



# **West Lothian Council**

## **Social Policy**

### **Kinship Care Policy and Procedures**

**January 2025**

## Table of Contents

1. Introduction .....	3
2. Policy Scope .....	4
3. Policy Context .....	4
4. Definitions .....	5
5. Kinship Care Assessment .....	8
6. Approval Process .....	10
7. Appeal Process.....	11
8. Financial Assistance and Processes .....	11
9. Review of Kinship Care Allowances .....	14
10. Overpayments.....	14
11. Termination of Financial Supports.....	14
12. Child Protection.....	15
13. Kinship Arrangements across Multiple Authorities.....	15
14. Complaints Procedure.....	16
15. Policy Review and Monitoring .....	16
16. Appendix 1 – Children 1st.....	17
17. Appendix 2 – Kinship Care Assistance Flow Chart.....	17
18. Appendix 3 – Financial Assistance Flow Chart.....	18
19. Appendix 4 – Relevant Legislation, Policy and National Guidance .....	18
20. Appendix 5 – Useful National Organisations .....	19

## 1. Introduction

Within West Lothian our approach to supporting children and families is to work in collaboration with them, focusing on existing strengths and enabling them to access the right services at the right time. West Lothian will always work to support children to remain in the care of their birth parent (s) where it is safe and appropriate to do so. Some children for a variety of reasons are not able to be cared for by their birth parent(s) and in those circumstances alternative care arrangements will be required.

Kinship Care is where a child is unable to live with their birth parent(s) and resides instead with a person known to the child such as a relative, a friend or other individual with whom they have a pre-existing relationship. The carer is referred to as a kinship carer and will provide for the child's needs.

Some children will live with relatives as a result of a private family arrangement with no statutory involvement from external agencies, others may be looked after children placed with kinship carers who look after them on behalf of the local authority. In these circumstances the local authority remains the corporate parent. Some children live with carers who have a court order called a Kinship Care Order (this may also be referred to as a residence order or Section 11 order).

All local authorities are required under the Kinship Care Assistance (Scotland) Order 2016 to prepare and publish a policy in relation to the provision of kinship care assistance which is available in respect of children as outlined in the legislation. An integrated impact assessment was completed during the development of this policy to consider the impact on children, young people and their carers.

West Lothian Council acknowledge and value the role kinship carers play in keeping our children safe. Kinship carers make a vital contribution to the positive outcomes we see for our children; however many find themselves in the role without much preparation or time, often having experienced bereavement, trauma or difficult circumstances themselves. We know that kinship care can bring situations such as family time with other siblings or relationships with birth parents that can be complex and difficult to manage. We know many of our carers talk about the conflicting roles they have in supporting birth parents and children at different stages.

In West Lothian we have a dedicated Kinship Care Support Service who, in partnership with Children 1<sup>st</sup>, - (see appendix 1) offer various options of support to all kinship carers who require it. Support depends on need and eligibility but could include advice, guidance, financial support, direct support and signposting.

Contact can be made with the team through the following channels:

- Email - [Kinship@westlothian.gov.uk](mailto:Kinship@westlothian.gov.uk)
- Online - [Fostering and Adoption West Lothian - Fostering and Adoption West Lothian](#)

## 2. Policy Scope

### Who the Policy Applies To

- Children and young people living in kinship care
- Prospective and existing kinship carers
- Birth Parents for children and young people who are living in kinship care
- Social Policy staff involved in the care arrangements of children with Kinship Carers
- Any other services supporting kinship carers or children and young people living in kinship care arrangements in West Lothian

### What the Policy Aims to Achieve

- Provides information on provision of kinship care assistance and eligibility
- Provides information on levels of support available from social policy to all kinship carers.
- Provides procedures on aspects of the Kinship Care role
- Provides rates currently payable for Kinship Allowances
- Ensure West Lothian comply with all legislative and statutory guidance

### Principles and Approaches Embedded in this Policy

- Getting it Right for Every Child (GIRFEC)
- United Nations Convention on the Rights of the Child (UNCRC)
- The Promise
- Good Conversations

## 3. Policy Context

Scotland's national policy context providing the foundation and support for all children and young people is Getting it right for every child (GIRFEC). [Getting it right for every child \(GIRFEC\) - gov.scot \(www.gov.scot\)](http://www.gov.scot) Local authorities have a duty to assess whether a child is at risk of becoming looked after to determine eligibility to kinship care assistance. The national strategy Getting it right for every child in Kinship Care and Foster Care was launched in December 2007 and it outlined a number of key principles:

- It is the right of every child to have their family and friends explored as potential carers if they need to leave the care of their parents
- Any arrangement for care by family or friends must be in the best interests of the child
- The safety and needs of the child in any assessment of family or friends as carers must be paramount.
- A child's needs for good family and friends' carers should take precedence over the wishes of a parent to exclude the family from care.
- Support to a family or friend placement should be available when needed.

The Promise was launched in February 2020 following the completion of the Independent Care Review which ran from 2017-2020. It makes recommendations on transforming how Scotland cares for its children and young people and reinforces the need for more children to live safely and thrive within their own family and community. West Lothian have a well established Promise Informed Persons (PIP) Leads Network to drive forward the work and this policy is intended to reinforce a culture and practice which focuses on family supports including potential kinship options.

