



Kent County Council

Staying Together Policy

Kent Fostering Service

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Version Control

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2	October 2020	Complete revision of 2012 Policy to include links to all other relevant guidance including Non-Agency Adoption, explanation of three legal orders, amended decision making process to reflect changes to LA structure, amendments to team names: PAST, CAFIS, 18+, inclusion of ASF, updates to terminology, updates to 18+ support, addition of new 'Notification Forms', addition of SGO Guidance Leaflets	Maria Cordrey

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1. Introduction

Kent County Council Integrated Childrens Services recognise the strong and significant relationships that are often established between foster carers, children and young people, and are committed to achieving permanence for them. For some of those children who would otherwise remain in care, 'Staying Together', which was introduced in Kent in 2012, offers alternative permanence options, by foster carers (including connected persons foster carers) making an application for a Non Agency Adoption Order, a Special Guardianship Order (SGO) or a Child Arrangements Order (CAO).

The purpose of the policy is to provide clarity about the eligibility, decision making process and support that is available to foster carers, when considering offering permanence to a child or young person via adoption, SGO or CAO. It should be read in conjunction with the following:

- The '*Permanence Planning Guidance*' [Here](#)
- Practice Guidance: '*Foster Carers who are wishing to secure permanence via a Non-Agency Adoption route to adopt the child/children they are Fostering*' [Here](#)
- '*Special Guardianship Orders Guidance*' [Here](#)
- '*Adoption Order, Special Guardianship Order and Child Arrangement Order Allowances Procedure*' [Here](#)

2. The Orders

A **Non-Agency Adoption Order** is an order which transfers Parental Responsibility (PR) for a child to their adoptive parents, where the child had not originally been placed with the carers for the purposes of adoption. It is intended for those children who require a lifelong commitment from their carers, while developing a new sense of their identity and a healthy understanding of their past.

An adoption cannot be reversed once the adoption order has been granted, except in very rare circumstances. A child who is adopted does not retain any legal ties with their birth mother and father and they become full members of their new family.

A **Special Guardianship Order** is an order appointing one or more individuals to be a child's 'special guardian'. It is intended for those children who cannot live with their birth parents and who would benefit from a legally secure placement, but not necessarily a lifelong commitment involving a change in their identity.

An SGO is less secure than an Adoption Order because it does not end the legal relationship between the child and his/her birth parents.

A **Child Arrangements Order** is an order that regulates with whom and when a child is to live, spend time or otherwise have contact. Similar to an SGO it is intended for those children who would benefit from a legally secure placement, however is the least secure of all the orders under Staying Together because applications can be made to vary the conditions of the order and parents can apply to the court, without the courts permission, to discharge the order.

3. Eligibility

For all Foster Carers and Connected Persons Foster Carers considering making an application for an Adoption Order, SGO or CAO under 'Staying Together' the following criteria must be met:

- The child must be aged 8 years or above, or part of a sibling group that needs to be kept together with a child aged 8 years or above (applications concerning younger children will be considered on a case by case basis by the Area Assistant Director for the child).
- The child must have been looked after by the Foster Carers / Connected Persons Foster Carers for a minimum of one year.
- The Foster Carers / Connected Persons Foster Carers must have received an element of remuneration (fostering reward payment) for the child they have been fostering.
- The child wants to remain living with their Foster Carers/Connected Persons Foster Carers.
- It has been agreed with the carers, the child's social worker, the fostering social worker and the Independent Reviewing Officer (IRO), that the carers can meet the needs of the child / young person.

4. Decision Making Process for Staying Together

It is important that any decision about foster carers making an application to adopt, become Special Guardians or obtain a Child Arrangements Order for the child / young person they are looking after, is based on sound consideration of the potential of the carers to meet the child / young person's needs in the long term and that the team around the child / young person are confident that the decision is in the child / young person's best interests.

The following process must be followed for all Foster Carers considering making an application for permanency under the Staying Together policy:

- Foster Carer(s) informs Fostering Social Worker and child / young person's Social Worker that they are considering making an application for non-agency adoption, SGO or CAO under 'Staying Together'; or professionals feel this may be appropriate and discuss with Foster Carer(s).
- Fostering Social Worker checks that Staying Together Eligibility Criteria (above) is met and requests that Foster Carer(s) completes the 'Notification of

Intention to Adopt' (Appendix A) or 'Notification of Intention to apply for SGO / CAO' (Appendix B) and submits to the child / young person's Service Manager with a copy to the IRO, Child and Fostering Social Workers.

