person.
- 12.1.4 The general expectations of EDC Formal Kinship Carers in terms of contact for the children/young people placed with them are that Formal Kinship Carers will:
- Facilitate contact as agreed in the Care Plan. For some children/young people this will include, for example, taking them to / collecting them from the contact location
 - Support the child/young person manage contact, in terms of the emotional impact contact may have on them and helping them make sense of what is happening
 - Keep a record (in line with the general requirements of Formal Kinship Carers to record key information about children/young people in their care) of information about contact, including the emotional impact of this

on the child/young person, any concerns apparent in relation to contact, including any concerns about the child/young person's safety; where concerns are immediate seek advice from the Social Work Service

- Where appropriate, act as gatekeeper/safeguarder in relation to contact which takes the form of telephone calls, letters, etc.
- Keep to the contact arrangements; where this is not possible, Formal Kinship Carers are aware that they must contact the Social Work Service to discuss this
- Discuss with their Supervising Social Worker any difficulties they have in supporting contact.

Under no circumstances do Formal Kinship Carers make arrangements for contact which have not been authorised by the Council.

- 12.1.5 In all cases where contact is part of the care plan for a child/young person, a contact contract is drawn up to ensure clarity about the contact arrangements and expectations, for children/young people and their parents/others involved in the contact.

12.2 Contact – Assessment, Nature, Frequency and Location

- 12.2.1 As noted above, when children/young people are looked after away from home, decisions about contact arrangements are made through the Looked After Child Review process. It is the responsibility of the Social Worker allocated to the child/young person to assess their need for contact with the following:

- Parents
- Family members
- Anyone else with parental responsibilities or rights
- Any other person with whom the child/young person has contact as a result of a court order, a supervision requirement or a Children's Hearing warrant.

- 12.2.2 There may be other individuals with whom the child/young person has personal relationships which are important to them, to their wellbeing and their development, and / or individuals who are seeking a contact order. It is important that the assessment on contact considers such individuals.

- 12.2.3 When more than one child/young person from the same family are placed away from home, their need for contact should be assessed individually. Where siblings are not in the same placement, it may be appropriate for frequent contact with each other. There will be instances, depending on the assessments and plans for the children/young people, when such contact takes place outwith / in addition to any contact with the parents.

- 12.2.4 In assessing the child/young person's need for contact, their views should be sought and taken account of. This does not mean that decisions on contact rest with the child/young person. This decision making responsibility lies with EDC, through the Looked After Child Review process.

- 12.2.5 Where the assessment and decision is that contact would not be consistent with the child/young person's welfare or / and that contact is not reasonably practicable, the reasons for this should be recorded. This includes recording this in the Minute of the Looked After Child Review meeting.
- 12.2.6 Where it is assessed that contact with a parent presents a risk to the child/young person, it will be necessary for a decision to be made about the option of supervising contact. The reasons for supervision and any conditions that may affect the continuation of the contact should be explained to the parents and the child/young person. The venue for such contact must be appropriate in relation to safety as well as being conducive to achieving the purpose of contact.
- 12.2.7 In addition to assessing the need for contact, EDC is responsible for encouraging and facilitating contact – where this is practicable, appropriate and supportive of the child/young person's welfare.
- 12.2.8 The Social Worker allocated to the child/young person is responsible for arranging the contact.
- 12.2.9 In relation to the need for contact with siblings and others, the assessment needs to consider the same kind of detail as that for parents (e.g. purpose, nature, etc).
- 12.2.10 There may be instances where there is disagreement between a child/young person and their parent/s about contact with particular individuals. Decisions in such instances will be made on the same basis as any assessment of contact, taking into account our duty to safeguard and protect a child/young person's welfare as the paramount concern.
- 12.2.11 Where the person with whom contact is being considered does not have parental responsibilities for the child/young person, there be occasions when a Disclosure Scotland check will be required should there be evidence to suggest risk to the child/young person.
- 12.2.12 The assessment of the child/young person's need for contact will be considered at Looked After Child Reviews; decisions will be made at the Reviews which determine the nature, frequency and location of contact, as well as whether it is supervised or unsupervised (unless a decision of a Court or Children's Hearing has already determined this). Reasons for supervised contact include ensuring the safety and welfare of the child/young person; using contact as an opportunity for observation as part of an assessment regarding the Care Plan for the child/young person (e.g. assessing the quality of interactions, the responses of a parent to their child, etc).
- 12.2.13 When contact is supervised, in the vast majority of cases this will be done by a Council member of staff. The reasons for the supervision of contact must be explained to the parent/s and to the child/young person, relevant to their age / stage of development.

- 12.2.14 In relation to supervised contact, notes of this must be completed and placed in the child/young person's case file (in accordance with EDC Case Recording Guidance). These observations will inform assessments and decisions on future contact arrangements; they will form part of the evidence of an assessment. The notes should highlight positive aspects of the contact – of the relationships – as well as any negative or risk factors indicated.
- 12.2.15 The nature of contact can take a variety of forms such as direct contact (i.e. face to face contact), contact by letter or telephone. Some contacts are maintained through other means, such as by the exchange of photographs and sending of gifts and cards.
- 12.2.16 The frequency and location of contact should be influenced by the purpose of contact, i.e. the best location for the purpose to be fulfilled, and the plan for the child/young person. For example, where the plan is that the child/young person is to return home to his/her parents, contact may take place at a more intensive frequency. The age and stage of development of a child/young person will also be a consideration in determining the frequency of contact; for example, a very young child will need more frequent contact if the purpose of contact includes the maintaining/building of attachments with parents.