Article 3 of the United Nations Convention on the Rights of the Child (UNCRC) ensures that in all actions concerning children the best interests of the child is the primary consideration. Article 8 of the UNCRC Act also underlines the right of the child to preserve his or her identity, including family relations without unlawful interference. All public bodies have a duty to act compatibly with the UNCRC (Incorporation) (Scotland) Act 2024 and the statutory guidance ([Background and introduction to the UNCRC Act - UNCRC \(Incorporation\) \(Scotland\) Act 2024 - part 2: statutory guidance - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/statutory-guidance/2024/01/12/uncrc-act-2024-part-2-statutory-guidance-2024-01-12/2024-01-12-uncrc-act-2024-part-2-statutory-guidance-2024-01-12.pdf)). This policy is intended to support West Lothian Council in this duty.

## 4. Definitions

- **Child**

Refers to any person who has not yet attained the age of 18.

- **Looked After Child**

The definition of a looked after child is laid out in Section 17(6) of the 1995 Act, as amended by the 2007 Act and the 2011 Act. A child is looked after by a local authority when they are:

- provided with accommodation by a local authority under section 25 of 1995 Act; or
- subject to a compulsory supervision order or an interim compulsory supervision order made by a children's hearing in respect of whom the local authority are the implementation authority (within the meaning of the 2011 Act); or
- living in Scotland and subject to an order in respect of whom a Scottish local authority has responsibilities, as a result of a transfer of an order made out with Scotland under regulations made under section 33 of the 1995 Act or section 190 of the 2011 Act; or
- subject to a Permanence Order made after an application by the local authority under section 80 of the 2007 Act.

A looked after child should have in place a personalised care plan and regular review meetings which will be the responsibility of the child's allocated social worker.

- **Eligible Child**

The following children fall within the definition "eligible child":

- a child under the age of 16 years who was "previously looked after" (and is no longer)
- a child under the age of 16 years who is "at risk of becoming looked after" at this moment in time
- and a child placed by the local authority who is currently looked after.

It is for the local authority to determine whether a child is at risk of becoming looked after and they will consider whether the child's wellbeing is being, or is at risk of being, adversely affected by any matter, such that the child is at risk of becoming looked after. In West Lothian this will be undertaken by social work professionals, in consultation with other professionals who know, or who may be working alongside, the child and their family when the kinship carer presents to, or otherwise comes to the attention of our social work services.

In addition, where the local authority considers it appropriate they may consider a child who is at least 16 years of age and who was subject to a kinship care order immediately before their 16<sup>th</sup> birthday, and who was also previously looked after or who is at risk of becoming looked at this moment in time to be an eligible child for the purpose of a kinship care allowance

- **Kinship Care**

Kinship care is when a child is placed with a person who is related to the child or a person who is known to the child and with whom the child has a pre-existing relationship. This could include

close friends or people who know the child well through regular contact. They are placed there by the local authority, children's hearing system or the courts because the child can no longer be cared for by their birth parent(s) and that child is defined as looked after under section 17(6) of the Children (Scotland) Act, 1995.

Kinship care may also include children who are no longer looked after by the local authority but live in a kinship care arrangement. These children are likely to be subject to a Kinship Care Order under Section 11 of the Children (Scotland) Act 1995.

- **Kinship Carer**

The definition of a kinship carer under Regulation 10 of the Looked After Children (Scotland) Regulations 2009 is:

- (a) a person who is related to the child; or
- (b) a person who is known to the child and with whom the child has a pre-existing relationship.

There are three routes to becoming a kinship carer:

- Informal
- Formal
- Those who have a Kinship Care Order (section 11) for the child

- **Informal Kinship Care**

Informal Kinship care arrangements are situations where families and/or friends have assumed the care of children without the prior involvement or request of the local authority or a court order. In these circumstances there is no legal duty on the local authority to provide financial support to these children unless they are considered an eligible child as defined at 'Eligible Child'.

- **Formal Kinship Care** - is where the child has a looked after status, as defined under 'Looked After Child'

- **Those who have a Kinship Care Order (section 11) for the Child**

A kinship care order is the term used in the Children and Young People (Scotland) Act 2014 to describe an order granted under section 11 of the 1995 Act which gives carers, the parental right to have the child living with them or to otherwise regulate the child's residence. This right expires upon the child turning 16 years. These types of orders are sometimes known as a 'residence order' or a 'section 11 order'. This order removes the child from the children's hearing system (if subject to supervision requirement) and reduces the need for statutory social work intervention as the child no longer has looked after and accommodated status.

Kinship care assistance financial support will be provided to eligible carers. These carers have a kinship care order and they are caring for an eligible child who was either:

- previously looked after;
- placed with them by involvement from the local authority; or
- at risk of becoming looked after at this moment.

This includes those with an emergency and/or interim kinship order.

- **Kinship Care Assistance**

[The Kinship Care Assistance \(Scotland\) Order 2016 \(legislation.gov.uk\)](https://www.legislation.gov.uk) sets out current details of kinship care assistance, and to whom and in which way it is available. Kinship Care Assistance can include information, advice, financial support and an allowance for eligible carers.

