



**Social Justice and Social Security Committee
Kinship Care**

11 February 2022

Introduction

1. COSLA is the voice of Local Government in Scotland, we are a Councillor-led, cross-party organisation who champions councils' vital work to secure the resources and powers they need to deliver effectively. We work on councils' behalf to focus on the challenges and opportunities they face, and to engage positively with Governments and stakeholders on policy, funding and legislation.
2. COSLA, and our 32 member councils, have fully committed to delivering the change required for Scotland to #KeepThePromise. Progress, including service and policy redesign and transformation around how local government engages and makes decisions with children, young people, and families, is underway. Local Government shares and is dedicated to ensuring that Scotland's children grow up loved, safe and respected.

Kinship Care Definitions

3. The term Kinship Care applies to different situations and arrangements. For clarity definitions are provided below:
 - a. A child or young person could be in kinship care and be in care and have looked after status.
 - b. They could be kinship care, not in care or looked after, but the but the kinship carer has obtained a Kinship Care Order (KCO) as specified in Part 13 of the 2014 Act and the Kinship Care Assistance (Scotland) Order 2016 and is an eligible carer for the purposes of receiving "Kinship care assistance" (for example, where a child was previously looked after, is at risk of accommodation or was placed with the involvement of the local authority.
 - c. They could be cared for by a relative or friend by agreement between the parent and the kinship carer without the involvement of the state. Such situations may be informal or confirmed by a Kinship Care Order
4. However, regardless of status and arrangements, all children and young people in Scotland deserve the support they need, at the right time, from the right people to help them to grow up feeling loved, safe and respected so that they can realise their full potential. Getting it right for every child (GIRFEC) means professionals across agencies and organisations work together to support families and COSLA and Local Government is committed to continually improving how we do that.

Kinship Care Collaborative

5. COSLA is a member of the Kinship Care Collaborative, which is jointly chaired by Scottish Government and Social Work Scotland. It was set up to inform the delivery of improvements in support for kinship families across Scotland. The collaborative considers current policy and legislation and explores the changes that are required to drive improvement.
6. The Collaborative agreed six priorities which are being taken forward by three groups:
 1. Review of kinship care legislation and guidance and Establish Clear and universal understanding of definitions within legislation
 2. Identification of resources and gaps with a view to eliminate any gap, and Identification of good practice
 3. Improve consistency of Service provision across Scotland and Ensuring kinship care is visible within communities and promoting this.
7. COSLA and Local Government will be engaged in these groups and continue to work with partners across the sector to improve the support and experiences of children and young people in kinship care and their families.

Financial Support

8. In 2015, COSLA agreed a funding package with Scottish Government to fund the local parity model for kinship care, in order to ensure that kinship care allowances were paid at the same level as foster care allowances by councils from 1 October 2015.
9. This political agreement was acknowledged to be a temporary solution and response to challenge from the Equalities and Human Rights Commission (EHRC). At that time, it was agreed that a National Allowances Review Group should be established to consider how a longer term model for allowances could be developed, particularly in light of changes to the benefits system and the introduction of Universal Credit. The establishment of this group was delayed but established in November 2017.
10. Once established, the terms of reference and remit of the group did not reflect the earlier agreement on the need to consider changes to the delivery and approach to foster and kinship care allowances discussed as part of the 2015 agreement. Instead it focused on the commitment in the 2017 Programme for Government to “review Foster, Kinship and Adoption Allowances to bring forward proposals for national kinship care and foster care allowances in summer 2018”.
11. The group did however consider the impact of Universal Credit as there was an emerging issue of a funding shortfall in the payment of kinship carers following the switch from child tax credit.