12.3 Purpose of Contact

- 12.3.1 It is essential that there is clarity for all involved in the child/young person's Care Plan on the purpose of contact and it is important to discuss this with the child/young person and their parent/s in particular.
- 12.3.2 In general terms, contact should enhance the emotional and developmental wellbeing and progress of children and young people. In addition to this contact arrangements made for children and young people looked after away from home will have a specific purpose for each individual child/young person; this purpose will reflect the Care Plan for the individual.
- 12.3.3 The purpose of contact will be influenced by a variety of factors, such as the particular circumstances of the child/young person, their family, the reasons for being looked after away from home, any contact arrangements in place through a Children's Hearing or Court order and the Care Plan.
- 12.3.4 Some examples of the possible purpose of contact are to:
- Maintain/improve attachments
 - Build/rebuild positive relationships
 - Work on less positive aspects of relationships and for parents to learn new parenting approaches and new parenting skills
 - Work through issues and difficulties
 - Help (the Social Worker) understand the child/young person's relationships
 - Help to assess the stage at which positive change is occurring in the parent/child relationship

- Give the child/young person 'permission' to move on (i.e. in the case of permanent care arrangements).

12.3.5 Contact will be part of the overall Care Plan and support to children/young people and their parent/s will be required – possibly as part of the contact 'session' as well pre and post contact support. Formal Kinship Carers will have a role in the support of children/young people placed with them.

12.4 Contact - Planning and Reviewing
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12.4.1 Taking into account all of the above, an assessment of the child/young person being looked after away from home will therefore include consideration of the value of continuing contact with parents and significant others. The assessment will be discussed at Looked After Child Reviews where decisions on contact will be made (with reference to any decisions on contact made through an order from a Children's Hearing or Court). The purpose and frequency of the contact should be outlined in the child/young person's Care Plan.

12.4.2 The Social Worker allocated to the child/young person is responsible for arranging the contact.

12.4.3 It will be important to monitor contact in an ongoing way, not least to ensure it is taking place as agreed in the Care Plan, but also to determine if the contact is meeting the intended purpose. The progress made, and any issues that arise, in contact should be discussed with the child/young person and parent/s as appropriate. Where contact is regularly not being kept, e.g. where a parent is inconsistent in their uptake of contact arrangements, this should be subject to discussion and review of arrangements.

12.4.4 The Care Plan should be amended (through a Looked After Child Review) where there is clear information to suggest that limitation or termination of contact is necessary. For example, this might be necessary to protect the child/young person from physical or emotional harm, or to ensure their long-term welfare. This decision should be based on consideration of all the factors, including the views of the child/young person. Where there is an assessment that the contact arrangements with a parent should be terminated, this should be brought to the attention of the Fieldwork Manager by the Team Manager.

12.4.5 Where, in the case of a child/young person who is accommodated on a voluntary basis (section 25 arrangements), there is an assessment that contact with a parent/person with parental responsibilities is contrary to the child/young person's best interests, and where the parent person with parental responsibilities wants to continue with contact, the Social Worker should discuss this with the Team Manager. A decision will then be made on how best to respond to secure the child/young person's current and future wellbeing.

- 12.4.6 It is important to remember that even when contact happens infrequently, it may continue to have a value for a child/young person even when there is no question of them returning to their family. For example, it may provide the child/young person with future opportunities for family relationships later on in life or help give the child/young person a live sense of their origins; for some children and young people contact may be important because this allows them to be reassured about the well-being of the people concerned.

SECTION 13: FORMAL KINSHIP CARE PLACEMENT AGREEMENTS

13.1 General

- 13.1.1 A Placement Agreement is required for every child/young person placed in Formal Kinship Care (and some other placements). This is a statutory requirement under Regulation 27 of the Looked After Children (Scotland) Regulations 2009.
- 13.1.2 A Placement Agreement is required when a child/young person begins to be looked after away from home or when there is a change of placement.
- 13.1.3 When Formal Kinship Carers sign a Placement Agreement – thereby agreeing to look after the particular child/young person - they do so taking into account the core information made available by EDC about the child/young person.
- 13.1.4 Schedule 4 of the Regulations sets out the “matters and obligations to be covered” in a Placement Agreement. The information to be provided is around the following areas:
- The child/young person’s personal history and identity; their health, educational, social and personal care needs
 - The child/young person’s G.P., school / nursery
 - Details of any supervision requirement or Court order
 - The child/young person’s plan and the objectives of the placement
 - Financial support of the child/young person during the placement
 - Contact arrangements
 - Consent to medical examination or treatment for the child/young person and to their engagement in any activities
 - Guidance on the circumstances where it is necessary to obtain advance approval from EDC for the child/young person to live temporarily (e.g. holidays, overnight stays with friends) away from the Formal Kinship Carer’s home, or to be cared for temporarily by someone other than the Formal Kinship Carer/s
 - Arrangements, including frequency, for Social Work visits (to the child/young person and to the Formal Kinship Carer) in connection with supervision of the placement and for reviews
 - Compliance by the Formal Kinship Carer with the terms of the EDC Formal Kinship Carer Agreement
 - Co-operation by the Formal Kinship Carer with any arrangements made by EDC.
- 13.1.5 EDC has in place, on Carefirst, a pro forma for the Placement Agreement which once completed will cover all the areas noted above. Through this we provide the core information considered necessary by EDC to enable the

Formal Kinship Carer to provide the appropriate care for the child/young person placed with them.