- **Kinship Care Assistance**

Is available to those:

- Caring for a 'Looked After' Child
- Who are being assessed as a kinship carer

- Who have been assessed and approved by West Lothian Council as a kinship carer
- Who are applying for, or considering applying for, a kinship care order in relation to an eligible child who has not attained the age of 16 years
- Who have a Kinship Care Order granted and are caring for an eligible child

- **Kinship Care Support**

Overall term to describe financial, practical or emotional support provided to a Kinship Carer to parent the child they care for. All carers are entitled to access support from West Lothian Council Kinship Care Support Service in relation to information, guidance and supports groups. Not all carers are considered eligible carers able to receive Kinship Care Assistance.

- **Scottish Recommended Allowance (SRA)**

In August 2023, the Scottish Government introduced the Scottish Recommended Allowance (SRA) for foster carers and kinship carers which means there is a standard national allowance to ensure consistency and transparency in allowance payments and information. It allows for parity in the financial support provided to kinship and foster carers, regardless of where they live in Scotland. West Lothian Council pay the Scottish Recommended Allowance.

- **Kinship Care Allowance**

Weekly financial support provided by West Lothian Council paid at the SRA to eligible kinship Carers on a four weekly basis.

- **Emergency Care Arrangement**

In some circumstances a child will require to be cared for by someone who is known to the child and who has a pre-existing relationship with the child on an emergency basis. This could be via section 25 of the Children (Scotland) Act 1995 which requires the consent (verbal or written) from all those who hold parental rights and responsibilities, via a court order or through a decision of the children's hearing system. When the arrangement is made the child becomes a looked after child.

- **Fostering**

Fostering involves caring for a 'looked after child' or children in a carers own home who are not related to the carer. Anyone wishing to foster must make an application and this is followed by the need for an assessment (which includes the undertaking of various statutory checks) and approval via a fostering panel. There are fostering regulations in place which must be adhered as well as requirements around supervision, training and the meeting of national health and social care standards. Further details on fostering for West Lothian can be found here - [Fostering and Adoption West Lothian - Fostering and Adoption West Lothian](#)

- **Continuing Care**

Continuing Care refers to a local authority's duty, subject to a welfare assessment, to provide eligible young people (those aged at least 16, who's final 'looked after' care arrangement was in foster, kinship, or residential care) with the same accommodation and other assistance they had immediately before they ceased to be looked after. The young person MUST be a 'looked after child' on or after their 16<sup>th</sup> birthday with plans to remain within the kinship household for the near future. Continuing care can last until the young person's 21<sup>st</sup> birthday and is a legal term to describe the support they are receiving under the Children and Young People (Scotland) Act 2014. They are no longer looked after in these circumstances.

If a Compulsory Supervision Order is terminated before the young person is 16 years the young person will no longer be eligible for support. For those kinship carers who have obtained a Kinship Care Order, the young person will not be entitled to continuing care as they are no longer a 'looked after child' even if they were 'previously looked after.' Therefore, both kinship carers and

practitioners are encouraged to seek legal advice to assist in making informed permanence decisions.

- **Kinship Care Advice and Approval Group (KCAAG)**

West Lothian's KCAAG is a group of practitioners which includes a Group Manager and Senior Manager who have experience, understanding and responsibility for delivery of children's services including the Family Based Care Service. The group meets on a regular basis or as required to review completed kinship care assessments. The Social Worker attends to present their recommendation to the group and the group are the decision making body.

This group also meet to consider assessments which are being presented for advice or guidance.

- **Kinship Care Panel**

This panel serves as the fostering panel within West Lothian. It is a multi-agency constituted panel who meet as a minimum of 3 people with appropriate knowledge and skills to consider the assessment and application of a kinship carer. This panel will consider situations where the kinship carer wishes to appeal the decision made at KCAAG.

Currently there is no regulations or legislation governing kinship panels however the panel follows best practice.

## 5. Kinship Care Assessment

### 5.1 Initial suitability assessment

If a child/ren is placed on an emergency basis with kinship carers who are not approved the following should be undertaken within 3 working days (regulation 36 Looked After Children Regulations 2009) [The Looked After Children \(Scotland\) Regulations 2009 \(legislation.gov.uk\)](http://legislation.gov.uk)

The Child's Social worker should:

- Seek the child/ren's views
- Consult with anyone who holds parental rights and responsibilities for the child in respect of the care arrangement unless doing so would place the child or proposed carers at risk
- Undertake local authority checks on everyone in the household or make relevant enquiries on all household members within their local authority area.
- Carry out an emergency police check on every member of the household over 16 years old
- Determine the suitability of the accommodation and check on the suitability of the child/ren's sleeping accommodation
- Complete the initial suitability assessment which should be discussed and signed off by the relevant team manager
- Determine the requirement for any emergency financial supports and arrange payment
- Sign the initial care agreement
- The social worker for the child should arrange the initial planning meeting within 72 hours

These emergency arrangements will require to be reviewed with the plans to meet the child's longer term needs and suitable place of residence informed by the completion of a GIRFEC assessment. The aim will be to ensure the child has a stable care arrangement best suited to their needs. This could be a return home to their birth parents or an alternative suitable care arrangement that may not require the child to be looked after. For the duration of the emergency care provided the social worker will ensure all safeguards required are explained to the emergency kinship carer for the child and there will be an expectation the carer will:

- Care for the child in a safe and appropriate manner
- Allow the local authority to visit the child at any reasonable time
- Ensure any information related to the child or their family is kept confidential
- Allow the child to spend time with their birth family in accordance with arrangements agreed by the local authority

## **5.2 Referral to the Family Based Care Service (FBCS) for a Kinship Care assessment for a looked after child**

Within the initial planning meeting a decision should be made as to:

- Whether the kinship care arrangement is required and suitable to continue
- Whether a referral should be made for a kinship care assessment to the FBCS
- Whether the kinship carer will agree to undergo the assessment.

