

Kinship Policy for Aberdeenshire Council Reviewed February 2020**1. Purpose**

This paper provides information on Aberdeenshire Council's approach to fulfilling its responsibilities towards children who are living with friends; extended family and kinship carers.

Every child and their situation is unique and a document such as this cannot address this uniqueness. Aberdeenshire Council therefore recommends that advice about particular situations is sought from a solicitor, Citizens Advice or **Aberdeenshire Council's Kinship Care Team on 01888 569260 or by email kinshipcare@aberdeenshire.gov.uk** or in writing to Kinship Care Team Manager, Family Resource Centre, 10 Hatton Road, Turriff, Aberdeenshire, AB53 4LF.

2. Background

Throughout Aberdeenshire and all of Scotland there are many children who are unable to live with their birth family and who, instead, live with friends or extended family.

This is often a private arrangement made by the family without the active involvement of any of the public services. As long as the child is properly taken care of there is no remit for Local Authority involvement (except where [Private Foster Care requirements](#) apply).

In other situations however the Local Authority may have formally placed a child with friends or family and in this situation the child is regarded as being legally 'looked after' by the Local Authority and thus in a "Kinship Care" arrangement.

Aberdeenshire has a strong history of supporting children to remain wherever possible with their families and have had a designated Kinship Care Team since 2010 who offer support and advice to all Kinship Carers.

Aberdeenshire have specific legal duties to assess and approve Kinship Carers via a Kinship Panel where the carers care for children 'looked after' by the Local Authority.

3. Ensuring the wellbeing of 'Looked After' Children.

Where a child or young person is legally 'looked after' by the Local Authority and in a kinship care arrangement, a number of background checks on the Carers will be undertaken. The law also requires the Local Authority to assess the capacity of Kinship Carers to care for and meet the needs of a child/ren in their care.

This "assessment" is undertaken to help ensure that the child is safe and will be well cared for. As part of this process, Carers will also be required to sign a written Kinship Carers Agreement outlining their role and responsibilities.

The overall assessment of the Carers capacity to care for the child is eventually presented to an Independent Panel who are asked to consider approval of carers as Aberdeenshire formal Kinship Carers and make a recommendation to the Local Authority.

4 Support to Prospective and Approved Kinship Carers

4.1 Financial Assistance

From October 2015, the Scottish Government required Local Authorities to pay Kinship Carers a sum of money that is the same as the allowance received by approved Foster Carers (the "parity" payment).

Thus, from the date of placement Kinship Carers, caring for a Looked After child, will receive an interim payment pending the outcome of the assessment being considered at the Panel referred to above.

Following successful approval, carers will receive a backdated payment amounting to the difference between the interim and parity payment from the date the placement commenced or 1 October 2015 - whichever comes first. Parity payments will also commence at that time.

NOTE: Where children live with family members as part of a private family arrangement and are thus not 'Looked After', there is no eligibility for parity payments from the Local Authority.

4.2 Providing Security - Kinship Care Order

On 1 April 2016, Part 13 of the Children and Young People (Scotland) Act 2014 passed into law.

This introduced a 'Kinship Care Order' through which an "eligible person" can obtain:-

- Rights & Responsibilities
- Residence
- Guardianship of a child/ren

In effect this means that the person obtaining a Kinship Care Order secures the child/ren to live with them permanently and has rights and responsibilities for that child/ren.

An eligible child is defined as a child previously 'looked after' or at risk of becoming 'looked after'.

NOTE: A child subject to a Kinship Care Order will not be considered as being 'looked after' by the Local Authority as the Court has deemed the carer legally responsible.

Nevertheless, where a child has been 'looked after' prior to the Order being granted, carers will still be eligible for the financial support described above where they have previously been formally approved by the Panel /Local Authority as Kinship Carers.

In all other situations Aberdeenshire Council will work closely with the Citizens Advice Bureau and support Kinship Carers to access entitlement to any benefits they are eligible for to ensure income is maximised.

4.3 Other Forms of Assistance:

In both sets of circumstances above, Aberdeenshire Council will provide Kinship assistance in such a way as to help safeguard, support and promote the wellbeing of a child, including advice, information and Counselling.