- 13.1.6 It is the responsibility of the Social Worker allocated to the child/young person to complete the Placement Agreement. Where the allocated Social Worker is not available (e.g. is on annual leave) then it is the responsibility of the Social Worker involved in placing the child/young person to complete this.
- 13.1.7 Where possible, the Placement Agreement should be completed before the placement begins. If this is not possible, for example in the case of emergency placements, the Placement Agreement should be completed, dated and signed prior to leaving the child/young person in the placement. Section 9 on Planned Placements: Placement Agreement Planning Meeting provides further information which should be referred to.
- 13.1.8 There are several parts of the pro forma where signatures are sought. The Placement Agreement details where other signatures are sought (e.g. indicating agreement with medical treatment).
- 13.1.9 In all instances the Placement Agreement must be signed by the:
- Social Worker (who has completed the document)
 - Team Manager responsible for the case management of the child/young person (or if unavailable, by a Duty Team Manager)
 - Formal Kinship Carers with whom the child/young person is placed.
- 13.1.10 Where a child/young person is being placed on a voluntary arrangement through section 25 of the Children (Scotland) Act 1995, the parents / those with parental responsibilities must sign the pro forma indicating their agreement to their child being accommodated by EDC.
- 13.1.11 When there is a change of placement, a new Placement Agreement must be compiled; there will be information contained within the existing Agreement which still applies to the child/young person and clearly this can simply be carried forward onto the new document. The accuracy of the detail should be checked before each Looked After Child Review.

13.2 Placement Agreement and Planning Meetings

- 13.2.1 A Planning Meeting to consider the plan for the child/young person and to formulate a Placement Agreement must take place for every child/young person.
- 13.2.2 Information on this is given in Section 9.

SECTION 14: FORMAL KINSHIP CARERS – Case Records and Record Keeping

14.1 General

- 14.1.1 All local authorities have a duty to compile written case records for every Formal Kinship Carer approved by them and with whom a child/young person has been placed, and also for every prospective Formal Kinship Carer.
- 14.1.2 As is the case for other areas of Social Work Service activity, EDC uses the Carefirst computer system to establish case records for Formal Kinship Carers and prospective Formal Kinship Carers.
- 14.1.3 Case records for prospective and approved Formal Kinship Carers will be opened at the point of the initial enquiry being made. That is, a record will be opened on Carefirst in relation to the enquirer, and from the information provided by the enquirer.
- 14.1.4 In addition to the responsibility for EDC to establish case records as above, approved Formal Kinship Carers are expected to record information in relation to any child/young person placed with them.
- 14.1.5 Where information in a Formal Kinship Carer's case record, or in a child or young person's case record, forms part of EDC's (or another Adoption Agency) adoption records, this must be clearly marked as such. The reason for this is the differences in the rules around access to information.
- 14.1.6 The remainder of this section provides information on Formal Kinship Carer case records and on record keeping by Formal Kinship Carers.

14.2 Case Records for Formal Kinship Carers
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- 14.2.1 In terms of prospective Formal Kinship Carers, the Care Planning and Placement Team Duty Social Worker is responsible for establishing the case record. From that point on, any Social Worker dealing with the prospective Formal Kinship Carers is responsible for recording the detail of that involvement in their case record.
- 14.2.2 There will be times when a prospective Formal Kinship Carer is allocated a Social Worker to carry out an assessment but where they do not go on to become an approved Formal Kinship Carer (e.g. in some cases individuals withdraw part way through the assessment process). In these instances, the allocated Social Worker is responsible for the case record.
- 14.2.3 Case records for prospective Formal Kinship Carers should include the information obtained by EDC in relation to the:

- a) Prospective Formal Kinship Carer
- b) Members of the prospective Formal Kinship Carer's household
- c) Prospective Formal Kinship Carer's family.

This will include any information obtained from third parties, such as local authority checks.

14.2.4 In terms of approved Formal Kinship Carers, their Supervising Social Worker is responsible for ensuring the case record is maintained and updated, in line with the EDC Social Work Procedure and Guidance on Case Recording (2006).

14.2.5 Case records for approved Formal Kinship Carers should include:

- (a) The information obtained by EDC related to the decision to approve the Formal Kinship Carer (e.g. the Formal Kinship Carer Assessment and Annual Review of Approval Assessment, related Formal Kinship Care Panel paperwork, etc)
- (b) The signed Formal Kinship Carer Agreement
- (c) Any Review of Approval
- (d) Any Variation of the terms of Approval
- (e) Any Termination of Approval
- (f) The information obtained by EDC related to any Review, Variation or Termination of Approval of the Formal Kinship Carer
- (g) A record of each placement made with the Formal Kinship Carer (including the name, age, sex of each child/young person placed; dates on which each placement began and terminated; circumstances of any terminated placement).

14.3 Retention and Confidentiality of Case Records for Formal Kinship Carers

14.3.1 Regulation 32 of the Looked After Children (Scotland) Regulations 2009 sets out the requirements of local authorities with regards to the retention and confidentiality of case records for Formal Kinship Carers.

14.3.2 For prospective and approved Formal Kinship Carers case records must be retained by EDC for twenty five years, at least.

14.3.3 For approved Formal Kinship Carers the twenty five years is from the date their approval is terminated or until their death if earlier.

14.3.4 For prospective Formal Kinship Carers, the twenty five years is from the date the process in respect of becoming a Formal Kinship Carer ended. For

example, for some prospective Formal Kinship Carers this will be the date when the Agency Decision Maker made the decision not to approve; for others this will be at an early stage of their inquiry when they themselves decided not to progress further.

- 14.3.5 EDC has in place arrangements for the secure safe-keeping of case records and the confidentiality of these.
- 14.3.6 In terms of confidentiality, the EDC Confidentiality Policy for Children and Family Services should be followed by all Social Work Services staff.
- 14.3.7 With regard to the safe-keeping of case records Social Work Services staff should follow the guidance provided by their line manager in relation to the arrangements in place for the storage of case records. In addition, the Confidentiality Policy noted above includes a section on keeping information safe.