Where the above is agreed by all parties the social worker for the child should:

- Complete Kinship Assessment Referral form on MOSAIC for the Family Based Care Service
- Update Initial suitability assessment confirming continued suitability and the outcome from the initial planning meeting and provide this to the Family Based Care Service
- Provide the signed initial care agreement to the Family Based Care Service
- Complete Placement change form
- Complete the bank details form to trigger Interim Kinship Payment
- Make a referral to the Kinship Care Support Service if appropriate.

If the child is a Looked After Child, a kinship carer assessment requires to be undertaken on the carer regardless of whether the potential kinship carer requires financial assistance or not. The focus is on the suitability of the care arrangement not on the entitlement to finances. The child will continue to have an allocated social worker throughout the assessment process.

## **5.3 Kinship Assessment for Looked After Children**

West Lothian Council requires that all prospective kinship carer(s) undergo an assessment as to their ongoing suitability to provide safe care for the child(ren) they are being asked to care for and this also allows for the identification of any ongoing supports that the carer may require. This should be completed within 12 weeks of allocation. When a child(ren) is placed with a kinship carer on an emergency basis the initial suitability assessment as detailed above carried out by the child's allocated social worker must be provided to support the assessment process.

The kinship care assessment covers a range of areas and will require visits to the carers home and discussions with all household members and the child/ren being cared for over a number of weeks. This assessment will be undertaken by a social worker from the Family Based Care Service.

The social worker will:

- Undertake local authority checks on everyone in the household or make relevant enquiries on all household members within the relevant local authority area.
- Undertake education/health visitor checks for any children residing within the household
- PVG scheme membership is required for the main carer(s);
  - When a kinship care arrangement ends, or a person is no longer caring for a child then the PVG scheme will be updated to advise that West Lothian Council no longer have an interest in that person
- Undertake Disclosure Scotland checks on all other adults in the household over the age of 16;
- Undertake an assessment on the suitability of the accommodation (including a health and safety assessment, pet assessment where relevant);
- Undertake a GP health assessment for the kinship carer(s) and seek medical advisor opinion.

- Gather child and birth parents' views (or views of anyone who holds parental rights or responsibilities) including views of other children residing within the prospective carers home
- Gather views of child's allocated social worker
- Undertake an assessment of the prospective carer's ability to meet the immediate and longer-term needs of the child
- This assessment will include a discussion with the kinship carers about their relationships, parenting experiences, education, employment, health and childhood experiences
- Seek 2 personal references for the prospective carers
- Where relevant an Armed Forces check

If the prospective kinship carer is in a relationship with a spouse/partner and they live within the carers household they must be included on the kinship assessment application, whether or not they have caring responsibilities for the child.

#### **5.4 Permanence in Kinship care**

The Children and Young People (Scotland) Act 2014 and Kinship Care Assistance (Scotland) Order 2016 both recognise the need for permanence in kinship care through Kinship Care Orders, promoting kinship as a permanent option for children in Scotland. However, it is not just Kinship Care Orders that can be sought to achieve legal permanence, and it is important that both carers and practitioners seek legal advice to ensure the correct legal route is chosen in the best interests of the child. Eligibility for continuing care is affected when a kinship care order is granted. Good practice guides us to consider whether a child should be registered for permanence at the 6 month review stage and the allocated social worker for the child will have responsibility for ensuring reviews are undertaken within regulatory timescales.

There are four routes to permanence for looked after children in kinship care which include:

- Home with Parents
- Kinship Care Order (section 11)
- Permanence Order - child would remain looked after and allowances would continue to be paid.
- Adoption

The allocated social worker for the child will be able to provide further information about permanence planning.

## **6. Approval Process**

Within West Lothian kinship carers are only approved for a specific child or children. Where kinship carers are already approved for a child or children and wish to be assessed for another child, an updated assessment must be completed

Completed kinship assessments including the recommendation should be shared with the prospective kinship carers following them being signed by the assessing Social Worker, and the Family Based Care Manager. The prospective kinship carer will be invited to sign the report.

#### **Kinship Care Advice and Approval Group (KCAAG)**

The assessment and recommendation for the prospective kinship carer will be presented to the Kinship Care Advice and Approval Group (KCAAG) by the Social worker and Family Based Care Team Manager.

The KCAAG includes a Group Manager and Senior Manager and following approval the kinship carer will be notified both verbally and in writing. The Social Worker should arrange for the kinship

care agreement to be signed by the kinship carer(s) and the Family Based Care Manager within 7 days of approval. The interim kinship payment will transfer to become a kinship care allowance initiated by the Social Worker payable from the date of approval. An email should be sent to Family Based Care Service Admin along with the approval letter by the Social Worker.