12. From the outset, and throughout the work of the group, COSLA was clear that setting out a figure for a “national allowance” would not be possible within the current level of overall funding, and that funding for foster and kinship carers – including level of allowances paid and additional benefits provided in-kind - is a matter for local discretion, based on local needs (such as cost of living, rurality, and demographic challenges).
13. The [National Review of Care Allowances Group](#) reported in September 2018 making 12 recommendations aimed at improving the consistency and transparency of support for kinship and foster families.
14. Prior to the COVID-19 outbreak COSLA officers were in discussion with Scottish Government officials on how to progress one of the recommendations within the report, which called for consideration of a Scottish Recommended Allowance for children in kinship and foster care. However, discussions were paused given the focus on the COVID response. Discussions on this restarted last year.
15. Detailed work was undertaken by COSLA and SOLACE in 2019, with allowances being examined in detail to assess level of care allowances and the extent to which they align with the 16 elements as recommended by the Care Allowance Review Group. This work clearly showed that basic care allowances cannot be looked at in isolation and that the basic allowance provided by councils is supplemented by many additional benefits that cannot be overlooked.
16. The 16 core items recommended by the Review Group are:
 1. Food
 2. Toiletries
 3. Clothes
 4. Wear and tear
 5. Hobbies and activities
 6. Bedding
 7. Furniture
 8. Pocket money
 9. Toys
 10. Insurance and utility bill increases
 11. Daily access to a computer and the internet for homework/course work
 12. Transport costs for the child (for the purpose of attending review meetings, children’s hearings, contact, travel to school, college or other educational facility)
 13. Mobile phone
 14. Holiday costs to cover school holiday activities and family trips
 15. Birthday
 16. Christmas or other cultural or religious events

17. Whilst there is some “combining” of different elements of the allowance by LAs, councils have constructed their allowances guided by the 16 elements, especially around provision for holidays, birthday, Christmas/other and travel. Some provide clothing, pocket money and phone allowances separately, along with other support such as furniture, equipment, bedding, off-island travel, driving lessons, leisure (both free and discounted) and travel passes, and contributions towards school trips.
18. When considering the data available at Local Authority level, large variances can be seen in relation to income and outgoings, for example in relation to housing costs, earnings, and council tax. Further local observations can be made around significant variations in food and fuel costs. As an example, a litre of diesel in Scottish Borders can be 10p more expensive than in neighbouring local authorities Midlothian and Edinburgh; reliance on car travel and availability of public transport also varies significantly which can significantly affect monthly outgoings and influence a young person’s opportunity to participate in extracurricular activities for example.
19. The data gathered by COSLA and SOLACE in 2019 provided further evidence that local authorities are maintaining locally appropriate care allowances. There is a risk that a move to create a minimum allowance, without fully understanding existing local provision across all 32 councils, could disadvantage carers in some areas significantly, depending on how rates are modelled and used to base the minimum allowance.
20. There was a recognition that there are, in some respects, weaknesses in relation to the transparency and accessibility of information in some local areas. There was agreement to work with SOLACE and other key partners including Social Work Scotland to improve the clarity and awareness of information.
21. Discussions are ongoing, and COSLA and Scottish Government have agreed the following principles in making any changes:
- a. Allowances must equally apply to eligible children in kinship¹ and foster care.
 - b. Allowances must cover the 16 core items recommended by the Review Group
 - c. To ensure no family is worse off than at present, allowances should be the higher of either:
 1. What is currently paid; or
 2. The proposed Scottish Recommended Allowance

¹ Those kinship carers for whom a local authority has legal responsibility to provide financial support, through the child in care having looked after status, or where kinship carer has obtained a Kinship Care Order (KCO) as specified in Part 13 of the 2014 Act and the Kinship Care Assistance (Scotland) Order 2016 and is an eligible carer for the purposes of receiving “Kinship care assistance” i.e. the child was previously looked after, is at risk of accommodation or was placed with the involvement of the local authority.

- d. Local authorities should have flexibility on how they cover the cost of the 16 items, but it must be made clear, in an easily understood and fully accessible published format, how they are doing so.
22. Costing this is challenging, and work with SOLACE, Local Government Directors of Finance, and Scottish Government continues.
23. Generally, care allowances are funded through the core settlement. Given the cuts to this over the years, and the £251m real terms cut in 22/23, any increase to allowances as a result of national policy commitments will need to be fully funded by Scottish Government, and equitable across councils in order to reflect the local decisions that been taken in this area. A fair settlement for Local Government would enable local authorities to consider what more they could offer, whether it is financial in terms of allowances, or other support to foster and kinship families, in consultation with them and as locally appropriate given local pressures and priorities.
24. COSLA would also note that is also a need, reflecting on the agreement in 2015, to consider the role of Social Security Scotland given the ambition to maximising incomes through a holistic approach to support.

Conclusion

25. We welcome the Social Justice and Social Security Committee's interest in the practical and financial support available to kinship carers. Scottish Government and Local Government are committed to #KeepThePromise and will continue to work together, with partners, on supporting children and families in line with GIRFEC.