14.4 Record Keeping by Formal Kinship Carers

- 14.4.1 In looking after a child or young person on behalf of the Council, Formal Kinship Carers are involved in recording information in relation to the child/young person placed with them.
- 14.4.2 The reasons that Formal Kinship Carers must undertake recording include the following:
 - They are asked to relate details of their involvement to Children's Hearings, Looked After Children Reviews, Courts (on occasion) as well as other meetings
 - A record is made for the child/young person of this phase of their life; this can be useful to the child/young person at the time and in later life
 - It helps Formal Kinship Carers and those working with them reflect on events and recognise patterns
 - It helps Formal Kinship Carers protect themselves by ensuring factual information is available should complaints or allegations be made
 - It meets the Service's requirements for accountability.
- 14.4.3 Formal Kinship Carers are supplied with a diary or log book and their Supervising Social Worker will offer guidance on recording practice.
- 14.4.4 Examples of what Formal Kinship Carers are expected to record are noted below. It is important to note that this is not an exhaustive list.
 - Accidents or illnesses and medical or dental appointments
 - Notable progress and achievements

- Requests for help made to any agency
- Contact arrangements for the child/young person; any missed appointments; child/young person's reactions to contact
- Specific care arrangements for the child/young person if s/he is staying elsewhere
- Information from or with regards to school/nursery
- Visits, meetings and arrangements with Social Workers, including reviews
- Things the child/young person has said which cause concern or indicates well-being
- Details of problem behaviours, including what happened before and after
- Detail of occasions when the child/young person has gone missing and where they were found
- Important events or changes in circumstances for the child/young person
- Police involvement, damage to property.

14.4.5 Formal Kinship Carers are responsible for ensuring that the recorded information is held in confidence. When a child/young person's placement ends, the information on that child/young person (aside from the diary/log book established by the Formal Kinship Carer) must be returned to the Service – these should be passed back to the Supervising Social Worker. Formal Kinship Carers and Supervising Social Workers are responsible for ensuring that this happens.

14.4.6 Formal Kinship Carers are similarly responsible for ensuring that any information - written and verbal – shared with them related to placed children and young people (and their wider circumstances) is held in confidence.

14.4.7 Written records held by Formal Kinship Carers or any other data held in relation to placed children and young people (and their wider circumstances) must not be held electronically; that is, it is not permitted to store such information on computers, laptops, personal organisers, electronic notebooks, etc. Information about service users should never be relayed by email or by fax. There must be no discussion in public about confidential matters.

14.4.8 Users of Social Work Services have a right to know if the Service holds a file on them. If so, they have a right to apply to read the information written about them. This will include information written by Formal Kinship Carers about children and young people placed with them.

14.4.9 The EDC Confidentiality Policy for Children and Family Services, mentioned above, can be made available to Formal Kinship Carers if required/requested.

SECTION 15: FORMAL KINSHIP CARERS – Allowances

15.1 General

- 15.1.1 Local authorities have a responsibility to provide support to Formal Kinship Carers in terms of the Formal Kinship Carer's role in providing care for children and young people placed with them, this can include financial support. The Looked After Children (Scotland) Regulations 2009 makes provision for local authorities to pay allowances "as they see fit" to Formal Kinship Carers with whom a child or young person has been placed.
- 15.1.2 EDC provides financial provision through payment of allowances for the child/young person.
- 15.1.3 It is important to note that while Formal Kinship Carers are not employed by EDC, where they have been approved by our Formal Kinship Care Panel and where we have placed children and young people with them, they will have entered into an agreement with EDC. This Formal Kinship Carer Agreement outlines the main terms on which the Formal Kinship Carer/s will:
- (i) Provide care for children and young people looked after and placed by East Dunbartonshire Council with the Formal Kinship Carer/s and
 - (ii) Be supported, supervised and remunerated by Social Work Services.
- 15.1.4 Formal Kinship Carers need to consider the possible implications of their role in terms of their tax and national insurance liabilities and government paid benefits. Information on these matters is available for Formal Kinship Carers from the Citizen's Advice Bureau.
- 15.1.5 Detail of the financial provision made by EDC is provided below.

15.2 Allowances

- 15.2.1 An allowance will be paid for each child/young person aged 0 -18. The level of allowance is set by the Council. At the time of writing this Procedure document this is set at £60 per child in placement.
- 15.2.2 Allowances will be subject to annual review by the Council.
- 15.2.3 Allowances are paid for 56 weeks over a 52 week period. This provides additional finance for two weeks annual holiday for the child/young person; one week additional payment for birthday expenses; one week additional payment for Christmas/religious or other festival expenses.

15.2.4 However, it should be noted that there are times when there will be deductions made from the allowances paid to Formal Kinship Carers, relating to periods when the child/young person is not in placement. Examples being when:

- A Formal Kinship Carer requests respite
- A child/young person spends an extended period with their parent as part of a rehabilitation plan
- A child/young person goes on holiday where the holiday does not involve the Formal Kinship Carers, e.g. a holiday organised by the school.

This is not an exhaustive list but examples only, to indicate the types of circumstances when allowances/proportions of allowances are deducted from payments to Formal Kinship Carers.

15.2.5 Allowances will be paid on a fortnightly basis in advance. Any over payments will be reclaimed from Formal Kinship Carers and Formal Kinship Carers should alert their Supervising Social Worker if they are continuing to be paid when placements have ended.

15.2.6 The allowance is intended to assist the Formal Kinship Carer cover the costs related to the overall care of the child/young person, including:

- Food and drink – and this includes that required outwith the home, such as school dinners/packed lunches, and food and drinks' costs linked to social activities
- Clothing – which includes school uniforms and PE equipment
- Transport – this will include the travel costs associated with outings, all normal social travel, the child/young person and Formal Kinship Carer's' travel to relevant appointments/meetings and to nursery and places of education
- Where it is the decision of a Looked After Children Review to facilitate attendance at a school remote from the Formal Kinship Care home (that is, where travel to and from the school exceeds 100 miles a week) the additional transport costs will be met by the Service
- Entertainment, Sports, Hobbies – including the provision for leisure and cultural activities
- Personal – including pocket money, phone calls (including mobile phones), toiletries and domestic expenses incurred by the Formal Kinship Carer/s on behalf of the child/young person
- Holidays – including expenses involved in school holiday arrangements and in days out
- Household expenses/contribution to the general household overheads – that is, any other domestic expenses incurred by the Formal Kinship

Carer/s on behalf of the child/young person. For example, for the provision of furniture, equipment and bedding usual for the child/young person's age and stage; contribution to the overheads of heating, washing, maintenance, house payments, insurance and utility bills.

