

5 November 2012

Agenda item: 11

## **REPORT OF THE SERVICE DIRECTOR, CHILDREN'S SOCIAL CARE**

### **PROVISION OF FUNDING FOR HOME EXTENSION TO ENABLE A LOOKED AFTER CHILD TO REMAIN WITH FOSTER PARENTS AS THE SUBJECT OF A SPECIAL GUARDIANSHIP ORDER THROUGHOUT CHILDHOOD**

#### **Purpose of the Report**

1. To seek approval to fund the cost of an extension to the foster carer's home to allow them to continue to care for one child who has been placed with them since May 2010. The carers are seeking a Special Guardianship Order for this child. They wish to continue to foster for the Local Authority. In order to do this they will need to extend their current property from three bedrooms to four, and the estimated cost is £30,000 - £35,000. The discrepancy is due to possible increase in costs once planning is approved which may identify costs not already anticipated. It is hoped that the cost will be kept to a minimum.
2. The Local Authority has been directed by Nottingham County Court to report back on the funding request – the Court are of the view that the carers should be supported to enable them to care for the child as the subject of a Special Guardianship Order. The Children's Guardian is fully supportive of the plan that the child remains with these carers throughout her childhood.
3. Initial plans have been drawn up and estimates sought. Approval would also be required from the mortgage lender regarding the Local Authority's proposal to place a charge over the property. Once funding is agreed a planning application will be made.

#### **Information and Advice**

4. The child is a white British child placed in a family similar to that of her own background. She was accommodated as a subject of Section 20 of the Children Act in 2010 as a result of her parent's continued neglect of her. The child was placed with her brother in her foster placement.
5. In December 2010 Mansfield Magistrates Court approved making a Care Order. The adoption panel was held in August 2011, where the plan for adoption was recommended.
6. The child and her brother remained in placement together until February 2011 when her brother's placement broke down due to his escalating behaviour and significant care needs which the carers did not feel able to meet, he was subsequently placed in an alternative placement. She has remained in the same foster placement since being

placed into care and has expressed a wish to stay with her current foster carers. The child has responded really well to the care she has received and has made excellent progress in terms of her development and social skills. Her needs have been met consistently during her time in foster care.

7. It is recommended she will have ongoing direct contact with her brothers, twice per year. For her mother, direct contact is proposed to take place twice per year. With regard to her father letter box contact is being recommended once per year. The current carers are willing and able to facilitate this and will continue to do so throughout her childhood.

### **Other Options Considered**

8. If the child was to remain the subject of a Care Order, she would then remain a Looked After Child until she reaches the age of 18, and fostering allowances would be payable in respect of her. There would also be ongoing further costs associated with this, including Social Worker intervention and support, additional allowances for clothing and holidays and the cost of Aftercare support services.
9. The Local Authority currently has the option to secure permanency for this child by way of a Special Guardianship Order. In relation to best possible outcomes for her, this gives her the opportunity to be a permanent member of this family with a different legal status to Looked After Children who will also be part of the household. Originally the Local Authority plan was one of adoption; this has changed due to the current carers expressing their wish to pursue a Special Guardianship Order.
10. The White Paper 'Adoption: A New Approach' states that a Special Guardianship Order would:  
  
**'give the carer clear responsibility for all aspects of caring for the child and for taking the decisions to do with their upbringing: The child will no longer be looked after by the Local Authority: Provide a firm foundation to build a lifelong permanent relationship between the child and their carers: Be legally secure: Preserve the basic link between the child and their birth family'**
11. A plan for the child to be adopted outside of her birth family had been placed before the court. It is the view of the Judge dealing with this matter that there is an alternative route to permanency for this child through a Special Guardianship Order to her current carers. This will give her permanency; she already has an existing relationship and attachment to the family who are committed to care for the child through her childhood.
12. Adoption would not be an appropriate plan given that here is a good alternative family who can meet her needs. If an adoption plan was pursued, a placement would be required through an outside agency. The cost of an inter agency placement would be £27,000 and there would be ongoing financial costs associated with this through adoption financial support. Given the child's age, a placement could not be guaranteed.
13. The court will not grant a Placement Order which would allow the Local Authority to place the child for adoption given the current carers' application. The Judge and Children's Guardian are fully aware of the funding issue in this case and that it is being presented to

the Committee. They are supportive of the plan that the child remains in her current placement as the subject of a Special Guardianship Order.

14. The Local Authority will be able to reduce financial risk by having a legal agreement with the carers regarding repayment of the grant should the carers cease to look after the child prior to her reaching the age of 18.
15. This proposal represents Best Value in terms of both financial investment and in terms of best possible outcome for the child. The child can also enjoy an ongoing relationship with her birth sibling which is positive in terms of her understanding of her identity.

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

16. To ensure that the child receives a safe, stable, secure upbringing with carers with whom she has an existing positive relationship. The current carers are experienced foster carers who wish to continue fostering as their career choice.
17. In order to enable them to keep this child as the subject of a Special Guardianship Order and to remain fostering for this Local Authority they would need an extra bedroom. Their property is three bedroomed - they have their own daughter who has her own bedroom, the child has her own bedroom and the carers share the third bedroom. The proposed extension would provide the fourth bedroom which would be used for foster children.
18. For the Local Authority to recruit and assess new carers the cost would be in excess of £12,000.
19. The proposal is that the child remains in her current carers' care, thus avoiding the cost of an inter-agency adoption placement costing £27,000 to the Local Authority plus additional allowances and support costs. The proposal is also that the carers remain Local Authority foster carers thus avoiding the cost of recruiting new carers at a cost of £12,000.

### **Statutory and Policy Implications**

20. This report has been compiled after consideration of implications in respect of finance, equal opportunities, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

### **Implications for Service Users**

21. This child has a right to achieve permanence and long term stability and security within her existing network. It offers the greatest likelihood of success for this child.

### **Financial Implications**

22. The current carers would require an estimated £30,000, up to a maximum of £35,000, to enable such an extension to be completed to their property, which would allow the child to have her own bedroom in the family home. This would be approximately equivalent to

5% of the cost of the child remaining a Looked After Child. Payment of this lump sum would come from the Permanence Team budget and Fostering Team budget and would be subject to a legal charge.

23. As the financial assessment is that the carers are likely to receive a Special Guardianship Order allowance, the carers will not be required to make a financial contribution to the rest of the extension.

### **Human Rights Implications**

24. The family has a right to a private and family life (Article 8) with the least intervention from the Local Authority. This plan would be in line with this directive.

### **Safeguarding of Children Implications**

25. The current arrangements ensure the safety and wellbeing of the child until such a time as she reaches adulthood. Assessments have been carried out which support that the carers are able to meet the child's needs and ensure that she is free from risk of significant harm.

## **RECOMMENDATION/S**

That:

- 1) Approval is given for the extension to the foster carers' home to be carried out at an estimated cost of £30,000, up to a maximum cost of £35,000.
- 2) A legal charge order is made, to ensure that the costs of the extension can be reclaimed/reimbursed if the child does not remain in this placement until adulthood.

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### **Constitutional Comments (LM 23/10/12)**

26. The Children and Young People's Committee has delegated authority within the Constitution to approve the recommendations in the report.

### **Financial Comments (NDR 22/10/12)**

27. The financial implications are set out in paragraphs 22 and 23 of the report.

**Background Papers**

None.

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

All.

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