



Meeting of the

# COMMISSIONERS' DECISION MAKING MEETING

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Wednesday, 29 July 2015 at 6.30 p.m.

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## SUPPLEMENTAL AGENDA

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	PAGE NUMBER	WARD(S) AFFECTED
5.3 Children's and Adult Services - General Grants	1 - 42	All

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<b>Commissioner Decision Report</b> 29 <sup>th</sup> July 2015	 <b>TOWER HAMLETS</b>
<b>Report of:</b> Corporate Director Children’s Social Care and Director Adults Social Care	<b>Classification:</b> Unrestricted
<b>Children’s and Adult Services – General Grants</b>	

<b>Originating Officer(s)</b>	Sajeed Patni, Children’s and Adult Resources, Finance Business Partner
<b>Wards affected</b>	All wards
<b>Key Decision?</b>	Yes
<b>Community Plan Theme</b>	A Healthy and Supportive Community

## Reasons for urgency

The report was published on 24 July 2015, which is less than five clear days between publication and consideration by the Commissioners on 29 July 2015 as is usual practice. The areas contained in this report are however significant areas in terms of service delivery and spend and would benefit from obtaining decisions on each of the areas considered in this report as soon as possible. The intention to determine the applications at the meeting of 29 July 2015 was published more than 28 days in advance of the meeting in accordance with usual practice. It is also arguable that the five clear day requirement in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 does not apply to decisions by the Commissioners.

## Executive Summary

The report addresses a number of payments made by the Children’s Services and Adult Service directorates in respect of allowances for foster carers, adopters and special guardians (collectively referred to as “Carers’ Allowances”), Direct Payments to clients of Adults Social Care and children with disabilities and the Free School Meals provided through a payment to schools for years 3 to 6, and whether these could be grants for the purposes of the Secretary of State’s directions made on 17 December 2014, pursuant to section 15 of the Local Government Act 1999. The report also addresses the correct characterisation of the Department for Education’s (DFE) Pupil Premium Plus scheme.

It is proposed that most of these categories of payments are not grants and that they should proceed in accordance with the Council’s established practice. This applies to: carers’ allowances and payments; direct payments to service users of Adult Social Care and their carers; payments to maintained schools for free school meals for years 3 to 6; and Pupil Premium Plus for looked after children. Payments to independent schools for free school meals are considered to be grants and a

delegation is sought from the Commissioners to the Corporate Director of Children's Services to enable these payments to proceed efficiently.

### **Recommendations:**

The Commissioners are recommended:

1. To consider and comment on the proposal in the report that the following payments are not grants –
  - 1.1 Carers' allowances and payments;
  - 1.2 Direct payments to service users of Adult Social Care and their carers;
  - 1.3 Payments to maintained schools for Free School Meals for years 3 to 6; and
  - 1.4 Pupil Premium Plus for looked after children.
2. To note the Council's intent for these payments to continue in the usual way as outlined in this report.
3. In respect of payments to independent schools for Free School Meals for years 3 to 6, to authorise the Corporate Director of Children's Services to make the awards until the end of 2015/16, in accordance with the current arrangements outlined in this report.

### **1. REASONS FOR THE DECISIONS**

- 1.1 The payments dealt with in the report are made in discharge of the Council's functions in relation to children and adults. There is a need for clarity as to the correct characterisation of the various payments, to ensure they can continue to be made without risking non-compliance with the Secretary of State's directions made on 17 December 2014, pursuant to section 15 of the Local Government Act 1999. In particular, clarity is needed as to whether or not the payments are grants and thus within the responsibility of the Commissioners pursuant to the directions.
- 1.2 The allowances and payments that the Council makes in relation to children who are not cared for by their birth parents following intervention by the Council under the Children Act 1989 or the Adoption and Children Act 2002 either form a contract for service or are necessary to meet an assessed unmet need of the child for care and support and, therefore, are considered to fall outside the definition of a grant.
- 1.3 Payments to adult social care clients, and those who care for them, who receive their assessed personal budget as a direct payment in order for them to be able to manage their own care are necessary to meet an assessed and defined need for care and support and, therefore, are considered to fall outside the definition of a grant. There is an equivalent requirement to offer direct payments to the families of disabled children, or directly to disabled children aged 16 and 17, and these payments are not considered to be grants

for the same reason.

- 1.4 The Council's free school meals scheme for pupils in years 3 to 6 in primary schools in the borough complements the government's Universal Infant Free School Meals (UIFSM) programme, which covers reception to year 2. The payments are made direct to schools to cover the cost of free school meals for those children who are provided with one. The payment is made to schools, as a reimbursement of expenditure. In respect of maintained schools, the funds are transferred from one department of the Council to another and are not considered to be grants for the purposes of the Secretary of State's directions.
- 1.5 The government Pupil Premium scheme for Looked After Children is considered to fall outside the definition of a grant as the Council has no discretion in respect of paying the premium to any pupil who is assessed as being eligible.
- 1.6 The payments made to independent schools in support of the Council's free school meals scheme are considered to be grants and a delegation is considered appropriate to enable these payments to continue to be made efficiently. The independent schools are separate corporate entities and the Council has used its discretion to fund free school meals for year 3-6 pupils at these schools.

## **2. ALTERNATIVE OPTIONS**

- 2.1 The provision of allowances and payments to meet the needs of children removed from their birth parents and Direct Payments for clients of Adult Social care, their carers and disabled children and their families are covered by legislation which places a duty on the Council; there are no alternative options in relation to these areas. In respect of Direct Payments, the duty is to offer this option to all eligible individuals / families.
- 2.2 The provision of free school meals from years 3 to 6 although being considered a valuable benefit for children is not a statutory requirement. The alternative would be to cease the scheme and for children in years 3 to 6, who do not meet the requirement for a statutory free school meal, to no longer have access to a free lunchtime meal in Tower Hamlets Schools.
- 2.3 The Pupil Premium Plus is received from the DFE for the specific purpose of providing additional support for Looked after Children, the funding is for specific use for this purpose only.
- 2.4 In the event that the Commissioners do not accept that the payments for Carers' Allowances and payments, Free School Meals for Maintained Schools and Pupil Premium Plus are not grants, it is recommended that the Commissioners delegate authority to the Corporate Director of Children's Services to make the awards until the end of 2015/16, in accordance with the current arrangements outlined in this report.

- 2.5 In the event that the Commissioners do not accept that the payments for Direct Payments are not grants, it is recommended that the Commissioners delegate authority to the Corporate Director of Adult Services to make the awards until the end of 2015/16, in accordance with the current arrangements outlined in this report.

### **3. DETAILS OF REPORT**

#### **3.1 Carers' Allowances and Payments**

- 3.2 The requirements for making payments to foster carers in England are set out in the National Minimum Standards for Fostering Services and the Fostering Services (England) Regulations 2011 made under the Care Standards Act 2000. The power to prescribe minimum allowances for foster carers through regulations was included in section 49 of the Children Act 2004. Good practice guidance on the National Minimum Fostering Allowance and Fostering Payment Systems was also published in 2011 and sets out the key principles for providing effective payment systems. Almost all types of payments made to foster carers are as set out in the foster carers payments scheme and are considered to be allowances, the scheme which is published on the web, contains clear criteria for the making of payments (Appendix 1 and 2).
- 3.3 Adopting parents and those with a Special Guardianship Order are entitled to support packages to meet the needs of the child based on an assessment. The allowances paid match the element of the fostering allowance which meets the needs of the child but are means tested. Payments to adopters are governed by the Adoption and Children Act 2002 and Adoption Support Services Regulations 2005 and payments to special guardians are governed by Children Act 1989 and Special Guardianship Regulations 2005. Both of these statutory regimes have associated statutory guidance.
- 3.4 The Council has an obligation to pay foster carers, whether they are approved or unapproved. Whilst there may be some discretion as to the amount paid, the Council does not have discretion to decide not to pay. In relation to the amount, this cannot be below the National Minimum Fostering Allowance and the Council may be subject to judicial review in respect of the amount of fostering allowance which it pays. Any discretion the Council has is therefore very much limited, rather than being at large as it would be in the case of a grant. For these reasons, payments to approved foster carers are not considered to be grants.
- 3.5 In addition, payments to approved foster carers include an additional element of remuneration, which means that foster carers are being paid to carry out their caring responsibilities. This is considered to be fundamentally different in character from a grant, in respect of which the Council determines a contribution rather than paying remuneration.