Following approval, the assessing social worker will:

- Ensure the kinship care agreement (Schedule 5) is signed;
- Email the Family Based Care Service Admin to advise in the change of circumstances and confirm kinship allowances should be paid and;
- End involvement with the family and any required supports will be provided via the child's allocated social worker or the Kinship Care Support Service.

Where an assessment is started but not completed due to kinship care no longer being appropriate an outcome should still be presented to the KCAAG and recorded on MOSAIC.

### **Kinship Care Panel**

If the KCAAG recommends the kinship carer should **not** be approved this will be shared with the prospective kinship carers following the assessment being signed by the Social Worker and the Family Based Care Manager. The relevant team manager for the child should also be informed of the recommendation immediately to discuss and ensure the wellbeing of the child. In the event of an appeal by the carer this assessment and recommendation will then be presented at a Kinship Care Panel by the Social Worker and the Family Based Care Manager with the prospective kinship carer invited to attend. The panel will provide their recommendation to the attendees and the agency decision maker who will provide their decision in writing to the prospective kinship carer within 21 days of the panel. The child's allocated social worker requires as a matter of urgency to review the care arrangements for the child in these circumstances.

### **Advice**

Workers may request a meeting for advice with the (KCAAG) at any point in the assessment process or during a GIRFEC assessment to consider a family's circumstances.

## **7. Appeal Process**

If the prospective kinship carer wishes to appeal the decision of a KCAAG or Kinship care panel they should follow the steps below:

### **Appeal to KCAAG**

The prospective kinship carer should appeal in writing to the team manager of the Family Based Care Service within 28 days of the KCAAG decision. A request will then be made for a Kinship Care Panel to be convened as detailed above. A review of the decision will then be undertaken by the panel with an outcome provided in writing.

### **Appeal to the Kinship Care Panel**

The prospective kinship carer should appeal in writing to the agency decision maker within 28 days of the date of the letter received informing them that they have not been approved. All information will then be reviewed and a final decision provided in writing.

## **8. Financial Assistance and Processes**

**Emergency and Discretionary Wellbeing Payments (all wellbeing payments will be paid under section 22 of The Children Scotland Act 1995)**

**Emergency** - where a child is cared for in kinship care on an emergency basis financial support may be provided to assist with the costs of caring for the child/ren known as an emergency wellbeing payment. This wellbeing payment could include finances to purchase essentials items to meet the child's immediate care needs within the first 3 days of a care arrangement.

**Discretionary** – this wellbeing payment can be paid as a one off depending on assessed need or on an ongoing basis only within the first 12 weeks to support the development of a personalised child's plan and wellbeing assessment using the GIRFEC national practice model. All discretionary payments require approval by the group manager and beyond 12 weeks, financial assistance will only continue where it is concluded a return to the care of the birth parents would be unsuitable and the child is therefore assessed as being at risk of becoming looked after at this present moment in time and therefore eligible for kinship care assistance. A referral for a Kinship assessment to be undertaken for a looked after child would require to be progressed in these circumstances.

### **Kinship Financial Payments and Allowances (All payments will be made under section 50 of The Children Scotland Act 1995 and all paid at SRA)**

**Kinship Assistance and Allowance Rates** – West Lothian will meet the SRA currently set

#### **Paid for each eligible child**

Range	0-4	5-10	11-15	16-18	18-21 Continuing Care
Weekly	£173.36	£201.68	£203.54	£276.46	£276.46

The rate table shows the allowance before any deductions for Child Benefit/Child Tax Credit/Universals Credit are made. West Lothian council does not apply a means test when assessing the potential kinship carer(s). Kinship care allowance is given as an allowance for the child this is regardless of the carers single or joint income.

**\*Please be aware that child benefit is automatically deducted from the above rates before payment as it is the responsibility of the kinship carer to ensure they apply for all relevant benefits. This approach prevents overpayments\***

#### **Additional Allowances**

West Lothian Council provide additional financial support for a child's Birthday, Christmas and Holidays:

- **Birthday/Christmas:** An additional 1 week's allowance is paid per child for Christmas and their Birthday. Christmas payment is paid 6-8 weeks before Christmas. Birthday payment is paid within 29 days of the actual birthday date.
- **Holidays:** Kinship carers will be paid 2 weeks allowance per child per year. This allowance is paid pro rata and is included with kinship carers monthly allowance payments.

**Interim Kinship Payment** - where a child is subject to looked after regulations in a kinship care arrangement an interim kinship payment will be payable from the date the referral is received by the Family Based Care Service for a kinship assessment to be undertaken. It is the responsibility of the child's allocated worker to ensure that any wellbeing payments that are required continue until the interim kinship payment is established. West Lothian requires carers to undergo this assessment where children are placed via formal looked after procedures. This assesses the suitability of becoming a formal carer and identifies what supports may be necessary. A practice team social worker for the local authority will make a referral to the Family Based Care Service for a kinship care assessment using MOSAIC workflow. This assessment should be completed within 12 weeks from date of allocation.

This interim payment will continue until the assessment is completed and presented to the Kinship Care Advice and Approval Group (KCAAG). Failure to engage in the assessment could result in all financial assistance being stopped.

Allowances are paid four weekly by BACS payments and in advance of payment carers will require to provide:

- BACS Form completed and returned by carer
- Original document with bank details

Failure to provide necessary paperwork could result in non-payment of interim allowances or delay in payment.