- Formal Kinship Carers need to be clear that EDC has no responsibility for phone line rentals or the cost of local calls (i.e. within central Scotland) or occasional longer distance calls, or provision or payment for mobile phones. Further, that EDC has no responsibility for payments towards the purchase, maintenance or insurance of Formal Kinship Carer's' vehicles or homes.

SECTION 16: FORMAL KINSHIP CARERS – Training, Support and Supervision

16.1 General

- 16.1.1 Where EDC has approved a Formal Kinship Carer through the EDC Formal Kinship Care Panel, EDC has a responsibility to provide training, support and supervision to those Formal Kinship Carers.
- 16.1.2 In some instances, the work undertaken during the Formal Kinship Care preparation and assessment process will have identified some specific training and support needs. However, these matters will continue to be subject to discussion and review, with the Supervising Social Worker being responsible for ensuring these matters are addressed.
- 16.1.3 This training, support and supervision is related to enabling Formal Kinship Carers to meet the needs of those placed with them and to improve their outcomes.
- 16.1.4 In addition to the role of the Supervising Social Worker, the child/young person's Social Worker has a duty to safeguard children and young people placed, to monitor the quality of their placements and to ensure their Care Plans are being implemented as agreed.
- 16.1.5 The Formal Kinship Carer Agreement outlines the responsibilities of EDC and of Formal Kinship Carers with regards these matters. (See Section 7).

16.2 Training for Formal Kinship Carers
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- 16.2.1 It is EDC's position that Formal Kinship Carers should be provided with training which supports them and their families in further developing the skills needed for the Formal Kinship Care task for which they have been approved.
- 16.2.2 Some training will apply to all Formal Kinship Carers while other training will be about addressing the training needs of individual Formal Kinship Carers (for example, in relation to the care needs of a specific child/young person). Not all learning will be through formal training and the ongoing supervision and support process will provide Formal Kinship Carers with learning opportunities. (An example of this is in regard to guidance on receiving, recording, storing and passing on information).
- 16.2.3 Formal Kinship Carers are expected to take up training opportunities as part of their commitment to the Formal Kinship Care task and to the children/young people they look after. Where it has been assessed that the needs of the child/young person placed requires the Formal Kinship Carer to undertake specific training, it is expected that the Formal Kinship Carer

will do this. It is important that Formal Kinship Carers realise that an unnecessary failure to take up such training could jeopardise their approval status, and/or its terms.

16.2.4 The Care Planning and Placement Team provides information about the timing, availability and range of opportunities available and Supervising Social Workers will help Formal Kinship Carers review their training needs at least on an annual basis.

16.2.5 The Service aims to ensure training to all Formal Kinship Carers on:

- Child protection awareness
- Safe care (follow up training relating to safe care of emotionally and sexually vulnerable children/young people)
- Emergency first aid (relevant to the age range of children/young people in their remit)
- New procedures or legislation, where appropriate.

16.2.6 In respect of specific children/young people placed or within their remit, Formal Kinship Carers may also require training on:

- Moving and handling
- Health related topics (for instance in relation to children who have epilepsy or breathing problems, or have severe allergic reactions).

16.2.7 Formal Kinship Carers who provide placements for children/young people who may need urgent treatment, for example in relation to epilepsy, diabetes, respiratory problems or severe allergic reactions, must have the relevant training before placement. It is the responsibility of the Supervising Social Worker to ensure such training is undertaken.

16.2.8 Training may be provided through a variety of means, such as Formal Kinship Carer support groups, the individual sessions between the Supervising Social Worker and Formal Kinship Carer, the NHS or other sources. On occasion, it may be appropriate to provide opportunities for Formal Kinship Carer/s' children to take part in training.

16.3 Support and Supervision of Formal Kinship Carers

16.3.1 Formal Kinship Carers can expect regular planned contact from their Supervising Social Workers. The frequency of face to face contact is likely to be more intensive for new Formal Kinship Carers, around the time of children/young people beginning their placements, or during times of change or unusual stress. The arrangements in relation to each placement will be covered in the individual child/young person's Placement Agreement. Formal Kinship Carers should not hesitate to get in touch with the Service for help and advice if they have any questions or concerns – for instance, in relation to the sufficiency of contact with their Supervising Social Worker, or the Social Worker for the child/young person placed.

16.3.2 Supervising Social Workers are involved in the arrangement, support, supervision, review and ending of placements; they are a first line of professional support for Formal Kinship Carers and their families. The general responsibilities placed on them as registered Social Workers and through their employment with the Council will always apply in every aspect of a Supervising Social Worker's practice. Specific aspects of the role of the Supervising Social Worker include the following:

- Supervision of placements (e.g. safeguarding of children and young people and promoting their welfare; standards of care; monitoring and assessing the implementation of the Placement Agreement, the Formal Kinship Carer Agreement, etc)
- Assessment (e.g. of parenting capacity being demonstrated in the ongoing care of children and young people; for reviews of approval, etc)
- Advice to Formal Kinship Carers with regards expectations (e.g. record keeping by Formal Kinship Carers, etc)
- Support to the Formal Kinship Carer and where appropriate their children (e.g. supporting Formal Kinship Carers through attendance with them at meetings, such as Looked After Child Reviews; discussion of issues or concerns raised by Formal Kinship Carers; ensuring arrangements have been made for the payment of fees and allowances; etc)
- Provision of information (e.g. with regards Council policy and procedure; with regards parenting issues; with regards services; specific reports on children/young people; etc)
- Attendance at meetings related to the Formal Kinship Carer or placement (e.g. Placement Agreement Planning Meeting, Looked After Child Review, etc)
- Case Recording and maintaining information systems in relation to the Formal Kinship Carer and placements (e.g. Carefirst; dates of placements, reviews, attendance at children/young people's meetings, support groups and training; etc)
- Setting up and monitoring a Training Record
- Preparation of Reports
- Liaising and working jointly with the (placed) child/young person's Social Worker, other Council staff and staff from other agencies where required and appropriate
- Liaising and working jointly with relevant others (e.g. Social Workers, Formal Kinship Carers, children and young people) in relation to siblings of children/young people in placement

- Arranging and participating in joint visits with the Social Worker for the child/young person.

