

Annex A: Caring For Someone Else's Child - Options

Adapted from the Family and Friends Care: Statutory Guidance for Local Authorities DfE (2010)

	Family Care (Informal)	Private Fostering	Family and Friends Foster Care	Unrelated Foster Care	Child Arrangements Order	Special Guardianship Order	Adoption
Route Into the Caring Arrangement	<p>The relative has chosen to take on the care of the child but does not have parental responsibility, and the arrangement was not made by the local authority.</p> <p>The child is not a looked after child;</p> <p>Relatives may perceive the parents to be unable to care for the child;</p> <p>Or the parents may be dead or otherwise not available (e.g. in prison);</p> <p>Or there may be an agreement between relatives due to difficult family circumstances.</p>	<p>This is a private arrangement whereby the child is being care for 28 days or more (or the intention is that the arrangement will last for 28 days more more) by anyone who does not have parental responsibility, and who is not a close relative.</p> <p>Relative means grandparent, brother, sister, uncle or aunt (by full blood, half blood or by marriage or civil partnership) or a step parent. The child is not a looked after child.</p>	<p>The child has been placed with the relative or friend by the local authority, because the person who had been caring for the child was deemed not to be providing suitable care.</p> <p>The child is a looked after child and so the local authority must approve the relative or friend as a local authority foster carer.</p> <p>The child may be accommodated voluntarily with the agreement of the parents or may be subject to a care order.</p>	<p>The child is a looked after child being accommodated by the local authority under section 20 Children Act 1989 or because the child is subject to a care order; but has been placed with a foster carer by the local authority.</p> <p>(Alternatively, the local authority may choose to place a child into residential care where this is considered to best meet the child's needs).</p>	<p>The child may be at risk of becoming 'looked after' and a friend or relative applies for an order, or</p> <p>The child may have been 'looked after' and their foster carer or other relative / friend applies for an order.</p> <p>In either circumstance, application can be made without the support of the parents or the local authority. Relatives may apply for an order after the child has lived with them for a year.</p> <p>Or there can be benign reasons. e.g. after parents' death and in line with a prior agreement between the birth parents and the carer.</p> <p>Child Arrangements Order Procedure</p> <p>Special Guardianship Order Procedures</p>	<p>Looked after children: the LA may decide that the child should be placed for adoption. They can only do so with the consent of the birth parent or under a placement order made by the court.</p> <p>An approved foster carer can apply for an adoption order after a year of caring for the child. Other informal carers could apply for an adoption order if the child has lived with them for a period of 3 years.</p>	

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Parental Responsibility (PR)	Remains with birth parents but the person who cares for the child may do what is reasonable to safeguard or promote the child's welfare.	Remains with birth parents	Remains with birth parents if child accommodated under section 20 CA, or if the child is subject to a care order or emergency protection order the local authority will have parental responsibility and determines the extent to which it may be exercised by others.		Shared by parents and holder of Child Arrangements Order	PR shared with parents and anyone else with parental responsibility for the child. The special guardian may exercise parental responsibility to the exclusion of all other with PR, apart from another special guardian.	Transfer to adopters and relationship with birth parents is severed.
Approval Basis	None	The arrangement is assessed by LA, but the carer is not 'approved' as a local authority foster carer is. The arrangement may be prohibited if assessed by the local authority as unsuitable.	Approved as local authority foster carers in accordance with Fostering Service Regulations. (If child is looked after, carers must be approved as foster carers even if close relative.		Appointed by court following application.	Appointed by court following application from applicant. LA must investigate the matter and prepare a report for the court dealing with the suitability of the applicant to be a special guardian.	Adoption agency assesses and approves prospective adopters, court makes order regarding specific child. If the child is not looked after then notice of intention to adopt must be given to the LA who then carry out an assessment / report for the court.
Duration	Subject to discretion of person with PR	Subject to discretion of person with PR and readiness of private foster carer.	So long as placement remains in line with child's care plan as determined by LA.		Age 18	Age 18 unless varied or discharged by the court before the child reaches 18 years.	Permanent lifelong relationship.

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Placement Supervision	None	It is not a placement, but there are statutory visits to child by social worker (minimum 6 weekly in first year, then 12 weekly)	Statutory: visits to child by social worker and supervision of foster carers by supervising social worker.		---	None	When child is placed for adoption by the LA, the placement is supervised and there are statutory reviews. Once the adoption order is made, none.
Review of Placement	None	It is not a placement, but the LA may do formal reviews in addition to ongoing assessment during visits.	Statutory review of child's care plan (minimum 6 monthly) an annual reviews of local authority foster carers' approval.		None	None	See Above
Support Services	No entitlement but the LA may assess the child as a child in need, with a child in need plan, and provide services / support for child / family under section 17 of the Children Act 1989.	Provision of advice and support as determined necessary by the LA, which may assess the child as a child in need, with a child in need plan, and provide services / support for child/family under section 17 of the Children Act 1989.	Support to meet child's needs including health plan and personal education plan. Training and practical support to foster carers in accordance with the Fostering Service regulations, NMS and TSD standards. Young person may be entitled to leaving care support services.		No entitlement (But LA has discretion to provide services / support for child / family under section 17 of the CA)	If a child was looked after prior to making the SGO, LA must assess for need for special guardianship support services. LA has discretion whether to provide support. Young person may be entitled to leaving care support services if was a looked after child prior to making the SGO.	Entitlement to assessment for adoption support services, which may be provided at discretion of LA in accordance with Regulations and NMS.

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Financial Support Entitlement	<p>Can claim child benefit and child tax credit if not being paid to parent.</p> <p>Financial responsibility to maintain the child remains with holders of PR.</p> <p>Guardians Allowance Benefits may payable if both parents have died, or the only surviving parent cannot be found or service 2 years or more prison sentence. See GOV.UK</p>	<p>Can claim child tax benefit and child tax credit if not being paid to parent.</p> <p>Financial responsibility to maintain the child remains with holders of PR.</p>	<p>Child benefit and child tax credit not payable.</p> <p>Weekly allowance to meet the costs of caring for the child. This should meet at least the national minimum rate set by the Department for Education.</p> <p>The Manchester City Council judgement ruled that allowances must be the same for all foster carers, whether or not family & friends</p> <p>Hertfordshire Fostering Information Page</p>		<p>Can claim child benefit and child tax credit if not being paid to parent.</p>	<p>Can claim child tax benefit and child tax credit if not being paid to parent.</p>	<p>Can claim child tax benefit and child tax credit if not being paid to parent.</p> <p>Entitlement to assessment for financial support (party of adoption support) if child looked after prior to order.</p>
Financial Support Discretionary	<p>LA has discretion to make one-off or regular payments under section 17 Children Act</p>	<p>LA has discretion to make one-off or regular payments under section 17</p>	<p>Some fostering providers make an additional payment to recognise the carers' skill, experience and commitment.</p> <p>See Payments for Foster Carers Information</p>	<p>LA has discretion to pay a Child Arrangements Order allowance – usually if child was previously fostered by the carers, or exceptionally if making Child Arrangements Order prevents child</p>	<p>Entitlement to an assessment for financial support under the Special Guardianship Regulations 2005, if child looked after prior to order and meets the criteria in the regulations.</p>	<p>Subject to assessment, one off payments or regular adoption allowance may be paid.</p>	

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					<p>becoming looked after. Any allowance is reviewed annually and is means tested.</p> <p>Allowance date of application to finance is not backdated.</p> <p>Child Arrangements Order</p>	<p>Subject to assessment as above for former foster carers can include an element of remuneration.</p> <p>Regular or on off payments.</p> <p>Any allowances reviewed annually.</p>	