

Citizens Advice Scotland
Kinship Care
Social Justice and Social Security Committee
February 2022

Who we are

Scotland's Citizens Advice network empowers people in every corner of Scotland through local bureaux and national services by providing free, confidential, and independent advice. We use peoples' experiences to influence policy and drive change. We are on the side of people in Scotland who need help.

Introduction

Citizens Advice Scotland would like to thank the Social Justice and Social Security Committee for giving us the opportunity to be involved in this conversation about kinship care. As the Committee will know, Citizens Advice Scotland delivered the National Kinship Care Service between 2009 and 2019, and in that time carried out significant research and build up both a wealth of knowledge about kinship care and also built strong working relationships with kinship carers and kinship care support groups. In that period, our case workers responded to lots of enquiries from kinship carers, the majority of which were enquiries about financial support available or about the legal processes involved in looking after Looked After Children or the acquisition of Residence/Kinship Care Orders. Also, in that time, the kinship carers who used our service were financially better off for having done so. In the two years since the service moved from Citizens Advice Scotland, kinship carers have continued to bring enquiries to local Citizens Advice Bureaux in significant numbers, indicating that there is still a pressing need for kinship carers to have access to accurate, current information about the financial support available to enable them to care for their children. In this briefing, I propose to outline the advice services CAS provided in the areas of interest expressed by the Committee, and the support we offered to kinship carers.

Financial support for kinship carers

This has not changed in the two years since the service was moved from Citizens Advice Scotland to Adoption UK. It remains the case that there are 32 local authorities making payment of Kinship Care Allowance at different rates, using three different legal mechanisms, all of which, along with the legal status of the child, impact differently on kinship carers' entitlement to receive child related UK state benefits. The implications are:-

- section 22 of the Children (Scotland) Act 1995 and section 50 of the Children Act 1975 – kinship carers of a Looked After Child will receive Kinship Care Allowance and may be eligible to receive Child Benefit - this will be deducted from the Kinship Care Allowance payment. Kinship carers of a Not Looked After Child may be eligible to receive Kinship Care Allowance and also Child Benefit and the Child Element of Universal Credit - this will be deducted from the Kinship Care Allowance payment.

- section 110 of the Adoption and Children (Scotland) Act 2007 (regulation 33 of the Looked After Children (Scotland) Regulations 2009) – this mechanism is usually only used for kinship carers of Looked After Children and they be eligible to receive Kinship Care Allowance only.

In 2015, Kinship Care Allowance was brought into line with the child allowance portion of Fostering Allowance. Kinship Care Allowance is administered in such a way as to ensure that the kinship carer receives financial support from the local authority which ensures their entire financial support (UK Benefits and Kinship Care Allowance together) equals that of fostering allowances in their local authority area. The amount of financial support available continues to vary significantly between local authority areas, depending on the other financial circumstances of the individual kinship carer.

Information about legal processes

Kinship carers sought advice from the Kinship Care Service at Citizens Advice Scotland because of the complexities surround the distinctions between Looked After and Not Looked After status of the children in their care. There is often confusion about whether a child is placed formally, by a local authority or informally by a social worker, when both actions look very similar. The introduction of the Kinship Care Order, while solving the issues of eligibility for Kinship Care Allowance, for some kinship carers, added a further layer of complexity for others. Many sought advice to help understand the advantages and disadvantages of applying for this Order.

Emotional and practical support for kinship carers

The early research undertaken by Citizens Advice Scotland will now be out of date in terms of statistics, but I believe the circumstances in which kinship carers care for the children of relatives remain the same. Children come into kinship care in the same way that they enter foster care - as a result of family trauma which means they cannot remain with their parents, and it is my view that children who can remain within their families, should do so – but those families frequently stated that they felt they were not supported to provide this care. Many kinship families expressed to me that they felt like the “cheap option”. Kinship carers are usually grandparents, but can also be great-grandparents, aunts and uncles, siblings, cousins or close family friends who look after children usually at very short notice and with minimal preparation. The knock-on effect of this, apart from the obvious immediate financial one, is that frequently housing is inappropriate to accommodate a child or children, kinship carers are caused to rethink the hours they can work, so that earnings are significantly reduced, and other family relationships, particularly relationships with other grandchildren, are impacted. Also, significantly, the kinship carer often becomes the “gatekeeper” between the child and their parent(s), forcing them to make a choice between their child and their grandchild.

The Kinship Care Service at Citizens Advice Scotland provided both a wide range of written advice materials and also training and networking events for kinship carers and for local authority and third sector stakeholders.

In terms of support available to kinship carers – apart from the support provided by local authorities - there are several very good kinship care peer support groups in Scotland, some

of which are run as independent charities, some are facilitated by the local authorities and some by third sector agencies, but this is not a consistent picture nationally, as some are larger and stronger than others, and all differ in what they are able to offer.

Conclusion

It was apparent, in my experience of working with kinship carers, that they found the regulations and practises surrounding financial support complex and often contradictory. They also often found significant variations in facilities and resources available to them, based on where they lived and which local authority had placed the child. Local authority policy makers apply the regulations appropriately, but kinship carers have advised us that, often, the understanding of these regulations, and the skill in applying them in practice, does not cascade to the individuals tasked with supporting kinship carers

Most of the kinship carers I have encountered are strong, capable and determined to provide the best care possible for the children they look after, but they frequently refer to the access to support as a Post Code Lottery, and while support available is clearly dependent on the resources of each local authority, kinship carers often struggle to access any of these resources.

Gill Westwood
Manager, Peebles & District Citizens Advice Bureau