

**14 December 2015****Agenda Item: 5****REPORT OF THE SERVICE DIRECTOR, CHILDREN'S SOCIAL CARE****POLICY AND PROCESS GUIDANCE FOR DISCRETIONARY PAYMENTS  
TOWARDS THE PROVISION OF ADAPTATIONS TO HOMES OF FOSTER  
CARERS, ADOPTIVE PARENTS OR SPECIAL GUARDIANS****Purpose of the Report**

1. This report invites the Committee to comment on the proposed policy and process guidance documents, attached as **Appendix 1**. This policy is applicable where foster carers, adoptive parents or Special Guardians of a child/ren on behalf of Nottinghamshire County Council (NCC) may be considering an adaptation to their property in connection with their role.
2. The Committee is also asked to recommend the proposed policy and process guidance to Policy Committee for approval at its meeting on 6 January 2016.

**Information and Advice**

3. Children's Social Care (CSC) receives requests for financial support from service users (foster carers, adoptive parents, family and friends through Special Guardianship Orders), to adapt their home property to provide a permanent placement for a specific child, or to increase capacity to provide a placement for a non-specific child.
4. There is established custom and practice which involves report submission to Children and Young People's Committee and extensive liaison with Legal Services. However, absence of specific Policy Procedure and Guidance (PPG) has left the Authority potentially vulnerable to legal challenge. This policy provides a comprehensive and clear process, and ensures greater transparency and equitable use of resources, which is targeted at those most in need.
5. The policy is underpinned by principles which inform all decision making. These are that wherever possible children should be able to live in a stable family-based setting for the duration of their childhood with any siblings, and placement moves should be minimal. The process itself should be equitable regardless of placement type. Public funds should be used responsibly and fairly, and the process should be fair and transparent
6. The objectives are clearly defined, which are:
  - to increase the number of placements
  - to provide permanence for specific Looked After child/ren or young people

- to provide permanence for specific children / young people to whom the Local Authority has responsibility.
7. The financial assistance will typically be to adapt or extend the present property to create extra room, or in exceptional circumstances to provide assistance to buy a bigger property to alleviate overcrowding or take extra children.
  8. In order to be eligible to apply for financial assistance, service users must either be foster carers of NCC children, adopters of NCC children, or family and friends/carers of children who are under a Care Order or subject to Care Proceedings.
  9. These eligibility requirements must be in place before an application for an adaptation to a property can be made. Therefore any request for funding made to the County Council must satisfy at least one of the following criteria before it can be considered:
    - to provide extra capacity in their home to care for another child on behalf of NCC
    - to secure a long-term placement for a child already in their care
    - to enable sibling groups for whom they are caring to remain together
    - to meet the needs of a child with multiple disabilities in their care
    - to meet certain health and safety requirements, which otherwise would mean that a child in their care would have to be moved.
  10. Carers must also be the legal owner of the property in question before an application for an adaptation can be considered.
  11. If carers meet one or more of the eligibility requirements outlined above, the social worker should have discussions with the carers, and consider:
    - alternative options for finance
    - the need for legal contracts and charges, including claw back arrangements
    - the ability of the carers to contribute financially towards some of the costs.
  12. Further discussions should also take place with the child/ren's social worker and Independent Reviewing Officer, where appropriate. This will ensure that any decisions are based on full information regarding plans for the child.
  13. If there is merit in the proposal, the Team Manager (Fostering) will agree if an application can be made. It will be made clear to the carers that this does not guarantee that a grant will be made.
  14. Upon the approval of the Team Manager, the carers are required to obtain three quotes for the cost of the proposed building work. The lowest quote is usually the one that is agreed by the County Council.
  15. A new application form has been created, which is completed by the fostering social worker, together with the carer. This includes an analysis of the risk and benefits of the proposed adaptations from the child's perspective.