- 3.6 Although no remuneration is generally payable to adopters or special guardians, there is a clear government framework around these allowances, which are provided to meet an assessed unmet need of the child. Regulations set out that adoption and special guardianship allowances must be paid having 'due regard' to the fostering allowances, and the courts have held that this means that the allowances must be based on the element of the fostering allowance which meets the needs of the child (*R (on the application of B) v LB Lewisham* [2008]). The regulations require that those payments are subject to a means test of the carers, as any payment is to address the unmet needs of the child and may be subject to variation in the event that the child's needs change, or the carer's financial situation changes. If the child moves out of the carer's home, the allowance ceases to be payable.
- 3.7 Consequently, the Council has an obligation to pay those adopters and special guardians who are eligible to receive an allowance based on the assessment. Whilst there may be some discretion as to the amount paid, the Council does not have discretion to decide not to pay where the carer is eligible. In relation to the amount, the Council may be subject to judicial review in respect of the amount of allowance which it pays, so any discretion the Council has is very much limited, rather than being at large as it would be in the case of a grant. For these reasons, payments to adopters and special guardians are not considered to be grants.
- 3.8 In exceptional circumstances one-off payments may be made to carers to meet the needs of children placed with them, an example of this is assistance for the purchase of a larger car or for bedroom furniture for the child. Having completed its assessment of the child's needs, and, where appropriate the carer's means, the Council is obliged to meet these needs in accordance with its Allowance Policy and failure to comply would result in legal challenge. Again, the fact that once a child to whom the Council owes a duty has been assessed as having a specific need, the Council has a very limited discretion
- 3.9 **Direct Payments**
- 3.10 Direct payments are monetary payments made to individuals who request such a payment in order to meet some or all of their eligible care and support needs. The total direct payments within Adult Social Care in 2015/16 are currently projected to be £5.624m. The Council has an established monitoring system in place to ensure that direct payments are used for the purposes for which they are made.
- 3.11 Payments are made following an assessment of a person's need for care and support which concludes that an eligible need exists and a personal budget is determined. They are intended to give users greater choice and control over how their care needs are met. Direct payments have been in use in adult social care since the mid-1990s and for a similar amount of time in children's social care. They remain the Government's preferred mechanism for personalised care and support and are largely seen as a vehicle to encourage greater autonomy, flexibility and innovation in the area of social care.

- 3.12 For adults and their carers the legislative context for direct payments is set out in sections 31 – 33 of the Care Act 2014, section 117(2C) of the Mental Health Act 1983 and the Care and Support (Direct Payments) Regulations 2014. Key features of the statutory framework are as follows –
- 3.9.1 Section 31 of the Care Act 2014 requires the Council to provide a direct payment where one is requested by an adult with capacity and section 32 of the Act requires a direct payment to be made where one is requested by an authorised person on behalf of an individual who lacks capacity. This duty on the Council is subject to some prohibitions contained in schedule 1 of the Care and Support (Direct Payments) Regulations 2014 and these prohibitions relate to situations where an individual suffers from alcohol and drug abuse.
  - 3.9.2 There is a degree of discretion as to the amount of a direct payment. However, the payment must be sufficient to enable the service user (or in the case of disabled children, their family) to purchase services to meet their eligible needs, and must be spent on services that meet eligible needs. This sufficiency is determined by way of the assessment and the setting of the Personal Budget. This is determined based upon professional analysis and consideration of the needs of vulnerable adults and children with disabilities.
  - 3.9.3 There may be circumstances where the Council is permitted to request for a contribution, following a financial assessment, from the individual towards their direct payment. In circumstances where section 117 of the Mental Health Act 1983 applies (after care), no such contribution may be requested, as the Council is not able to charge for any service under that legislative provision.
  - 3.9.4 For disabled children and their carers the legislative context is provided by section 17A of the Children Act 1989 and the Community Care, Services for Carers and Children's Services (Direct Payments) (England) Regulations 2009). Where the child is 16 or 17 and the Direct Payment is being made to a carer of that child the rate of that payment must be made at the rate set out in section 57(4)(a) of the Health and Social Care Act 2001.
  - 3.9.5 When utilising the Direct Payment to employ personal assistants an employment relationship is created meaning that the person receiving the Direct Payment becomes responsible for national insurance contributions and other employer responsibilities.
  - 3.9.6 The Council is able to set out an agreement before a Direct Payment is provided which encompasses how the use of the Direct Payment will be monitored. The Council must be satisfied that the direct payment is being used to meet the care and support needs set out in any individual care plan or the child's needs in their Education, Health and Care Plan and therefore should have systems set out which proportionally monitor their use.
  - 3.9.7 The statutory framework makes provision for recovery of unspent monies. For adult social care the Council is permitted to request to recover unspent direct payments either where a condition attached to it is not met or where the service user dies. For children with

disabilities, regulation 15 of the 2009 Regulations provide for repayment of a Direct Payment, either in whole or in part, where the Council is satisfied it has not been used to secure the provision it is related to or a condition is not met. In both situations, in the event there is an unspent amount following a financial year this must be taken into account as part of a review of payments with the amount for the following year adjusted accordingly and where appropriate.

3.10 The payment of an allowance to meet an eligible social care need is considered to be different in character from a grant. The fundamental difference lies in the Council's obligation to provide the payment. Further, the Council has no choice as to the purpose of the payment, as it must be made to meet the assessed needs. Whilst there may be some discretion as to the amount of the payment, that is itself constrained by reference to what is required to enable the eligible needs to be met and a service user would be entitled to judicially review a decision of the Council which he or she considered to be inadequate for this purpose.

### 3.11 **Free School Meals**

3.12 In September 2013 Tower Hamlets implemented a local scheme to provide free school meals for children in Reception and Year 1 who weren't otherwise eligible to receive a free meal. From September 2014 this local scheme was replaced by the DFE's national UIFSM scheme which was funded by the DFE through specific grant to Schools via the LA, this scheme allowed children in Reception to Year 2 who were not otherwise eligible to be provided with a meal. The Council took a decision to implement free school meals for all pupils in Years 3 to 6 from September 2014 for one academic year and this was extended to include the 2015/16 academic year.

3.13 The money for the local Years 3 to 6 scheme is paid to both maintained and independent schools directly by the Council to reimburse schools for the costs incurred by them to provide free school meals. The budget for the local scheme in 2015/16 is £2.8million and is funded from Public Health Grant. The assumptions and calculations for the distribution of the local scheme reflect the DFE assumptions on take-up for UIFSM, termly payments are made to Schools and a final balancing payment is made in term 3 based on pupil take-up data.

### 3.14 **Pupil Premium Plus**

3.15 Pupil Premium Plus is a Department for Education grant to support and promote the education of children and young people in care. The grant generally provides each looked after child £1,900 to support their education but can be higher depending on an assessment of the child's individual needs. The budget for Pupil Premium Plus for looked after children attending schools in Tower Hamlets in 2015/16 is approximately £155k. Local authorities must allocate the fixed sum provided for each FTE looked after pupil on the January 2015 school census.

- 3.16 The Virtual School for looked after children is the Local Authority lead for ensuring that arrangements are in place to improve the educational experiences and outcomes of the authority's looked after children including those placed out of authority. The Virtual School Head (which was made a statutory role in every Council under the Children and Families Act 2014) is responsible for managing the pupil premium funding for the children they look after and for allocating the funding to schools and non-maintained settings. There is DfE guidance which as to how to manage the funding and distribute the funding.
- 3.17 The Council receives a fixed sum of money from Central Government for each looked after child and merely passes this money onto schools. The Council does not have discretion as to which schools receive the funding as this is determined by the school attended by the looked after child and the Council cannot to decide not to pay. Additionally, where looked after child is placed at a maintained school, this would not be a grant as it would not be a gift outside of the Council's corporate identity. Consequently, these payments are not considered to be grants.

#### **4. COMMENTS OF THE CHIEF FINANCE OFFICER**

- 4.1. This report considers a number of different areas of service delivery and spend within the Children's and Adults Services directorates. The areas considered in this report, namely Carers' Allowances, Direct Payments and the Years 3 to 6 Free Schools meals scheme are all currently monitored and managed within each of the directorates' budgets. There are no additional financial implications as a result of the recommendations in this report.

