

3 December 2012

Agenda Item: **11****REPORT OF THE SERVICE DIRECTOR, CHILDREN'S SOCIAL CARE****PROVISION OF FUNDING FOR HOME EXTENSION TO ENABLE A SIBLING
GROUP OF FOUR LOOKED AFTER CHILDREN 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 carers' home to allow them to continue to care for four children who have been placed with them since November 2011. The carers are seeking a Special Guardianship Order for the younger two children and are willing to sign a written agreement to continue to care for the older two children until they have reached adulthood and beyond as they wish to continue to foster for the County Council when the children have decided to leave the family home. In order to do this they will need to extend their current property from four bedrooms to five, with a downstairs toilet. The estimated cost for these works is between £60,000 and £100,000. Unfortunately, it is not possible to more accurately estimate the costs at this stage but work is underway to ensure that accurate estimates are made and costs kept to the minimum (see paragraph 3).
2. The County Council has been directed by Nottingham County Court to report back on the funding request – the Court is of the view that the carers should be supported in this way to enable them to care for the children under the relevant orders for the children. The specific details of the orders are full Care Orders for two children to remain Looked After and Special Guardianship Orders for the other two children. The Children's Guardian is fully supportive of the plan that the children remain with these carers throughout their childhood.
3. Initial plans have been drawn up and accurate estimates are being sought. If the works are to proceed, approval will be required from the carers' mortgage lender regarding the County Councils proposal to place a charge over the property. Once these arrangements are in place, a planning application will be made.

Information and Advice

4. The children (who will be referred to as child A, female aged 7 years old, child B, male aged 5 years old, child C, female aged 2 years old and child D, female aged 1 year old)

were accommodated under police protection in November 2011. The children were the subject of parental physical abuse, emotional abuse, cruelty and chronic neglect. The children are currently subjects of Interim Care Orders under Section 38 of the Children Act 1989.

5. On 18th September 2012 Nottingham County Court ordered that the children should not return to their parents care. There will be a final hearing held on 17th February 2013 in order to secure the placements for the children with their current carers, and to discuss final contact arrangements for the children with their parents.
6. The children's current foster carers have bonded effectively with all four children. They have been fully committed to the children and have been assessed as providing a high quality of care. The children have developed well during this time and are making progress despite their complex needs. The foster carers have expressed a desire to keep all four children together and see this as critical to their development needs. This assessment is supported by the social workers managing this case. As a result they have requested that they be considered as Special Guardians for the two youngest children, child C, female aged 2 years old and child D, female aged 1 year old and to continue to care for the two eldest children, child A, female aged 7 years old and child B, male aged 5 years old as long term foster care. The reason for the different orders is that the foster carers wish to remain in their current role, and they feel that child A and child B will receive all the support they will need throughout their childhood under the County Council's Looked After umbrella.
7. The children have been in their current placement for one year.. During this time the foster carers have recognised the children's individual and complex needs, and demonstrated the ability to provide and respond to those needs in such a manner that all of the children have thrived. It is recognised that this placement needs to be capitalised on in order to secure the children's permanence and future care.
8. A recent independent Psychological assessment has concluded that the children's relationship with each other was the most important key protective factor to consider as they all had a positive attachment with each other. The report recommended that a continuing placement with their current carers would be a suitable means of ensuring this. The Psychologist gave evidence in court on 18 September 2012 to this effect.
9. It is proposed that the children will have direct contact with their mother and birth father four times a year, which will be supervised by their carers and their paternal grandmother. The current carers are willing and able to facilitate this, and will continue to do so throughout their childhood.

Other Options Considered

10. If the two younger children were to remain the subject of a Care Order, they would then remain as Looked After Children until they reach the age of 18 years old, and fostering allowances would be payable in respect of all four children. 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.

11. The Local Authority currently has the option to secure permanency for all four children by way of a Special Guardianship Order in respect of child C and child D and long term foster care for child A and child B. In relation to best possible outcomes for all four siblings, this gives them the opportunity to all be a permanent member of this family and most importantly remain together as a sibling group.
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. If the current foster carers are not able to be supported financially with an extension to their home to create the living space needed, the children would not be able to remain together as a sibling group. The plan for the two younger children, child C and child D would be one of adoption outside of their birth family. This second option has also 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 the younger two children through a Special Guardianship Order to their current carers. This will provide the children with permanency and ensure that they are not separated from their sibling group. All the siblings already have an existing relationship and attachment to the family who are committed to care for them throughout their childhood.
12. Adoption would not be an appropriate plan for child C and child D given that there is a good alternative family who can meet their 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 per child and there would be ongoing financial costs associated with this through adoption financial support. Given the children's ages, and complex physical and emotional needs, a placement together could not be guaranteed.
13. The court will not grant a Placement Order which would allow the County Council 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 children remain in their current placement as the subject of a Special Guardianship Order and long term foster care in order to keep the children together.
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 children prior to them reaching the age of 18 years old.
15. This proposal represents the best value in terms of both financial investment and in securing the best possible outcomes for the children. The children can also enjoy an ongoing relationship with their siblings as the main key protective factor in the children building resilience and achieving their full potential in life.

Reason/s for Recommendation/s

16. To ensure that the children have a safe, stable, secure upbringing with carers with whom they have 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 the carers to keep these children as the subject of a Special Guardianship Order and to remain fostering for this County Council they would need an extra bedroom. Their property is a four bed roomed house and they have their own son who has his own bedroom. Child D is currently in a cot in the foster carer's bedroom, which is not ideal. However due to her physical needs and given that she has to wear callipers on her legs at night this is still in her best interests for the next few months. Child A and child C are sharing a bedroom, and child B has his own bedroom. Given the nature of the sexual abuse the children have suffered, the eldest sibling, child A will require her own bedroom and privacy as she grows and develops. The proposed extension would provide the fifth bedroom which would be used for child A, and it would extend on child B's bedroom. It will also allow for a downstairs toilet which child D desperately needs due to her physical disability.
18. The extension of the foster carers property would involve the front and back of the house being extended due to where the property is situated on the street, and to take into consideration neighbouring properties that may be affected.
19. The proposal is that the children remain in their current carers' care, thus avoiding the cost of an inter-agency adoption placement costing £27,000 per child to the Local Authority plus additional allowances and support costs. The proposal is also that the carers remain County Council 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 the implications in respect of finance, equal opportunities, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment as well as 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. These children have a right to achieve permanence and long term stability and security within their existing network. It offers the greatest likelihood of success for these children.

Financial Implications

22. The current carers would require an estimated £60,000 to £100,000, to enable such an extension to be completed to their property, which would allow the children to have their own bedroom in the family home. This would be approximately equivalent to 10% of the

cost of the two youngest children remaining Looked After. 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. The financial assessment is that the carers are likely to receive a Special Guardianship Order allowance; as a result they would 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 and also ensure that the children remain together as a family unit. This will ensure that when the children reach adulthood they will all have each other as their support network.

Safeguarding of Children Implications

25. The current arrangements ensure the safety and wellbeing of the children until such a time as they reach adulthood. Assessments have been carried out which support that the carers are able to meet the children's long term needs and ensure that they are all 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 between £60,000 and £100,000.
- 2) A legal charge order is made, to ensure that the costs of the extension can be reclaimed or reimbursed if the children do not remain in this placement until adulthood.

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Constitutional Comments (SSR 21/11/12)

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

Financial Comments (NDR 22/11/12)

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

Background Papers

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Electoral Division(s) and Member(s) Affected

All.

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