This is not a definitive list but an indication of the role of the Supervising Social Worker.

16.3.3 As noted in Section 9.7, the Council has in place minimum standards for visits to Formal Kinship Care placements by Social Work. In relation to Supervising Social Workers this is as follows:

- a) The Supervising Social Worker will visit on at least a four weekly basis, in terms of the role they have in supervising the placement and providing support.
- b) There will also be (at a minimum) one joint visit by the Supervising Social Worker and the child/young person's allocated Social Worker on a quarterly basis (i.e. every three months). This quarterly joint visit should take place in the lead up to the child/young person's Looked After Child Review and should be used in preparation for the Review (so, for example, assessing progress, issues, etc).
- c) A minimum of two unannounced visits by the Supervising Social Worker each year (see below)

And, notwithstanding the above –

- d) In accordance with the arrangements made by Looked After Reviews, and reflected in the child/young person's Care Plan and the Placement Agreement
- e) On any occasion where EDC consider it necessary or appropriate to safeguard or promote the welfare of the child/young person
- f) On any occasion where EDC consider it necessary or appropriate to provide support and assistance to the child/young person's Formal Kinship Carer for the purpose of safeguarding or promoting the welfare of the child/young person
- g) Where reasonably requested to do so by the child/young person or their Formal Kinship Carer.

SECTION 17: ALLEGATIONS AGAINST FORMAL KINSHIP CARERS

17.1 General

- 17.1.1 EDC has a duty to safeguard and promote the welfare of all children and young people who are looked after. In carrying out this duty, EDC has a responsibility to regard the welfare of those children and young people as its paramount concern. Formal Kinship Carers, on behalf of EDC, safeguard and promote the welfare of children and young people placed with them.
- 17.1.2 The welfare of children and young people includes their right to be protected from all forms of abuse, neglect and exploitation. In many instances, children and young people are placed with Formal Kinship Carers as part of a plan to protect them.
- 17.1.3 There are times nonetheless when allegations are made against Formal Kinship Carers. It is essential that all relevant staff are clear about how to respond to such allegations.
- 17.1.4 It is also important that Formal Kinship Carers know how EDC may respond to allegations made against them and that children and young people who make allegations know what to expect in response.

17.2 Allegations against Formal Kinship Carers

- 17.2.1 In all instances where abuse is alleged or suspected, the EDC Child Protection Procedures: Responsibilities of the Social Work Service in Protecting Children from Abuse, must be followed. The paramount consideration is the safety and welfare of the child/young person, whatever their current care arrangements.
- 17.2.2 The EDC Child Protection Procedures for the Social Work Service sets out the steps to be followed when there is an allegation or suspicion of abuse of looked after children and young people within Foster Care placements. At the time of writing the Child Protection Procedures Formal Kinship Care was not in place through the Regulations. Until those procedures are updated, the steps to be followed when there is an allegation or suspicion of abuse of looked after children and young people within Foster Care placements should be followed with regards any such allegation against Formal Kinship Carers.
- 17.2.3 Section 11 of these Formal Kinship Care Procedures and Operational Guidance provides some further information on child protection matters and web links to the Child Protection Procedures.

17.3 Formal Kinship Carers – Advice and Support

- 17.3.1 In addition to the duty to protect children and young people, EDC has a duty of care towards Formal Kinship Carers. Formal Kinship Carers about whom an allegation of abuse has been made will receive clear advice about the process and timing, though not necessarily about the detail, of the investigation.
- 17.3.2 The Child Protection Procedures outline the role of the Supervising Social Worker in their work with Foster Carers during the child protection process; this is also their role with regards Formal Kinship Carers. Supervising Social Workers have a role in ensuring Formal Kinship Carers have adequate information about what is happening, and about potential sources of advice and support. Supervising Social Workers cannot discuss the detail of the allegation with Formal Kinship Carers and will not be involved in investigating allegations.
- 17.3.3 The person appointed to co-ordinate an investigation cannot be involved in support and supervision of the Formal Kinship Carer. This person will, in consultation with others, recommend to Senior Management any immediate support or protective measures that are necessary, for instance, in relation to children and young people's living arrangements. Children/young people should not have to change placement, or lose the support of services they need, unless this is the only immediate solution. While the priority is security for the child/young person involved, this will take into account the need to minimise distress and disturbance for them.
- 17.3.4 It is the responsibility of Senior Managers of the Service to decide, on the basis of the available information, if a Formal Kinship Carer approval should be suspended as a precaution during the Child Protection Investigation. This would be considered, for instance, if there are reasons to believe children/young people might be at risk should the Formal Kinship Carer continue in their role; or if the continued presence of an alleged abuser could impede the ongoing investigation. The situation of a Formal Kinship Carer's own children may need to be investigated in accordance with the Child Protection Procedures.
- 17.3.5 If it is decided to move any children/young people placed with the Formal Kinship Carers, if it is considered necessary this can happen immediately and without any period of notice or advance written notice. Should this occur, written notice of the decision and confirmation of the date that the placement ended will be given as soon as possible to the persons and agencies that EDC is obliged to notify under the Looked After Children Regulations; written notice will be given to Formal Kinship Carers at the same time. As in all Child Protection Investigations (see above) the need for a Child Protection Case Conference will be considered in the initial stages of the process.
- 17.3.6 After completion of a Child Protection Investigation, unless the allegation has been judged to be completely unfounded, there will be a Formal Kinship Carer Review. The Formal Kinship Care Panel will review all the circumstances relating to the Formal Kinship Carer household and make a

recommendation. If no foundation for the allegation has been established, the Formal Kinship Carers and children/young people involved in the allegation may need mediation and counselling, both individually and together. It may be difficult for them to have continued contact with each other. The child/young person's needs would normally be planned through the Looked After Child Review process. The needs of the Formal Kinship Carer and their family should be discussed with the Supervising Social Worker and Care Planning and Placement Team Manager.