#### **5. LEGAL COMMENTS**

- 5.1. The power of the Commissioners to make decisions in relation to grants arises from directions made by the Secretary of State on 17 December 2014 pursuant to powers under sections 15(5) and 15(6) of the Local Government Act 1999 (the Directions). Paragraph 4(ii) and Annex B of the Directions together provide that, until 31 March 2017, the Council's functions in relation to grants will be exercised by appointed Commissioners, acting jointly or severally. This is subject to an exception in relation to grants made under section 24 of the Housing Grants, Construction and Regeneration Act 1996, for the purposes of section 23 of that Act (disabled facilities grant).
- 5.2. The wording used by the directions is that the Commissioners will exercise the power "relating to the making of grants under any statutory power or duty". There is no definition of grant given under the directions and therefore, the assumption must be that a grant is that which would be deemed to be a grant under the law.
- 5.3. There is no strict legal definition of grant. However, a grant is in the nature of a gift and is based in trust law. However, grants are often given for a purpose so on the face of it the grant appears to be a payment in respect of the

recipient performing some actions and so it is sometimes unclear whether a grant has been made or the arrangement is a contract for services. A contract for services is not a grant and therefore, an arrangement which is classified as a contract for services would be outside the remit of the power conferred upon the commissioners to approve.

- 5.4. There will be many grants which are made by the Council for the purpose of discharging one of its statutory duties. However, as a grant is in the nature of a gift, it is considered there must be some element of discretion on the part of the Council as grantor as to whom a grant is made to and whether this is made. If the Council is under a legal duty to provide a payment to a specific individual or organisation, and cannot lawfully elect not to make such a payment, then that should not amount to a grant.
- 5.5. It is also clear that for a grant to be properly made it needs to be given to another person or organisation. For the purposes of the Council making grants, this therefore, means that the gift has to be made outside the Council's legal identity for a gift to be made. Therefore, a decision to move money from one department to another should not be deemed to be a grant.
- 5.6. One of the key distinguishing features between a grant and a contract for services is that with a contract for services the recipient of the money has a pecuniary interest beyond that in the receipt of the money itself. This is often in the form of taking a profit from the received money or using the money to have a further money making opportunity.
- 5.7. The relevant statutory frameworks governing each of the payments dealt with in this report are set out in the body of the report above. The conclusions reached as to the correct characterisation of each payment are consistent with the outline principles in paragraphs 5.1 to 5.6 above.
- 5.8. In relation to free school meals, the type of school will be important when considering whether or not such an arrangement is for a grant. Where a school is maintained by the Authority, section 49 of the School Standards and Framework Act 1998 provides that the school acts as the Council's agent when spending the money delegated to it by the Local Authority, and the funds remain the property of the Authority. Largely the effect of this is that the Authority and the School have one legal identity and therefore, this would not be a grant as it would not be a gift outside of the Council's corporate identity. However, independent schools are separate legal entities and therefore the use of the council's discretion to extend its scheme to pupils at those schools amounts to a grant.
- 5.9. In carrying out its functions, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who do not (the public sector equality duty). A proportionate level of equality analysis is required to discharge the duty and this is relevantly dealt with in the One Tower Hamlets section of the report.

## **6. ONE TOWER HAMLETS CONSIDERATIONS**

- 6.1. This report considers a number of different areas within the Children's services and Adult Services directorates, there are likely to be no significant impacts to the Equality considerations if the current arrangements for the areas discussed in this report were to continue.

## **7. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT**

- 7.1 The recommendations do not give rise to any relevant implications.

## **8. RISK MANAGEMENT IMPLICATIONS**

- 8.1. The recommendations do not give rise to any relevant implications.

## **9. CRIME AND DISORDER REDUCTION IMPLICATIONS**

- 9.1 The recommendations do not give rise to any relevant implications.

## **10. BEST VALUE IMPLICATIONS**

- 10.1 The Council has a duty to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness by virtue of section 3 of the Local Government Act 1999. This is known as its Best Value Duty.

## **11. Safeguarding Implications**

- 11.1 The recommendations do not give rise to any relevant implications.

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## **Linked Reports, Appendices and Background Documents**

### **Linked Report**

- NONE

### **Appendices**

- Appendix 1 – Guidance on the payment of Allowances
- Appendix 2 – Foster Carers Allowances

### **Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012**

- None



## **LONDON BOROUGH OF TOWER HAMLETS**

### **Guidance on the payment of Special Guardian/Adoption/Arrangement Order Allowances**

**April 2015**

## About this Document

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<i>Title:</i>	Guidance on the payments of allowances in the borough
<i>Purpose:</i>	This guidance relates to payments to Special Guardians, Adopters and Carers with a Residence Order. This guidance is effective from 1 <sup>st</sup> April 2015 and replaces all previous guidance in this area.
<i>Prepared by:</i>	Philip Morgan
<i>Approved by:</i>	Children Services Management Team – 29 <sup>th</sup> June 2015
<i>Effective Date:</i>	1 <sup>st</sup> April 2015
<i>Version Number:</i>	4
<i>Status:</i>	Current
<i>Review Frequency:</i>	Annually
<i>Next review date:</i>	March 2016

# Guidance on the payment of allowances in the London Borough of Tower Hamlets

## Introduction

This guidance relates to payments to Special Guardians, Adopters and Carers with an Arrangement Order ( previously called Residence Orders) and replaces all previous guidance in this area. The guidance is intended to supplement the statutory framework and guidance by offering further assistance to officers and others about how the Council expects the relevant schemes to be operated. The guidance should be read in conjunction with the Council's current Special Guardian, Adoption, and Arrangement procedures which are available on the intranet.

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## Key Principles

1. The relevant statutory framework may permit the Council to decide whether or not to carry out a financial assessment to determine whether an allowance is payable. There will be circumstances in which the Council will refuse to carry out a financial assessment, having regard to its area of responsibility, its limited resources and any other relevant circumstances.
2. There is a presumption that special guardians, adopters and connected persons who hold child arrangement orders will look first to any personal resources, tax credit or benefit available by way of financial support for the child.
3. It is recognised that in circumstances where the Local Authority has issued care proceedings, it is important that the availability of an allowance does not prejudice the parties or court in respect of what type of order it should make at the conclusion of such proceedings, rather than making the order which is in the best interest of the child. Consequently, where the child has been looked after by LBTH immediately prior to the conclusion of care proceedings, the Local Authority will exercise its discretion to pay an allowance in accordance with the council's allowance policy and the outcome of the financial assessment of the proposed carer.
4. Where the Local Authority has asked a connected person to make an application for an SGO, adoption or child arrangement order to avoid the need to issue care proceedings, there being a public interest in avoiding the expense of such proceedings, the Local Authority will use its discretion in accordance with (2) above.
5. The Local Authority will use its discretion in respect of payment of an allowance in accordance with a financial assessment of special guardians and adopters in circumstances where it appears to the Local Authority that unless financial support is provided, a special guardianship or adoption order could not be made due to a financial obstacle.
6. Payment of a special guardianship allowance on the basis of a financial assessment will be made in circumstances where the council considers that the child has special needs requiring expenditure greater than would otherwise be available (having regard to any disability benefits available to meet the child's needs). Additionally, consideration will be given to payment of an enhancement to the allowance, to reflect the additional demands of caring for a child with special needs. Subject to the financial assessment, where a child is in receipt of Disability Living Allowance, the allowance may be enhanced by up to fifty per cent of the Disability Living Allowance rate.
7. Special Guardian, Adoption and Arrangement allowances are aligned to the National Minimum Fostering Allowance rates.
8. Where the Council carries out a financial assessment, this will be under the model means test referred to in this guidance. The model means test indicates the amount of allowance that should be payable. Carers who rely solely on state benefits for income will usually be eligible for the maximum weekly allowance generally payable by the Council less child benefit and child tax credit.
9. Approved Foster Carers who apply to become an adopter or a special guardian for a child they foster for the borough will, on the granting of the adoption order or the special guardianship order, have their weekly allowance, less child benefit and child tax credit, protected for a period of 2 years following the date of the order. If the Foster Carer is an agency carer the weekly rate will be the equivalent Tower Hamlets rate.
10. Special Guardian, Adoption and Arrangement allowances are not authorised until they have been agreed in writing by both the Group Manager for Resources and the Service Manager for Resources.
11. All weekly allowances are subject to a review on at least an annual basis.