- Where it is considered not to be in the child/young person's best interests for the Foster Carers to apply for an order under Staying Together, the Service Manager will respond promptly to the foster carer explaining the reasons for the decision. The Foster Carer has the right to request the decision is reviewed by the Assistant Area Director, who will aim to provide a response within 28 days of the request.
- Fostering and Child's Social Workers meet with Foster Carer(s) and child/young person (if appropriate) to discuss permanence options, the child/young person's wishes and feelings, the decision-making process including the role of the courts. The Fostering Social Worker should also discuss with the Foster Carers their continued capacity to foster if they have the availability and / or continued role within the wider fostering community (e.g. sessional work).
- Foster Carers advised to seek independent legal advice.
- Child's Social Worker discusses with child/young person's parent/s.
- Permanency Planning Meeting convened by the child's Social Worker and chaired by the child's Team Manager with child / young person (if appropriate), the Foster Carer(s), Fostering Social Worker, Child's Social Worker and Independent Reviewing Officer. This will formally consider the Foster Carers capacity to become the child's permanent carers via legal order.
- Dates for assessment visits and any further information or checks that will need to be completed as part of Adoption, SGO or CAO are agreed between the Foster Carer(s), Fostering and Child's Social Workers.
- Child in Care Review is convened as the application under Staying Together will constitute a significant change in the child's care plan.
- Child's Social Worker amends the Care Plan (Part 1: Overall aim of the plan, 4.6: Permanent placement with foster carers (intended to last until 18, no return home envisaged and 4.10 Other: foster carer/s wish to adopt, become Special Guardians or apply for CAO under Staying Together).
- Matching Meeting convened to discuss and agree the adoption, SGO or CAO support to be provided to the child / young person and their carers and including family time for the child with their parent(s) or significant others. All agencies involved in post order support must be consulted and be provided with a copy of the support plan, this includes the Post Adoption Support Team (PAST) and Connecting Adoptive Families Independent Services (CAFIS). The plan must be signed by the Foster Carer(s), Child's Social Worker, Fostering Social Worker and Child's Team Manager.
- The Support Plan is presented to the child / young persons area Access and Resources Panel for a decision by the Assistant Area Director.
- Recommendations and Support Plan will be confirmed to the carers by the Assistant Area Director.

- The child's social worker and the fostering social worker are responsible for preparing the court report. Where a Foster Carer is making an application for a legal order under Staying Together, the bulk of the information required may already be before the court in another format (e.g. Connected Persons Foster Carers Assessment) and so the local authority is not required to start from scratch. Instead, the Local Authority should be directed to file a report, which will fulfil the requirements, by providing any missing information and by setting out the remaining information in the form of cross-references to the information already before the court in other reports.
- Application made to court by the Foster Carers.

5. Finance

The Special Guardianship Regulations 2005 (regulation 6), and The Adoption Support Regulations 2005 (regulation 8), set out the conditions under which Adoption Allowances and Special Guardianship Order Allowances are payable. The regulations allow an element of remuneration to the adopters or special guardians where they have previously fostered the child or young person. Payment is discretionary.

Kent County Council under this policy, pay the age-related fostering maintenance and reward, less child benefit, fixed at the age of the child / young person at the point the legal order is made, until they reach 18 years of age. The following principles should be adhered to:

- Financial issues should not be the sole reason for a special guardianship arrangement failing to survive.
- No child should be unfairly disadvantaged because of their status.
- Foster Carers should be treated equally and fairly.
- Support services should not be seen in isolation from mainstream services and it is important to ensure that families are assisted in accessing mainstream services.
- Adoption/Special Guardianship/CAO financial support is payable to the Adopters/Special Guardians/CAO holders to care for the child and meet his/her assessed needs, irrespective of where they are living (including abroad).
- Adopters and Special Guardians/CAO holders should be signposted to access their entitlements to tax credits and social security benefits.
- Foster Carers considering making an application for an Adoption Order, SGO or CAO, should take advice regarding the impact of payments on their taxation and benefits.

In addition to the maintenance and reward payments the foster carers are receiving at the point the legal order is made, the following financial assistance is available from the Local Authority:

Court fee: The initial court fee for an application for a child arrangements order, a special guardianship order or an adoption order will be paid by the local authority.

Initial Legal Consultation: The local authority will pay for an initial legal Consultation with a solicitor outside London at civil legal aid rates up to a limit of £350.00 plus VAT. The solicitor must be able to demonstrate the necessary expertise to represent the applicant/s and the local authority will require an itemised invoice from the solicitor, calculated in accordance with the civil legal aid rates for Private Law Family Proceedings.