16. NCC adopts a flexible, shared-cost policy in relation to these grants. Therefore, there is some expectation that carers make a financial contribution to the cost of the adaptation, where possible.
17. If the application for funding is over £2,500, carers complete a Financial Statement. This includes evidence of carers' sources of income and expenditure, Council Tax, mortgage repayments, value of their property, private pensions, court commitments and savings.
18. This information is needed as possible increases to the value of the carer's property and their potential ability to generate income as a result of the funding, are taken in to account. This is in order to determine how much NCC will consider funding, and how much the Council expects carers to contribute as part of the process. It is the responsibility of the Group Manager to make this decision.
19. The completed application form is assessed by the relevant Children's Service Manager, who forwards on to the Group Manager for amounts over £2,500. For amounts in excess of £30,000, a report will be drafted to go to the Children and Young People's Committee.
20. For all amounts approved, carers must sign a Financial Assistance Agreement. For amounts over £10,000, a Legal Charge is also needed. NCC will then authorise payment and the building work can begin.
21. The carers will manage the building project and must obtain the necessary building/planning permissions. It will also be their responsibility to talk to their mortgage provider about the proposed adaptation work if applicable.
22. The Council usually releases the money in three instalments - the last one being when the work has been completed to the satisfaction of a building inspector.
23. The social worker will ensure that the work progresses satisfactorily, and any delays or difficulties are promptly reported back to Team Managers and Service Managers.
24. Approval and tracking of the application is provided within the application form and is overseen by the Service Manager. Improved tracking means that changes in the carer's circumstances can be readily highlighted, and Children and Young People's Payments will set up an alert system to refer back to the Service Manager on an annual basis for review.
25. As potentially large sums of money are involved, legal agreements (as mentioned in **paragraph 20**) will need to be put in place.
26. For amounts up to £10,000, the legal contract is a Financial Assistance Agreement. This details the financial assistance offered, including the conditions by which the grant will be paid, and what will happen if carers breach their part of the agreement. In some circumstances, this may include repayment of the grant if carers choose not to continue as a carer. This must be signed by carers and a representative from NCC.
27. For amounts over £10,000, a Legal Charge is also needed. This makes clear any expectations of carers in connection with the grant, including any terms and conditions of the money being granted. Typically this agreement will set out expectations about a carer's

intention to continue as a carer, and what may happen if they choose to stop caring for a child/ren, including repayment of the grant to NCC.

28. If the application for funding is less than £2,500, NCC will pay in full if the application is successful in the approvals process.

### **Other Options Considered**

29. A working party of representatives from all relevant services and Legal Services reviewed the options thoroughly. The option of not providing any funding whatsoever was rejected as not in the best interests of the children and also potentially not cost effective.
30. Consideration was given to offering loans but this would be very difficult to enforce (for example deducting payments from carers allowances) and was therefore rejected.
31. Reviewing recent cases, it emerged that the greatest impact of adaptations had typically been smaller amounts (approx. £2,500), and therefore these amounts should be made more easy to obtain. The system therefore promotes a relatively straight forward process for carers to apply for up to £2,500 for minor adaptations which could support a child staying with them.

### **Reason/s for Recommendation/s**

32. NCC already regularly awards grants to carers. This policy provides a robust framework, with a clear fair and straightforward process, with clear layers of decision making and accountability.
33. The benefits for NCC are that small investments such as this can provide a longer term saving by a child remaining with an internal foster carer, rather than needing to move to a more expensive external provider. It also promotes good will and encourages carers to stay with the Authority.
34. NCC will not actively promote this scheme, but will ensure social workers are aware of it and have a clear process they can share with carers should a clear need emerge. This process also takes into account the financial ability of carers to contribute, for larger amounts.
35. This means that NCC can be more targeted in its approach, and support carers who cannot afford to make changes to their own property, specifically for a child. It is anticipated that very few applications for larger amounts will be made.

### **Statutory and Policy Implications**

36. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, sustainability and the environment and ways of working and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

## **Financial Implications**

37. Any grants for adaptations under this policy would need to come from existing budgets.

## **Human Rights Implications**

38. A child's right to family life is enhanced when appropriate adaptations are provided.

## **Implications for Service Users**

39. For children, this policy helps support them to remain with carers who are committed to them, and to remain with siblings if the only barrier is space in a house.
40. Carers now have a clear process for consideration of financial support to enable this to happen. The financial assessment makes this a fairer process, so supports those less able to afford this.

## **Public Sector Equality Duty implications**

41. An Equality Impact Assessment (EqIA) has not been completed; there will be no negative effect on those with protected characteristics.

## **RECOMMENDATION/S**

That the Committee:

- 1) comments on the proposed policy and process guidance document, attached as **Appendix 1**, where foster carers, adoptive parents or Special Guardians of a child/ren on behalf of Nottinghamshire County Council (NCC) may be considering an adaptation to their property in connection with their role.
- 2) recommends the proposed policy and process guidance document to Policy Committee for approval at its meeting on 6 January 2016.

**Steve Edwards**

**Service Director, Children's Social Care**

**For any enquiries about this report please contact:**

Shelagh Mitchell  
Group Manager – Access to Resources  
T: 0115 9774169 or 07793 978366  
E: Shelagh.mitchell@nottsc.gov.uk

## **Constitutional Comments (LM 23/11/15)**

42. The recommendations in the report fall within the Terms of Reference of the Children and Young People's Committee.

**Financial Comments (SAS 26/11/15)**

43. The financial implications of this report are contained within paragraph 37 above.

**Background Papers and Published Documents**

None.

**Electoral Division(s) and Member(s) Affected**

All.

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