## **Special guardianship allowances**

### **1. Framework**

1.1. The statutory framework and guidance are as follows -

- Children Act 1989, sections 14A to 14F.
- Special Guardianship Regulations 2005 (“SGR”).
- Special Guardianship Guidance, issued under section 7 of the Social Services Act 1970, to which the Council is required to have regard.

1.2. The Council's procedure for special guardianship is number 17A of the social care procedures.

### **2. Area of responsibility**

2.1. The Council is required to make arrangements for the provision of special guardianship support services within Tower Hamlets.

2.2. Financial support is one type of special guardianship support services. The regulations set out limitations on the types of financial support that the Council may be obliged to pay and when financial support is payable.

2.3. The statutory framework specifies the circumstances in which the Council may carry out an assessment of a person's need for services and in which the Council must do so. If the Council carries out an assessment and finds a need for services, the Council must decide whether or not to provide those services.

2.4. The regulations specify a limited range of circumstances in which the Council's obligations may extend to persons outside of Tower Hamlets. This covers relevant children who are looked after by the Council, or who were looked after by the Council immediately before the making of a special guardianship order, and specified related persons.

2.5. The Council will usually only pay special guardianship allowances in respect of children for who it has responsibility under the statutory framework and, to the extent that the Council has discretion to make such payments in respect of other children, it should generally exercise its discretion against such payments. This reflects the limited resources available to the Council and takes into account the responsibilities of other authorities.

### **3. Timing of first payment**

3.1. The date from which the Council will pay special guardianship allowance should be determined having regard to the date of any application for an assessment of a person's need for services and the outcome of that assessment. The Council may not, however, pay special guardianship allowance until special guardian or prospective special guardian agrees to the conditions specified in SGR 10.

3.2. The statutory framework permits a person to apply for an assessment in advance of a special guardianship order being made. The Council will generally not pay special guardianship allowance in advance of the date of a special guardianship order being made. This is by reason of the limited resources available to the Council, the purposes for which such allowance is payable and the existence of alternative benefits and allowances payments prior to a person being appointed special guardian.

### **4. Financial assessment**

4.1. As set out above, there are some people the Council must conduct a financial assessment for and some people the Council may assess. Where the Council is not under an obligation to carry out an assessment, it should decide whether or not to carry out a financial assessment to determine whether an allowance is payable. In circumstances where the Council has discretion whether or not to carry out a financial assessment, an officer should first obtain the opinion of the Council's Group Manager – Resources in Children's Social Care.

- 4.2. There will be circumstances in which the Council will refuse to carry out a financial assessment, having regard to its area of responsibility, its limited resources and any other relevant circumstances. This may occur where the Council has had no or limited previous involvement with the child. If the Council determines not to carry out a financial assessment, then the Council will notify the prospective Special Guardian in writing of its decision and comply with the requirements of the statutory framework.
- 4.3. Where a financial assessment is carried out, it will be according to the model means test set out in this guidance. The Children's Placement Team will send the model means test spreadsheet out to the special guardian or prospective special guardian to complete. This information will generally be essential to completion of the financial assessment and delay in providing the information may delay the Council's assessment of needs and its decision whether to pay special guardianship allowance.
- 4.4. If the special guardian or prospective special guardian provides documentary evidence that he or she relies solely on state benefits, then the model means test need not be undertaken. The starting point in such cases will be that the person is entitled to the maximum weekly special guardianship allowance, subject to the matters in paragraphs 5.2 and 5.3 below.
- 4.5. Any officer carrying out a financial assessment should be mindful of the Council's obligations under SGR 15 to allow a person to make representations before it makes any decision about the person's need for special guardianship support services. The Council must first give the person a written notice of its proposed decision. The notice must specify the matters in SGR 15(3). If the Council is required to prepare a plan of the special guardianship support services (which it must do if the services are to be provided on more than one occasion and are not limited to the provision of advice or information), then a copy of the draft plan must be provided with the notice. The Council must then give the person an opportunity to make representations about the proposed decision and the draft plan. The Council should not make a final decision until the time for representations has expired. If representations are made, then the Council should consider those before making a final decision.

## **5. Allowance amounts**

- 5.1. The statutory guidance provides that in determining the amount of any ongoing financial support, the Council should have regard to the amount of fostering allowance that would have been payable if the child were fostered. With this in mind, the maximum weekly special guardianship allowance paid by the Council will generally be an amount that is in line with the national minimum fostering allowance. A grid indicating what allowances may be paid, having regard to the national minimum fostering allowance, is set out in Annex A.
- 5.2. One of the matters that the Council must take into account as part of a financial assessment is the person's financial resources, including any tax credit or benefit, which would be available if the child lived with the person. For carers who are eligible for the maximum allowance, child benefit and child tax credit should be deducted from the weekly allowance. Generally, however, the model means test will calculate the amount of allowance, taking into account relevant deductions.
- 5.3. Additionally, consideration will be given to payment of an enhancement to the allowance, to reflect the additional demands of caring for a child with special needs. Subject to the financial assessment, where a child is in receipt of Disability Living Allowance, the allowance may be enhanced by up to fifty per cent of the Disability Living Allowance rate.

## **6. Review**

- 6.1. All special guardianship allowances should be reviewed on an annual basis by the relevant finance and administration officer in the Children's Placement Team. Reviews may also be conducted at any other stage that the Council considers appropriate, or if any change in a person's circumstances comes to the Council's notice.
- 6.2. Officers carrying out reviews should be mindful of the procedural requirements specified in SGR 17. If it is proposed to vary or terminate the provision of special guardianship allowance following a review, then notice of the proposed decision should be given and time allowed for the affected person to make representations. The notice must be in writing and include the information specified in SGR 15(3). If the proposal is to revise the plan for special guardianship

support services, then a copy of the draft revised plan should be provided with the notice. A final decision on whether to vary or terminate the provision of special guardianship allowance can only be made after time has been allowed for the person to make representations and any representations made have been taken into account.

- 6.3. Carers should be notified in writing of the outcome of any review and provided with reasons for any decision.

## **7. Settling in grants**

- 7.1. A settling-in grant may be paid for children who move in with their special guardian on or after the date that a special guardianship order is made. Having regard to the sorts of expenses associated with settling-in, the amount of those expenses and the Council's resources, the amount of settling-in grant should generally not exceed £500. There would need to be evidence of some special need, or some other relevant matter, before it would be appropriate to pay a higher amount.
- 7.2. It will generally be inappropriate to pay a settling-in grant where a child is already living with a prospective special guardian at the time when a special guardianship order is made. This is because the child should already have settled-in. There may, however, be timing and other issues that alter the usual position and these should be considered on a case by case basis.

## **8. Contact**

- 8.1. The requirement for services to support contact arrangements will need to be considered as part of the overall assessment of a person's needs for special guardianship support services. Financial support for contact should only be available if this is considered necessary for a special guardianship order to be made or continued, having regard to the best interests of the child.
- 8.2. Financial support for contact should be reviewed on an annual basis by the Permanency and Adoption Support Team in line with the annual review of special guardianship allowances. The overall aim should be for the special guardian and the birth family to be able to handle contact without financial support, unless this is contrary to the best interests of the child, particularly having regard to child protection and safety reasons.

## **9. Respite care**

- 9.1. If a child subject to a special guardianship order has special needs the Council may provide for respite care to be available to the special guardian on a periodic basis.

## **10. Approved Foster carers who become special guardians**

- 10.1. Approved Foster carers who become special guardians should be eligible to receive the equivalent weekly allowance that they would have received or are receiving as a Tower Hamlets foster carer for a period of two years following the date of the special guardianship order. This should be less child benefit and child tax credit. The continuation is to enable Approved Foster carers to have time to make the transition to being special guardians before their allowances change, whilst at the same time recognising the need for a consistent approach for special guardians, fairness and the constraints on the Council's resources. A two-year transition period should generally be sufficient for this purpose. At the end of the two-year period, a review should be conducted involving a financial assessment and the application of the model means test. At that time, the need for an enhancement can be considered if there are any special needs or other circumstances.
- 10.2. Birthday, festival and holiday grants are not be payable to Approved Foster carers who become special guardians.