Legal fees: In addition to the court application fee and initial consultation fee, the local authority agrees to pay the legal fees of a solicitor outside London at civil legal aid rates up to a maximum of £3,000.00 plus VAT, which must include disbursements and any costs allocated to counsel. The solicitor must be able to demonstrate the necessary expertise to represent the applicant/s and the local authority will require an itemised invoice from the solicitor, calculated in accordance with the current legal aid rates for Private Law Family Proceedings.

Exceptional Legal Fees: If, in exceptional circumstances, additional funding is required, this must be agreed in advance of work being carried out and can only be authorised by a Director or Assistant Director of Children Young People and Education.

Family time expenses: The payment of these expenses is based on an assessment of the child's / young person's needs and must be recorded in the Adoption or Special Guardianship Support Plan. It can cover payment of travel costs and accommodation for the child/young person and their birth family to spend time together.

Supervision of family time between the child/young person and their birth family needs to be based on a risk assessment by the Local Authority. The Local Authority has a contract with the Children's Charity, Barnardo's, and their 'Connecting Adoptive Families Independent Services (CAFIS)'. It is a requirement in the contract that funding is available from Areas to support contact arrangements in post order Adoption and Special Guardianship cases, and this must be budgeted for when supervised family time has been identified as being in the child/young person's best interests.

In exceptional circumstances the Local Authority may also provide financial support with the following:

Building conversions: may only be paid to private homeowners and only in exceptional circumstances (e.g. to provide permanency to a larger sibling group), where it is evidenced that all other options for housing have been explored and a conclusion reached that they are not viable. In such circumstances the Local Authority will put a charge against the property, or request repayment from the carers allowance, if a loan is agreed.

Assistance with Higher Education: young people of secondary school age who are made subject to an order under the Staying Together Policy will be considered for entitlement to receive an equivalent level of support had they remained in care, with respect to Higher or Further education. Consideration will be given on a case by case basis and agreed by the Area Assistant Director or Director for Integrated Children's Services for the child. Kent County Council's 18+ Service must be informed of the proposal.

Disabled Children: payments under the Staying Together Policy will continue until the young person is 18 (the same considerations will be given to support Higher and Further education above). This includes any enhancements that are paid to meet the needs of the child / young person (Standard or Enhanced Disability Payment, Disability Placement Supplement) until the child is 18.

Children and young people in independent Foster Care: when a child/young person lives with independent foster carers the determining factor regarding the level of payment will be whether the child's needs are best met permanently in that setting. IFA carers will be offered the equivalent to the payment that a KCC foster carer would receive in respect of a child of the same age. This includes enhancements payable due to complex needs.

6. Support

Support needs are assessed using the [Adoption & Special Guardianship Order Support Plan](#) .

Any future legal costs associated with any application to vary or discharge the order and future support needs for the child / young person should be included in the plan, and signatures obtained from the carers who are seeking Adoption, SGO or CAO.

Should an assessment be undertaken by the Local Authority that identifies a child requires additional services, the carers should initially seek this via community provision (e.g. local health services, CAMHS, etc). If necessary, the Local Authority would support the family in accessing these services. If appropriate community services are not available, then the Local Authority would consider funding some or all these services, either directly or through the provision of further financial assistance. This includes access to The Adoption Support Fund (ASF), which provides funds to Local Authorities and Regional Adoption Agencies to pay for essential therapeutic services for **eligible** adoptive families and those with Special Guardianship Order (SGO). See SGO Leaflets at Appendix C.

The Local Authority is committed to supporting families to remain together under Staying Together. Therefore, those families committing to caring for a child in accordance with this Policy would be able to access the Post Adoption Support Team (PAST) for children who have been adopted and universal support services for children on an SGO.

Post 18 support, where needed, will be available to young people through the 18+ Service. On reaching the age of 18 the young person will be able to access advice and assistance as a Qualifying Child / Young Person, under the provisions of the Leaving Care Act. They may receive support, advice and assistance (including, in exceptional circumstances, cash or accommodation) wherever they are living. If in full-time further or higher education, this may include contributing financial assistance to living expenses relating to their education or training or making a grant towards meeting their education/training expenses, including in relation to securing vacation accommodation up to the age of 24.

Appendix A

Notification of Intention to Adopt



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Intention to Adopt f

Appendix B

Notification of Intention to apply for Special Guardianship



Notification of
Intention to apply fo

Appendix C

Guide for Special Guardians



Appendix C Guide
for Special Guardian