### **Kinship Allowances**

Kinship allowances are paid:

- From the date a kinship care assessment is approved by West Lothians KCAAG
- For all formal kinship carers where the child has a looked after status; and
- For \* kinship carers where the child is not a looked after child but is subject to a Section 11 Order (to be known as a Kinship Care Order), and is an eligible child because they were
  - previously looked after;
  - placed with their current carer by the local authority; or
  - are deemed to be at risk of becoming looked after by the local authority at this moment in time.

Allowances are paid four weekly by BACS payments and in advance of payment carers will require to provide:

- Signed Kinship Care agreement (schedule 5)

**\*For kinship carers entitled to kinship allowances through having a kinship care order in place for an eligible child. West Lothian Council will consider the start date for payment to be the date contact was made with services to advise they have a kinship care order in place.**

### **Assistance when applying for a Kinship Care Order**

Where kinship care assistance is applicable it includes the provision of financial support towards applying for a kinship care order. Kinship carers need to apply for consideration of this support via the allocated social worker for the child. Prior to any request being considered you must evidence you have applied for legal aid through the Scottish Legal Aid Board to support your application and provide West Lothian Council the outcome or we will be unable to consider your request for support by us. Further information around entitled can be found in appendix 2.

Please note the local authority is not required to cover the full cost of an application but if you are an eligible carer for kinship care assistance we will be required to consider financial support towards the cost.

*(National guidance for Financial Assistance When Applying for a Kinship Care Order – Appendix 3)*

### **Continuing Care Allowances**

Where an eligible young person has been granted continuing care, payments to the kinship carer will continue up until the young person's 21<sup>st</sup> birthday. Continuing care allowances are paid regardless of the young person's education or employment status.

### **Care Experienced Bursaries**

Care Experienced young People who live with a person who had entitlement to kinship care assistance may be eligible to apply for a Care Experienced Bursary, if continuing their education and

studying for any eligible full time course. Further information can be accessed here: [Support for Care Experienced students - SAAS](#)

## 9. Review of Kinship Care Allowances

An annual review of kinship care allowances will be undertaken with a declaration form being sent for completion each year to the carer to confirm there are no changes in circumstances and entitlement to ongoing child benefit will require to be evidenced. Failure to complete and return the form could result in the suspension of allowances.

Any changes to a carers circumstances (including changes in bank account details or address) prior to the annual review needs to be highlighted to West Lothian Council as soon as possible or carers may receive an overpayment which they may be required to pay back.

If the necessary information is not provided payments will be unable to commence or where commenced these may require to be suspended.

## 10. Overpayments

On a very small number of occasions a kinship carer may receive a payment to which they weren't entitled e.g. the child has left their care during the advance payment period. In these circumstances Children's Services will seek to recover the overpayment from the kinship carer.

It is the responsibility of the kinship carer to notify the Family Based Care service if they have received payments they are not entitled or if there have been any changes to the child(ren) care arrangements whom they are approved kinship carers for as per the Kinship Care Agreement.

Where an overpayment has occurred the kinship carer will be advised and the reason for the overpayment shared with them. The option for the kinship carer to arrange a payment plan to repay any over payment will be provided.

## 11. Termination of Financial Supports

**Emergency Payments** – will terminate within the first 3 days of the care arrangement.

**Discretionary Payments** – no ongoing discretionary payment can be paid beyond the first 12 weeks. Any one off discretionary payments will be provided based on assessed needs.

**Interim Kinship Payments** - will terminate in the following circumstances

- a child is no longer living with the carer/s
- a child ceases to be looked after
- a decision is reached not to approve a prospective kinship carer.
- a decision is reached to approve a kinship carer resulting in a transfer to kinship allowances
- a carer fails to engage in the assessment process. This will result in the requirement of a multi-agency GIRFEC team around the child (TAC) meeting being arranged
- A kinship care order is granted resulting in a transfer to kinship allowances.

### Termination of the Kinship Allowance

The kinship care allowance will terminate in the following circumstances:

- if the child is no longer living with the carer/s

- the child ceases to be looked after
- if the birth parent moves into the kinship care household; or
- the child leaves school or further education and entitlement to child benefit comes to an end
- the child reaches their 16<sup>th</sup> birthday and enters full time employment

In accordance with the kinship agreement if the kinship carers are in breach of this agreement West Lothian council reserves the right to terminate the kinship allowance. If this is a kinship care arrangement with a looked after child, the suitability of the placement should be fully considered and a My planning meeting would require to be arranged.

### **Termination of Continuing Care Allowances**

Continuing Care terminates as soon as the young person leaves the care of the carer or on their 21<sup>st</sup> birthday whichever comes sooner.

## **12. Child Protection**

If there are concerns identified that a child or young person may be at risk of harm from abuse, neglect or exploitation either as part of the kinship care assessment, as part of any KCAAG or Kinship Panel discussion or at any time within the kinship care arrangement the child's allocated worker and team manager should be informed with immediate effect. Practitioners must then refer to the Edinburgh and Lothians Multi Agency Child Protection Procedures [Edinburgh and the Lothians Multi-agency Child Protection Procedures](#).