## **11. Services for persons outside Tower Hamlets (the three year "rule")**

- 11.1. SGR 5 specifies circumstances in which the Council is responsible for providing special guardianship support services to persons outside of Tower Hamlets. This extended obligation generally ceases to apply at the end of the period of three years from the date of the special guardianship order and responsible officers should take care to put in place arrangements for

the transfer of responsibility to a new local authority (assuming that special guardianship support services continue to be required).

- 11.2. The extended obligation will not cease three years from the date of the special guardianship order in relation to financial support being provided if the decision to provide the support was made before the making of the order.
- 11.3. Irrespective of whether the Council has an extended obligation to provide special guardianship support services to a person outside of Tower Hamlets, the Council may choose to provide such services to such a person. The Council should generally exercise its discretion against such payments for the reasons given in paragraph 2.5 above.

## **12. Payment of legal fees**

- 12.1. SGR 6 provides that financial support may be payable by way of a contribution to the legal costs of a special guardian or prospective special guardian associated with: (i) the making of a special guardianship order or any application to vary or discharge such an order; (ii) an application for an order under section 8 of the Children Act 1989 (a contact order, a residence order, a prohibited steps order or a specific issues order); or (iii) an order for financial provision to be made to or for the benefit of the child. It is necessary for the Council to consider that such a payment is appropriate. It is difficult to predict when a payment will be appropriate, but it may be appropriate to consider whether legal assistance is necessary and whether this may be available without a contribution being made. It may be appropriate to seek input from the Council's legal services section in relation to this matter.
- 12.2. If a contribution to legal costs is to be made, then the reasonable allocation of the Council's resources will usually limit the contribution to an amount up to £500 (exclusive of VAT). Higher contributions may be made in appropriate cases.
- 12.3. In a typical case where a contribution is authorised, the terms specified for the payment should be as follows: "The Council will make a contribution to legal fees up to a maximum of £500. No additional amount will be paid towards the legal fees unless a higher figure is agreed in writing by the Council prior to the work being undertaken".

## **13. Allowances sign-off**

- 13.1. The decision regarding what financial support will be paid, either following an initial financial assessment or a review, is the responsibility of the Service Manager for Resources. A decision sheet should be provided by the Recruitment and Assessment Team Manager, via the Group Manager for Resources.
- 13.2. The decision sheet should be provided to the Service Manager for Resources at a formal meeting. If the assessment is connected with a special guardianship order assessment, then the formal meeting should take place at least five working days before the assessment is due to be filed at court.

## **14. Appeal**

- 14.1. If the carer disagrees with the Council's decision on financial support, then he or she may ask for a review. The request should be made in writing, setting out relevant concerns.
- 14.2. A review will be carried out by an officer more senior to the Service Manager for Resources, having regard to the material that was available at the time the decision was made, the carer's expressed concerns and any response to those concerns from the Service Manager for Resources.
- 14.3. The result of the review, including reasons, will be communicated to the carer in writing.

## **Adoption Support Services – Allowances**

### **1. Framework**

1.1. The statutory framework and guidance are as follows -

- Adoption and Children Act 2002, section 4.
- Adoption Support Services Regulations 2005 (“**ASSR**”).
- Adoption Statutory Guidance: The Adoption and Children Act 2002 (revised February 2011), particularly section 9, issued under section 7 of the Social Services Act 1970, to which the Council is required to have regard.

1.2. The Council's procedure for adoption support services is contained in its Adoption and Permanency Procedures.

### **2. Trigger and area of responsibility**

2.1. ASSR 8(2) specifies the circumstances in which financial support may be paid to an adoptive parent for the purpose of supporting the placement of the adoptive child or the continuation of adoption arrangements after an adoption order is made.

2.2. The decision about whether financial support should be paid will typically be made at the point of the “should be placed for adoption” (“**SHOPA**”) recommendation by the Adoption Panel. The Adoption Panel may make a recommendation as to whether the criteria for payment of financial support have been met. The necessary financial assessment should be carried out prior to the Adoption Panel's consideration of its SHOPA decision, so as to enable the Panel to make a recommendation about financial support.

2.3. Regard should be had to paragraph 27 of section 9 of the Statutory Guidance, which suggests that the effect of ASSR 8 and ASSR 15 is that there generally must be some special need or circumstances making it hard to place the child before financial support should be paid.

### **3. Timing of first payment**

3.1. The date from which the Council will pay financial support should be determined having regard to the date of any application for an assessment of a person's need for services and the outcome of that assessment. The Council may not, however, pay periodic financial support until the adoptive parent has agreed to the conditions in ASSR 12.

3.2. The Council will generally not pay periodic financial support in advance of the date that an adoption order is made. This is by reason of the limited resources available to the Council, the purposes for which such support is payable and the existence of alternative benefits and allowances payments prior to adoption.

### **4. Financial Assessment**

4.1. A financial assessment is required before financial support will be paid, to determine a person's needs for such support. The Act and the ASSR specify circumstances in which the Council is required to carry out a financial assessment and circumstances in which it may do so. If the Council carries out an assessment and finds a need for services, the Council must decide whether or not to provide those services.

4.2. If the Council has a choice whether or not it will carry out a financial assessment, there will be circumstances in which the Council will refuse to carry out a financial assessment, having regard to its area of responsibility, its limited resources and any other relevant circumstances. Consideration should be given to whether any of the circumstances in ASSR 8(2) are likely to be met before making the decision to assess. Before carrying out a financial assessment, an officer should first obtain the opinion of the Council's Group Manager – Resources in Children's Social Care.

4.3. Any financial assessment should be undertaken by the Finance and Information Officer in the Children's Placement Team. The financial assessment should be according to the model means test set out in this guidance, although care must be taken, as ASSR 15(4) and 15(5)

specify circumstances in which the Council must disregard means. Generally, the model means test will calculate the amount of allowance, taking into account relevant deductions.

- 4.4. The Children's Placement Team will send the model means test spreadsheet out to the special prospective Adopter(s) to fill in. This information will generally be essential to completion of the financial assessment and delay in providing the information by the prospective adopter may delay the Council's assessment of needs and its decision whether to pay financial support.
- 4.5. If the adopter or prospective adopter provides documentary evidence that he or she relies solely on state benefits, then the model means test need not be undertaken. The starting point in such cases will be that the person is entitled to the maximum weekly allowance, subject to the matters in paragraphs 5.2 and 5.3 below.

## **5. Allowance amounts**

- 5.1. The statutory guidance provides that in determining the amount of any on-going financial support, the Council should have regard to the amount of fostering allowance that would have been payable if the child were fostered. With this in mind, the maximum weekly adoption allowance paid by the Council will generally be an amount that is in line with the national minimum fostering allowance. An allowances grid that has been prepared having regard to the national minimum fostering allowance and is set out later in this guidance.
- 5.2. One of the matters that the Council must take into account as part of a financial assessment is the person's financial resources, including any tax credit or benefit, which would be available if the child lived with the person. For carers who are eligible for the maximum allowance, child benefit and child tax credit should be deducted from the weekly allowance. Generally, however, the model means test will calculate the amount of allowance, taking into account relevant deductions.
- 5.3.1 Additionally, consideration will be given to payment of an enhancement to the allowance, to reflect the additional demands of caring for a child with special needs. Subject to the financial assessment, where a child is in receipt of Disability Living Allowance, the allowance may be enhanced by up to fifty per cent of the Disability Living Allowance rate.

## **6. Review**

- 6.1. The ASSR specifies when the Council is required to review the provision of adoption support services. ASSR 19 deals with the general position and ASSR 20 deals specifically with financial support payable periodically. In each case there is a requirement for an annual review and for other reviews either upon a relevant change in circumstances or where the Council considers it appropriate to review.
- 6.2. In the case of financial support payable periodically, the annual review will follow receipt of the annual financial statement from the adoptive parent. A review may also be triggered by breach of a condition in ASSR 12.
- 6.3. Reviews should be conducted by the relevant Finance and Information Officer in the Children's Placement Team.
- 6.4. Officers carrying out reviews should be mindful of the procedural requirements specified in ASSR 19 and 20. The requirements for assessment and financial assessment apply to a review as they do to an initial assessment. ASSR 19 and 20 both impose obligations to provide notice of any proposed changes (and any revised plan) to the adoptive parent in writing, before any final decision is taken. Time must be allowed for the adoptive parent to make representations. If representations are made within the period allowed, then the Council must take those into account before making a final decision. The final decision must be notified to the adoptive parent(s) in writing, along with reasons and a copy of any amended plan.