- 17.3.7 In some instances, and even after further investigation, it may be that a serious allegation is left unresolved. In the absence of a credible explanation, the Formal Kinship Care Panel will have to consider if the Formal Kinship Carer/s should continue to look after children/young people on behalf of EDC.
- 17.3.8 There may be occasions where the Police may bring a criminal charge against a Formal Kinship Carer or member of their household. The absence of legal proof to the level required of criminal conviction does not always mean that abuse has not occurred. As noted, there can be instances where a serious allegation is left unresolved.
- 17.3.9 If a child/young person has already been referred to the Reporter to the Children's Panel, or is subject to a supervision requirement, the Children's Hearing must be informed of any allegations, no matter what the outcome. The child/young person and/or other person who made the allegation will be told of the outcome of the Investigation in a manner suited to their age and understanding. Written information about the outcome will be sent to the parents of / those with parental responsibilities for the child/young person, the person against whom the allegation was made, and EDC's Child Protection Co-ordinator.
- 17.3.10 Information relevant to the Formal Kinship Carer/s will be retained in their file. Information relevant to the child/young person will be held in his/her file; any references to the Formal Kinship Carer in this would be held in a restricted access section of the child/young person's file.

SECTION 18: COMPLAINTS

18.1 General

- 18.1.1 EDC has procedures in place for dealing with complaints about services, which would include the service around Formal Kinship Care. These are outlined in the Social Work Complaints Procedure Summary which is available on the EDC web site through this link:

[www.eastdunbarton.gov.uk/pdf/Complaints%20Procedure%20\(Social%20Work.pdf](http://www.eastdunbarton.gov.uk/pdf/Complaints%20Procedure%20(Social%20Work.pdf)

- 18.1.2 The definition of a complaint as detailed in the above summary is as follows: “A complaint is when someone is not satisfied with a particular area of service”. The summary goes on to say that a complaint can be made by or for:

- a) A person or group directly or indirectly receiving social work services (including carers and parents)
- b) A person who has been refused a service
- c) Other people whose possible need for a service, which we have the power or responsibility to provide, has come to our attention.

Clearly then, the complaints processes are open to service users and to Formal Kinship Carers.

- 18.1.3 The majority of complaints can be effectively resolved in discussion between the relevant parties, for example between children, young people, Formal Kinship Carers, the Care Planning and Placement Team and/or the child/young person’s Fieldwork Social Work Team.

18.2 Complaints - Children and Young People Looked After in Formal Kinship Care

- 18.2.1 Children and young people in Formal Kinship Care should be made aware of how they may complain or speak to someone independent of the Service. While all adults involved in a child/young person’s care plan have a corporate responsibility to ensure that they do not feel isolated or trapped if they are unhappy about what is happening and that they are aware of their right to complain, the child/young person’s allocated Social Worker has the key responsibility to ensure that children and young people know their rights in regard to this.

- 18.2.2 Children and young people must be helped to understand they can complain and obtain separate support from a variety of sources and processes, examples of which are mentioned below.
- 18.2.3 Many causes of complaint by children/young people can be voiced direct to Formal Kinship Carers and resolved either by talking things through with the Formal Kinship Carer or with the Formal Kinship Carer's help. Where matters cannot be resolved in this way, or through discussion with the Social Work staff involved in the child/young person's care plan, it may be that the Complaints Procedure noted above should be used. Clearly where children and young people wish to make a formal complaint these will be dealt with under the Complaints Procedure.
- 18.2.4 It is the duty of the child/young person's Social Worker to advise young people and children old enough to understand, of the existence and role of the Who Cares? Scotland Officer. There is written information for children/young people, available from Who Cares? Scotland which helps with this. However, Social Workers and Formal Kinship Carers can usefully remind children/young people of these officers' roles as independent listeners and potential advocates for the child/young person.
- 18.2.5 Looked After Child Reviews also provide an opportunity for children and young people to be supported in writing down or saying what they are not happy about. Part of the function of Reviews is to ensure that children/young people's wishes and feelings (including grievances) are taken into account, and that they have trusted or independent people they would feel able to contact if necessary. It is the responsibility of the child/young person's allocated Social Worker to discuss with them whether they would like support in representing their views and feelings to Reviews, and from whom they would like this support. Formal Kinship Carers may also have a role in this.
- 18.2.6 The Chair of the Looked After Child Review, and this is usually a Team Manager, is responsible for ensuring that the issue of supporting / representing the views of the child/young person (whose Review it is) is covered within the discussion at the Review Meeting. Further, the decisions around this should be recorded in the Minute of the Review and, unless it is inappropriate to do so, noted in the Care Plan for the child/young person.
- 18.2.7 Whatever the quality of care, and whatever the good efforts of Formal Kinship Carers and their families, some children and young people may feel isolated with some of their difficult experiences and may need to speak with a person who has no direct responsibility for looking after them. The Looked after Child Reviews have a role in confirming that the child/young person has a named person or persons who they are able to contact for independent help and support.