Action in relation to Kinship Allowances:

- All allowances will remain in place during this process unless the child is removed from the care of the kinship carer during or after any child protection investigation.
- If the child is removed any allowance will be suspended and may be permanently stopped.
- If the child returns to the care of the kinship carer/s in a kinship care arrangement the allowance will be reinstated.
- If the child moves to an alternative kinship carer a full assessment for the new prospective kinship carer will be required and kinship allowances will become payable as per this policy and guidance

**If a kinship carer or anyone has child protection concerns they should share these with the allocated social worker or team manager with immediate effect. For child protection concerns about a child who is not allocated contact should be made with the Duty and Child Protection Team:**

[The Duty and Child Protection Team Referral Form - Health & Social Care Partnership \(westlothianhscp.org.uk\)](#)

## **13. Kinship Arrangements across Multiple Authorities**

West Lothian Council are committed to the principles of Getting it Right For Every Child (GIRFEC) and work to ensure the welfare of the child is paramount. In supporting kinship arrangements where the child may reside with kinship carers out with West Lothian we will work to the Kinship Care Protocol which can be found here:

[Supporting-Kinship-Arrangements-Protocol.pdf \(socialworkscotland.org\)](#)

## 14. Complaints Procedure

West Lothian Council are committed to early resolutions of any concerns and the Social Workers or Team Manager for the Kinship Care Service would welcome a discussion should you be dissatisfied with any element of the service received from them.

If there is a need to raise a formal complaint, West Lothian Council Complaints Procedure can be accessed here: [Complaints - West Lothian Council](#)

## 15. Policy Review and Monitoring

The Head of Social Policy will have responsibility for ensuring that the policy is reviewed and revised where necessary, at intervals not exceeding three years.

This policy will be implemented across all relevant services, with a strong emphasis on collaboration and communication. The following steps will ensure the effective implementation and continuous improvement of the Kinship Care process:

### **Training and Development:**

Provide training and development opportunities for staff across the relevant services to ensure they are equipped with the knowledge and skills required to support young people and kinship carers through the kinship process. Training will include understanding statutory requirements and best practices through the development of practitioner guidance.

### **Resource Allocation:**

Ensure that proportionate resources are allocated to support the implementation of this policy.

### **Stakeholder Engagement:**

Engage with young people, their families, kinship carers and other stakeholders to gather input and feedback on the kinship care process. Regular consultations and surveys will help identify areas of improvement and ensure that the policy remains responsive to the needs of those it serves.

### **Feedback Mechanisms:**

Establish feedback mechanisms to allow young people and their kinship carers to report their experiences and suggest improvements. This can include surveys, focus groups, and regular meetings with staff. Feedback will be analysed and used to inform policy adjustments and enhancements.

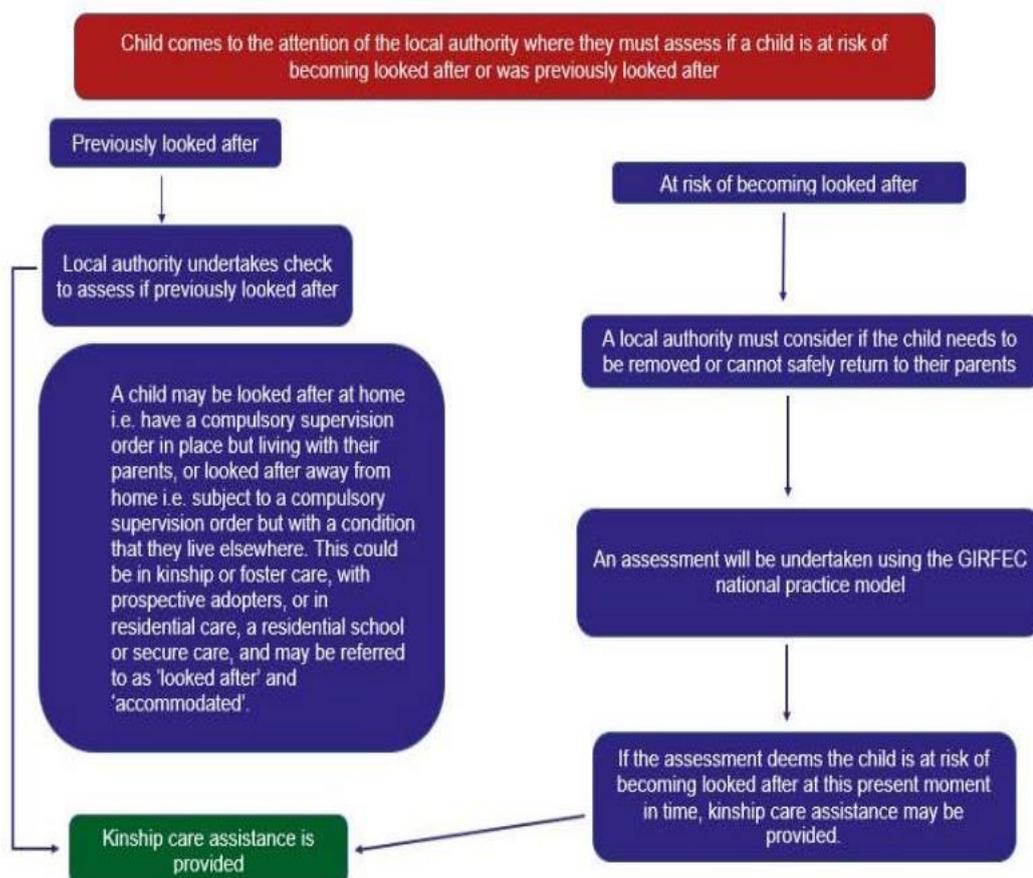
## 16. Appendix 1 – Children 1st

**Children 1<sup>st</sup>** work in collaboration with West Lothian Council Kinship Service. They provide a trauma-informed and strengths-based approach to supporting families in kinship care arrangements across West Lothian with skilled workers providing whole family support to kinship carers and their families. Children 1st provide kinship carers with practical, financial, emotional support and advice, and will work to build capacity and resilience. Supports include:

- Individual support
- Whole family support
- Trauma Recovery
- Life story work
- Financial and practical support
- Attachment and parenting support
- Peer support
- Advice and signposting
- Participation
- Family Group Decision Making (FGDM)

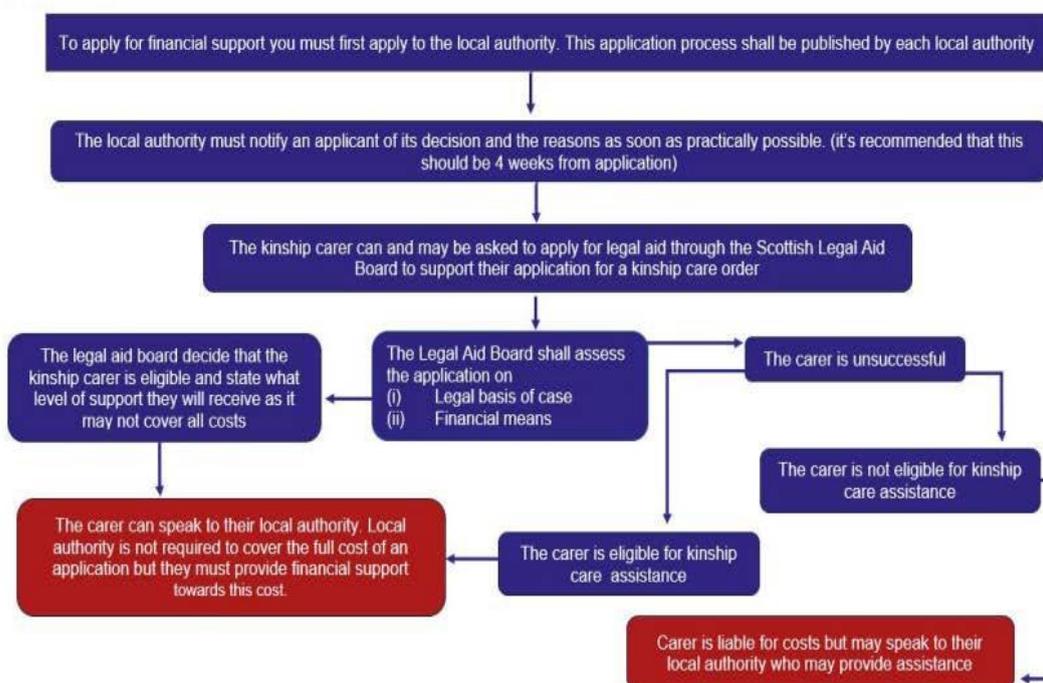
The kinship service works alongside the FGDM provision within West Lothian as both are provided by Children First. All staff within Children First West Lothian Wellbeing service are trained in FGDM and work to the principles of the model. Many kinship families can benefit from an FGDM approach especially around contact arrangements or when carers may need additional family support.

## 17. Appendix 2 – Kinship Care Assistance Flow Chart



## 18. Appendix 3 – Financial Assistance Flow Chart

Where kinship care assistance is applicable it includes the provision of financial support towards applying for a kinship care order,



## 19. Appendix 4 – Relevant Legislation, Policy and National Guidance

This policy has been developed to meet the requirements detailed in the following:

[Children and Young People \(Scotland\) Act 2014](#)

[The Kinship Care Assistance \(Scotland\) Order 2016](#)

[Children \(Scotland\) Act 1995](#)

[Children \(Scotland\) Act 2020](#)

[Getting it right for every child \(GIRFEC\) - gov.scot](#)

[The Promise](#)

[The Looked After Children \(Scotland\) Regulations 2009](#)

[Adoption and Children \(Scotland\) Act 2007](#)

[Children's Hearings \(Scotland\) Act 2011](#)

[United Nations Convention on the Rights of the Child \(Incorporation\) \(Scotland\) Act 2024](#)

[Fostering and Adoption West Lothian - Fostering and Adoption West Lothian](#)

[Updated practitioner guidance on kinship care assistance in Scotland](#)

[Kinship care: assessment framework 2024 - gov.scot](#)

## 20. Appendix 5 – Useful National Organisations

The Kinship Care Advice Service for Scotland (KCASS) provides FREE, confidential, impartial advice to Kinship Families and Professionals working with them.

Email: [advice@kinshiptscot.org](mailto:advice@kinshiptscot.org) Call: **0800 800 0006**

Opening times: **Mon-Fri 10am-2.30pm**

Please leave a message if you require a call back outside of these hours

Citizens Advice Scotland

[Kinship care - Citizens Advice](#)