## **7. Contact**

- 7.1. The requirement for services to support contact arrangements will need to be considered as part of the overall assessment of a person's needs for adoption support services. Financial support for contact should only be available if this is considered necessary for the making of an

adoption order or the successful continuation of an adoption order, having regard to the best interests of the child.

- 7.2. Financial support for contact should be reviewed on an annual basis by the Permanency and Adoption Support Team in line with the annual review of adoption support services and payment of periodic financial support. The overall aim should be for the adoptive parent(s) and the birth family to be able to handle contact without financial support, unless this is contrary to the best interests of the child, particularly having regard to child protection and safety reasons.

## **8. Approved Foster carers who become adopters**

- 8.1. Approved Foster carers who become adopters should be eligible to receive the equivalent weekly allowance that they would have received or are receiving as a Tower Hamlets foster carer for a period of two years following the date of the adoption order. This should be less child benefit and child tax credit. The continuation is to enable Approved Foster carers to have time to make the transition to being adoptive parents before their allowances change, whilst at the same time recognising the need for a consistent approach with adoptive parents, fairness and constraints on the Council's resources.
- 8.2. A two-year transition period should generally be sufficient for this purpose. At the end of the two-year period, a review should be conducted involving a financial assessment and the application of the model means test (as appropriate). At that time, the need for any enhancement can be considered if there are any special needs.
- 8.3. Birthday, festival and holiday grants are not be payable to Approved Foster carers who become adopters.

## **9. Services for persons outside Tower Hamlets (the three year "rule")**

- 9.1. ASSR 7 specifies circumstances in which the Council is responsible for carrying out an assessment and deciding whether to provide adoption support services to persons outside of Tower Hamlets.
- 9.2. Any financial support (typically in the form of weekly payments) that the Council decided to pay to the adoptive parent(s) before the adoption will remain the Council's responsibility, subject to the outcome of any review, until the financial support ceases to be payable under ASSR 11.
- 9.3. In relation to adoption support services other than financial support falling within paragraph 9.2, the extended obligation in ASSR 7 ceases to apply at the end of the period of three years from the date of the adoption order and responsible officers should take care to put in place arrangements for the transfer of responsibility to a new local authority (assuming that adoption support services continue to be required).
- 9.4. Irrespective of whether the Council has an extended obligation to provide adoption support services to a person outside of Tower Hamlets, the Council may choose to provide such services to such a person. The Council should generally exercise its discretion against such payments, taking into account the limited resources available to the Council and the responsibilities of other authorities.

## **10. Allowances sign off**

- 10.1. The decision on what financial support will be paid, either following an initial financial assessment or a review, is the responsibility of the Service Manager for Resources. A decision sheet and adoption order support plan should be provided by the Permanency and Post Adoption Support Team Manager, via the Group Manager for Resources. Information should be provided about the recommendation of the Adoption Panel.
- 10.2. The decision sheet and any associated documents should be provided to the Service Manager for Resources at a formal meeting.

## **11. Appeal**

- 11.1. If an adoptive parent disagrees with the authority's decision on financial support, then he or she may ask for a review. The request should be made in writing, setting out relevant concerns.

- 11.2. The review should be carried out by an officer more senior to the Service Manager for Resources. The parent will be entitled to make representations to that officer. The reviewer may consider the material that was available at the time the decision was made, the parent's expressed concerns and any response to those concerns from the Service Manager for Resources.
- 11.3. The result of the review, including reasons, will be communicated to the parent in writing.

## **Arrangement (formerly Residence) Order Allowances**

### **1. Framework**

1.1. The statutory framework and guidance are as follows -

- Children Act 1989, Part 3, particularly section 17.

1.2. The Council's procedure for arrangement orders is contained in its sixth sundry procedure and is entitled: "Residence Order as Alternative to Looking after a Child" ("**the Council's Residence Order procedure**").

### **2. Trigger and area of responsibility**

2.1. Unlike special guardianship and adoption, there is not a specific statutory framework for assessment and determination of whether financial support should be payable in circumstances where a residence order is made. Rather, this question falls to be determined under the general framework established by Part 3 of the Children Act 1989 dealing with local authority support for children and families.

2.2. If the Council is looking after a child who is the subject of an arrangement order, then it will be subject to the obligations to accommodate and maintain the child provided in section 23 of the Children Act 1989. If the Council is not looking after a child the subject of an arrangement order, then the Council will have discretion whether to provide financial support arising under section 17 of the Children Act 1989. The Council will exercise its discretion having regard to the needs of the child and the content of the child's care plan, if any. The Council will have regard to the resources available to the person or persons with whom the child resides and any limitations on the Council's resources to pay such allowances.

2.3. Paragraph 1.3 of the Council's Residence Order procedure specifies the circumstances in which an arrangement (formerly residence) order allowance may be payable and regard should be had to this before carrying out a financial decision. Before carrying out a financial assessment, an officer should first consult with the Council's Group Manager – Resources in Children's Social Care.

### **3. Financial assessment**

3.1. Before determining that an Arrangement Order Allowance is payable, regard should be had to the following -

- The means of the person or persons with whom the child resides.
- Any benefits payable after the residence order has been made.
- Any contribution recoverable from the parents.

3.2. The financial assessment should be undertaken by the Finance and Information Officer in the Children's Placement Team.

3.3. The assessment of means should be carried out according to the model means set out in this guidance document. A means test should be carried out in respect of each household in which the child resides.

3.4. The means test spreadsheet will be sent out by the Children's Placement Team to the prospective carers to fill in. The Finance and Information Officer should explain in writing to the prospective carers that the means test is an essential part of the financial assessment and that failure to return the completed spreadsheet will prevent the Council from determining whether to pay an allowance.

### **4. Allowance amounts**

4.1. There is no statutory guidance specifying how the Council should determine the amount of any Arrangement Order Allowance.

- 4.2. The Council considers that the maximum weekly Arrangement Order Allowance paid by the Council should generally be an amount that is in line with the National Minimum Fostering Allowance. An allowances grid that has been prepared having regard to the National Minimum Fostering Allowance and is set out later in this guidance for the assistance of officers.
- 4.3. Any child benefit and child tax credit payable to the carers should generally be deducted from the amount of any weekly allowance considered payable following the financial assessment.
- 4.4.1 Additionally, consideration will be given to payment of an enhancement to the allowance, to reflect the additional demands of caring for a child with special needs. Subject to the financial assessment, where a child is in receipt of Disability Living Allowance, the allowance may be enhanced by up to fifty per cent of the Disability Living Allowance rate.

## **5. Review**

- 5.1. All Arrangement Order Allowances should be reviewed on an annual basis by the relevant Finance and Information Officer in the Children's Placement Team. As part of the review, the Officer should require the carers to submit up to date financial information on the means test spreadsheet.
- 5.2. Reviews may also be conducted at any other stage that the Council considers appropriate, or if any change in a person's circumstances comes to the Council's notice.
- 5.3. Carers should be advised of the outcome of any review in writing.

## **6. Allowances sign off**

- 6.1. The decision on what financial support will be paid, either following an initial financial assessment or a review, is the responsibility of the Service Manager for Resources.
- 6.2. The decision sheet and any associated documents should be provided to the Service Manager for Resources at a formal meeting.

## **7. Appeal**

- 7.1. If a carer disagrees with the authority's decision on financial support, then he or she may ask for a review. The request should be made in writing, setting out relevant concerns.
- 7.2. The review should be carried out by an officer more senior to the Service Manager for Resources. The carer will be entitled to make representations to that officer. The reviewer may consider the material that was available at the time the decision was made, the carer's expressed concerns and any response to those concerns from the Service Manager for Resources.
- 7.3. The result of the review, including reasons, will be communicated to the carer in writing.