18.3 Complaints – Formal Kinship Carers
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- 18.3.1 As noted above, the Social Work Service Complaints Procedure is open to Formal Kinship Carers. As is also noted above, the majority of complaints

can be effectively resolved in discussion between the relevant parties – this would apply to instances where complaints are made by or against Formal Kinship Carers. EDC Formal Kinship Carers should have information about the Complaints Procedure; they are provided with this through a variety of means, including the:

- Formal Kinship Carer Agreement
- Complaints, Compliments and Suggestions leaflet (provided by the Service's Care Planning and Placement Team).

18.3.2 Any complaints against Formal Kinship Carers will be handled in accordance with the Service's / EDC's procedures and guidelines for dealing with complaints about services.

18.3.3 However, due to the role that Formal Kinship Carers have there are additional considerations which must be made in responding to a complaint against a Formal Kinship Carer. Specifically, this means that in any complaint against a Formal Kinship Carer the Service must consider whether the nature of the complaint has any implications for any child/young person in their care and any implications for the terms of the Formal Kinship Carer approval.

18.3.4 In the case of a complaint being made against a Formal Kinship Carer, the Supervising Social Worker will ensure that the Formal Kinship Carer is aware of the complaints process and that they have access to advice and support, if required, in this regard.

Legislation, Regulations and National Care Standards - Related to the Formal Kinship Service and Children and Families Social Work

This list is not exhaustive:

- Social Work (Scotland) Act 1968
- Sex Discrimination Act 1975
- Boarding Out and Formal Kinship of Children (Scotland) Regulation 1985
- Race Relations Act 1976, as amended
- Education (Scotland) Act 1980, as amended
- Disability Discrimination Act 1995, as amended
- Children (Scotland) Act 1995, as amended
- Human Rights Act 1998
- Data Protection Act 1998
- Regulation of Care (Requirements as to Care Services) (Scotland) Regulations 2002 and 2004
- Freedom of Information (Scotland) Act 2002
- Protection of Children (Scotland) Act 2003
- Discrimination Act 2005
- National Care Standards Formal Kinship Care and Family Placements Services 2005
- Protection of Children and Prevention of Sexual Offences (Scotland) Act
- Education (Additional Support for Learning) (Scotland) Act 2004, as amended
- Equality Act 2006
- Equality Act (Sexual Orientation) Regulations 2007
- Adoption and Children (Scotland) Act 2007
- Protection of Vulnerable Groups (Scotland) Act 2007
- Looked After Children (Scotland) Regulations 2009
- Children's Hearings (Scotland) Act 2011

THE FORMAL KINSHIP CARE PANEL – INFORMATION ON MEMBERSHIP

Role of the Medical Adviser

The Medical Advisers principal role in relation to the Formal Kinship Care Panel is to look at the completed medical information received from the applicant's G.P., to interpret any relevant issues from this for the Formal Kinship Care Panel and to provide advice on these, with respect to the Formal Kinship Care task.

Some of the medical concerns that arise in applications may be controversial and sometimes may lead to appeal if the acceptance of an application is not recommended by the Formal Kinship Care Panel. Examples of these include lifestyle issues such as obesity or smoking, and attitudes towards mental health episodes in an applicant's background.

As an Adviser, the Medical Adviser does not have a 'voting' role in the recommendations being made by the Formal Kinship Care Panel.

Role of the Legal Adviser

The role of Legal Adviser to the Panel is to provide advice to the Formal Kinship Care Panel in relation to the Formal Kinship Care Panel functions (as detailed in Section 4 of these Procedures); this may include advice in relation to planning for children and young people. The Legal Adviser will know the wider responsibilities the Council has in relation to children and young people who are looked after, as well as to their parents / those with parental responsibilities for them, and take these matters into account when providing advice to the Formal Kinship Care Panel. Advice to the Formal Kinship Care Panel from the legal Adviser may also include circumstances where applicants are not approved and it is considered that legal advice is required.

Death of a Child/Young Person who is Looked After - Funeral Arrangements

Parents who have parental responsibilities, and any other person with parental responsibilities, have responsibility for all the funeral arrangements unless they delegate this to EDC or cannot be found. Support and assistance (e.g. bereavement counselling) should be offered to parents / others to help them make arrangements.

Where the child/young person has been in the placement for a long time, Formal Kinship Carers may feel angry and distressed that that/if they are not able to organise the funeral. This too needs to be dealt with sensitively and support offered.

Where EDC has parental responsibilities and rights, the Lead Officer will identify who is to make the funeral arrangements with the parents, and anyone else with responsibilities or rights. Again, support and assistance should be provided to parents and others. EDC may arrange for the child/young person's body to be buried or cremated; however, EDC should, where possible, assist those with parental responsibilities to take responsibility for arranging the funeral and burial or cremation.

Where it has not been possible to find parents or persons with parental responsibilities, continuing efforts to find them should not delay the funeral. The funeral should be conducted in line with the child/young person's religious persuasion. Where parents or persons with parental responsibilities cannot be found but EDC is aware of the child/young person's religious and cultural background, advice should be sought immediately from that community to ensure compliance with any requirements.

EDC is not authorised to cremate a child/young person's body where this is not in accordance with the practice of the child/young person's religious persuasion.

Sections 28 and 29(2) of the Social Work (Scotland) Act 1968, as amended by the Children (Scotland) Act 1995 Act, enable local authorities to -

- Cause to be buried or, unless it is not in accordance with the practice of the child's religious persuasion, cremated, the body of any deceased child who immediately before his or her death was being looked after by the local authority
- Recover from the estate of the deceased person or from any person liable to maintain him or her immediately before his death expenses incurred in connection with the burial or cremation
- Make payments to the parents, relatives or other persons connected with a child who had been looked after by the local authority for purposes of any of those persons attending the child's funeral if it appears to the local authority that those persons would not otherwise be able to attend without undue hardship and the circumstances warrant the making of such payments.

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