## National Minimum Fostering Allowances 2015/2016 and LBTH rate 2015/2016

Age	Base	South East	London	LBTH
0 - 1	£123	£136	£142	£145
2 - 4	£126	£140	£145	£145
5 -10	£139	£156	£163	£163
11 - 15	£159	£177	£184	£184
16 - 17	£185	£208	£216	£216

### Allowances grid

Age	Category of Care	Financial Assessment	Fostering Reward	Maximum Weekly Allowance
0-4	Arrangement Order	Yes	£ -	£ 145.00
	Special Guardianship	Yes	£ -	£ 145.00
	Adoption	Yes	£ -	£ 145.00
	Regulation 24 carers	No	£ -	£ 145.00
5-10	Arrangement Order	Yes	£ -	£ 163.00
	Special Guardianship	Yes	£ -	£ 163.00
	Adoption	Yes	£ -	£ 163.00
	Regulation 24 carers	No	£ -	£ 163.00
11-15	Arrangement Order	Yes	£ -	£ 184.00
	Special Guardianship	Yes	£ -	£ 184.00
	Adoption	Yes	£ -	£ 184.00
	Regulation 24 carers	No	£ -	£ 184.00
16 -17	Arrangement Order	Yes	£ -	£ 216.00
	Special Guardianship	Yes	£ -	£ 216.00
	Adoption	Yes	£ -	£ 216.00
	Regulation 24 carers	No	£ -	£ 216.00

NB: Arrangement/Special Guardianship/Adoption allowances are less child benefit and child tax credits where these are payable.

**SPECIAL GUARDIANSHIP ORDER SUPPORT REPORT**

**Prospective Special Guardian(s):**

**Name(s):**

**Framework ID(s):**

**Address:**

**Child/ren:**

**Framework ID(s):**

**Address:**

**Date of Special Guardianship Application:**

**Date of court hearing:**

**Details of support plan:**

**Support by the Family and Friends Foster Care Team**

**Contact**

**Finance**

**Special Guardians views on the support plan:**

**Assessing Social Worker's recommendations:**

**Applicant(s) signature(s):**

**Applicant**

**Applicant**

**Family and Friends Foster Care Team signature (s)**

**Social Worker  
Signed:-**

**Date:-**

**Team manager  
Signed:**

**Date:-**

**SPECIAL GUARDIANSHIP ORDER FINANCIAL DECISION SHEET**

**Prospective Carers –**

**Child -**

<b>Allowance Amount</b>	
<b>Any 'One Off' Payments</b>	
<b>Any Contact Financial Support</b>	
<b>Any Other Financial Support</b>	

<b>Group Manager</b>	
<b>Decision</b>	<b>Agree <input type="checkbox"/> Disagree <input type="checkbox"/> More Info <input type="checkbox"/></b>
<b>Signed:</b>	
<b>Date:</b>	

<b>Service Manager</b>	
<b>Decision</b>	<b>Agree <input type="checkbox"/> Disagree <input type="checkbox"/> More Info <input type="checkbox"/></b>
<b>Signed:</b>	
<b>Date:</b>	

<b>Date Passed to the Recruitment and Assessment team Administrative Officer</b>	
--	--

<b>First Review Date of Support Plan and Allowances</b>	
---	--

<b>Date Passed to Finance and Information Officer</b>	
---	--

**Any other relevant information:**

**ADOPTION ORDER SUPPORT REPORT**

**Prospective Adopter (s):**

**Name(s):**

**Framework ID(s):**

**Address:**

**Child/ren:**

**Framework ID(s):**

**Address:**

**Date of Adoption Application:**

**Date of court hearing:**

**Details of support plan:**

**Support by the Permanency and Post Adoption Support Team**

**Contact**

**Finance**

**Adopter (s) views on the support plan:**

**Assessing Social Worker's recommendations:**

**Applicant(s) signature(s):**

**Applicant**

**Applicant**

**Permanency and Post Adoption Team signature (s)**

**Social Worker**

**Signed:-**

**Date:-**

**Team manager**

**Signed:**

**Date:-**

## ADOPTION ORDER FINANCIAL DECISION SHEET

Prospective Carers –

Child -

<b>Allowance Amount</b>	
<b>Any 'One Off' Payments</b>	
<b>Any Contact Financial Support</b>	
<b>Any Other Financial Support</b>	

<b>Group Manager</b>	
<b>Decision</b>	<b>Agree <input type="checkbox"/> Disagree <input type="checkbox"/> More Info <input type="checkbox"/></b>
<b>Signed:</b>	
<b>Date:</b>	

<b>Service Manager</b>	
<b>Decision</b>	<b>Agree <input type="checkbox"/> Disagree <input type="checkbox"/> More Info <input type="checkbox"/></b>
<b>Signed:</b>	
<b>Date:</b>	

<b>Date Passed to Post Adoption and Support team Administrative Officer</b>	
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<b>First Review Date of Support Plan and Allowances</b>	
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<b>Date Passed to Finance and Information Officer</b>	
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**Any other relevant information:**



**ADOPTION SUPPORT AND SPECIAL GUARDIANSHIP FINANCIAL SUPPORT  
MODEL MEANS TEST**

All figures should be calculated on a **monthly** basis

**1) PROJECTED FAMILY INCOME**

<b>i) Pay</b>	Parent 1/2
Basic net monthly pay	0.00
Drawings if self employed	0.00
<b>Total subsection 1i</b>	<b>0.00</b>

<b>ii) Benefits and pensions (parents)</b>	Parent 1/2
Employers' sick pay (after compulsory deductions)	0.00
Incapacity benefit	0.00
Statutory maternity, paternity and/or adoption pay and/or maternity allowance	0.00
Bereavement benefit	0.00
Working tax credit (if paid directly and not as part of pay and excluding any childcare element paid)	0.00
All pension payments being received	0.00
Other benefits	0.00
<b>Total subsection 1ii</b>	<b>0.00</b>

<b>iii) Benefits (family/children)</b>	
Income Support/Jobseeker's Allowance per household	0.00
Child tax credit per household	0.00
Child benefit for each child, excluding child/children who are the subject of this assessment application	0.00
<b>Total subsection 1iii</b>	<b>0.00</b>

<b>iv) Other sources of income</b>	
Income from capital, savings and investments - net monthly interest	0.00
Income from boarders/lodgers (see guidance for details of calculation)	0.00
Income from unfurnished properties	0.00
Income from furnished properties	0.00
Maintenance payments received for any child in household	0.00
Existing adoption or Special Guardian 'allowances' (including any enhancements or specific payments for special needs) paid for any child	0.00
<b>Total subsection 1iv</b>	<b>0.00</b>

<b>v) Income relating to child(ren) being adopted or becoming a Special Guardian child</b>	
Any regular interest on capital and/or income in which the child(ren) has a legal interest and entitlement e.g. trust fund, property or other type of legacy. Do not include payments from Criminal Injuries Compensation Awards	0.00
Any other income	0.00

<b>Total subsection 1v</b>	<b>0.00</b>
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<b>TOTAL PROJECTED FAMILY INCOME</b>	<b>0.00</b>
<b>DISREGARD FIRST 20%</b>	<b>0.00</b>
<b>FAMILY INCOME FOR PURPOSES OF TEST</b>	<b>0.00</b>

**2) PROJECTED FAMILY EXPENDITURE**

<b>i) Home</b>	
Mortgage payments (capital and interest) including any endowment payments linked to mortgage	0.00
Rent (after any housing benefit payable)	0.00
Council tax (after any council tax benefit payable)	0.00
<b>Total subsection 2i</b>	<b>0.00</b>

<b>ii) Other outgoings</b>	
Loan repayments for essential purposes (see guidance notes)	0.00
Maintenance payments	0.00
Court Orders	0.00
Private pension contributions	0.00
National insurance if self employed	0.00
Reasonable child care costs including nursery fees (after any childcare element paid as part of the working tax credit)	0.00
<b>Total subsection 2ii</b>	<b>0.00</b>

<b>iii) Core regular family expenditure</b>	
Based on 125% income support allowances per household	0.00
<b>Total subsection 2iii</b>	<b>0.00</b>

<b>TOTAL PROJECTED FAMILY EXPENDITURE:</b>	<b>0.00</b>
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<b>CALCULATION</b>	
Total projected net family income (per month):	0.00
Total projected family expenditure (per month):	0.00
Disposable income (per month):	0.00
Local Authority Maximum Payment <b>ENTER MANUALLY:</b>	0.00
Amount of payment to adopters or Special Guardian	0.00
Minus child benefit for child/children who are subject of this application <b>ENTER MANUALLY:</b>	
<b>Final payment to adopters or Special Guardian:</b>	<b>0.00</b>

## **Other documents to be consulted in relation to allowances**

Special Guardianship Order Regulations 2005

LBTH Special Guardianship Procedures

LBTH Adoption Procedures

LBTH Residence Order Procedures

Model Means Test Guidance

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# Foster Care Allowances

The tables below show the rates for 2015/2016

## Overview:

### Newly Approved Regulation 27 carers

Age	0- 4	5-10	11-15	16-17
Weekly Rate	£295.00	£313.00	£334.00	£366.00

### Short Term and Long Term Foster Carers Tier 1 - Completed TSD's

Age	0- 4	5-10	11-15	16-17
Weekly Rate	£320.00	£338.00	£359.00	£391.00

### Short Term and Long Term Foster Carers Tier 2 - Fostering Changes

Age	0- 4	5-10	11-12	13-15	16-17
Weekly Rate	£335.00	£353.00	£374.00	£435.00	£471.00

## Guide to the Division of the Weekly Foster Care Allowance

FOSTER CARER ALLOWANCES AND REWARD ELEMENT NEWLY APPROVED REG 27 CARERS						
Age Bands	Caring costs	Clothing	Personal Allowance/ Pocket Money	Savings	Reward Element	Total
0 - 4	£113.50	£19.00	£2.50	£10.00	£150.00	£295.00
5 - 10	£128.00	£20.00	£5.00	£10.00	£150.00	£313.00
11-15	£137.00	£27.00	£10.00	£10.00	£150.00	£334.00
16 - 17	£158.00	£33.00	£15.00	£10.00	£150.00	£366.00

<b>FOSTER CARER ALLOWANCES AND REWARD ELEMENT TIER 1 COMPLETED TSD'S</b>						
<b>Age Bands</b>	<b>Caring costs</b>	<b>Clothing</b>	<b>Personal Allowance/ Pocket Money</b>	<b>Savings</b>	<b>Reward Element</b>	<b>Total</b>
<b>0 - 4</b>	£1113.50	£19.00	£2.50	£10.00	£175.00	£320.00
<b>5 - 10</b>	£128.00	£20.00	£5.00	£10.00	£175.00	£338.00
<b>11-15</b>	£137.00	£27.00	£10.00	£10.00	£175.00	£359.00
<b>16 - 17</b>	£158.00	£33.00	£15.00	£10.00	£175.00	£391.00

<b>FOSTER CARER ALLOWANCES AND REWARD ELEMENT TIER 2 FOSTERING CHANGES</b>						
<b>Age Bands</b>	<b>Caring costs</b>	<b>Clothing</b>	<b>Personal Allowance/ Pocket Money</b>	<b>Savings</b>	<b>Reward Element</b>	<b>Total</b>
<b>0 - 4</b>	£1113.50	£19.00	£2.50	£10.00	£190.00	£335.00
<b>5 - 10</b>	£128.00	£20.00	£5.00	£10.00	£190.00	£353.00
<b>11-12</b>	£137.00	£27.00	£10.00	£10.00	£190.00	£374.00
<b>13-15</b>	£137.00	£27.00	£10.00	£10.00	£251.00	£435.00
<b>16 - 17</b>	£158.00	£33.00	£15.00	£10.00	£255.00	£471.00

**Tier 3 NVQ and/or Diploma**

**An additional £10pw for each week a child is in placement paid twice per year in April & Sept for the previous 6 months (Max £520pa)**

### Other Allowances (Approved Carers)

Allowance Type	Holiday	Birthday	Festival
Rate	£450 all ages	£100 – 11 to 17 £75 – 3 to 10 £50 – 0 - 2	£100 – 11 to 17 £75 – 3 to 10 £50 – 0 - 2

### Short Breaks

Short Breaks carers will be paid £10.00 per hour for each child up to a maximum of 10 hours, where the child does not stay overnight. Expenses for activities, transport and light meal costs can be claimed for the carer and the child on the production of receipts. Where the carer looks after the child in their own home, they can claim travel costs as long as they produce the tickets.

If the child stays with the carer overnight, the carer will be paid the fostering allowance according to the child's age and the tier level of the carer. Where the child is with the carer overnight they will receive the weekly pro rata rate for the number of days that the child resides with them.

## GUIDANCE ON ALLOWANCES

### Holiday Allowance for Approved carers

All approved carers will receive 2 weeks reward element at the £175pw rate each year. Short break carers will receive one week's reward element. This will be paid in May for all carers. It will not need to be requested, it will be paid automatically. However please discuss with your supervising social worker when you plan to take your 2 weeks holiday. This will be paid to all carers regardless of whether they have/or have had a child in placement.

### Holiday Allowance in respect of children

The holiday allowance for the child will be paid first week in July – unless requested at another time prior to this. Only one allowance per child per year. The birthday and festival allowance will be paid one month prior to the child's birthday/festival, only one allowance per child per year. The Muslim festival is Eid-ul Fitr and the Christian festival is Christmas. The child must be in placement on the date that the festival falls.

## **Guide to the division of the weekly Foster Care Allowance**

The following calculations are a guide to foster carers on how to use the allowance for the foster child. Please remember; the amount of allowance within the different components will vary from child to child depending on their individual needs.

### **Caring costs:**

The Caring Costs component will cover expenses such as food, transport, laundry, heating, cleaning, water rates, linen, minor damages and replacement of furniture and equipment.

### **Note:**

An element of the allowance should be saved to replenish these items.

### **Transport:**

Additional claims for transport should be rare and exceptional. It is an expectation that carers within a 10 mile radius will absorb the cost of transport within their allowance. In other cases a claim should be made for any such requests by the supervising social worker or the child's social worker. £20pw per child will be deducted for any additional transport claims agreed.

### **Clothing:**

The clothing component will cover items of clothing needed for the child/young person. . The clothing component can also be used to save up for larger items such as a winter/summer clothes. It might also be used, if appropriate, to prepare a young person for independence by being paid directly to their bank account. The issue should be discussed at the pathway plan meeting or the young person's review.

### **One-Off Clothing Grant**

At times, the child/young person will come to your home without the minimum clothing and on those occasions a special one off grant of up to £50 can be paid to cover the expense. Receipts must be provided for reimbursement

### **Child/Young Person's Personal Allowance:**

The child's/young person's personal allowance can be used for pocket money and for savings. It is important for children and young people in care to have their own bank account for their savings. The issue around savings should be addressed at the planning meeting and all subsequent reviews. A note should be made at each review of the amount of savings held for the child/young person.

## FAMILY AND FRIENDS FOSTER CARERS UNDER REGULATION 24

### Family and Friends Foster Carers Regulation 24

<b>Age</b>	<b>0- 4</b>	<b>5-10</b>	<b>11-15</b>	<b>16-17</b>
<b>Weekly Rate</b>	<b>£145.00</b>	<b>£163.00</b>	<b>£184.00</b>	<b>£216.00</b>

### Guide to the division of the weekly Allowance for Family & Friends/Connected People.

<b>FAMILY AND FRIENDS FOSTER CARER ALLOWANCE BREAKDOWN REG 24</b>					
<b>Age Bands</b>	<b>Caring costs</b>	<b>Clothing</b>	<b>Personal Allowance</b>	<b>Savings</b>	<b>Total weekly allowance</b>
<b>0 - 4</b>	£113.50	£19.00	£2.50	£10.00	£145.00
<b>5 - 10</b>	£128.00	£20.00	£5.00	£10.00	£163.00
<b>11-15</b>	£137.00	£27.00	£10.00	£10.00	£184.00
<b>16 - 17</b>	£158.00	£33.00	£15.00	£10.00	£216.00

The above rates apply for the financial year 2015/2016 for all children who are Looked After and living with a connected person (family and friend foster carers Reg 24). This arrangement needs to be approved by the relevant Service Manager, before allowances can be paid.

The weekly rate will be payable from the date of placement or from 1st April 2015 whichever is the latest date.

The amounts payable under each column are guide for social workers and connected persons.

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