

The logo for SPICe (The Information Centre) is a purple rounded rectangle with a gradient. The text 'SPICe' is in white, bold, sans-serif font.

The Information Centre
An t-Ionad Fiosrachaidh

Social Justice and Social Security Committee

**12th Meeting, 2022 (Session 6), Thursday
31 March**

Kinship care: Minister for Children and Young People

Introduction

The Committee will hold a session with the Minister for Children and Young People Clare Haughey MSP to discuss issues arising from recent evidence sessions on kinship care.

The Committee heard evidence from stakeholder organisations on [24 February 2022](#) and an informal session with kinship carers was held on 21 March 2022.

The [SPICe briefing for the 24 February meeting](#) provides detailed information about the issues facing kinship carers and relevant work being taken forward at national level. Extracts of this briefing are included below.

Background

Kinship care arrangements

Kinship care is where a child who cannot be looked after by their parents is looked after by extended family or someone known to them.

[The Centre for Excellence for Children's Care and Protection \(CELCIS\)](#) [states](#) kinship care arrangements can often arise as a result of an emergency, for example, a child's parent being taken into hospital. They are also an important way to provide children with stability from family or friends when parents cannot provide this themselves.

When a local authority is placing a child with a kinship carer, under Section 10(3) of the **Looked After Children (Scotland) Regulations 2009**, they must undertake an assessment of the kinship carer's suitability to care for the child. The assessment of

kinship care arrangements is undertaken by local social work teams. There is no statutory requirement for the review or re-approval of kinship carers, although some local authorities do have a process of assessment and/or kinship care panels in place.

Children living in kinship care are not always formally 'looked after' (i.e. where a local authority has some legal responsibility for the child). Children can live with kinship carers in informal or formal arrangements. The features of informal and formal kinship care are set out below.

Formal kinship care:

- The [Scottish Government's 2021 National Guidance for Child Protection](#) states that kinship care placements arranged under the Looked After Children (Scotland) Regulations 2009 are "often referred to as formal kinship care".
- The 2009 regulations give local authorities powers to approve a kinship carer for a child looked after by a local authority under the terms set out in section 17(6) of the Children (Scotland) Act 1995. This section of the Act has been amended in recent years to include:
 - looked after children subject to [Compulsory Supervision Orders](#)
 - the introduction of [Permanence Orders](#), which have the potential for parental rights to be shared between kinship carers, parents and the local authority. This was introduced under section 80 of the [Adoption and Children \(Scotland\) Act 2007](#).

Informal kinship care:

- Children in informal kinship care arrangements are not considered 'looked after' by a local authority. Their kinship care arrangement may have come about:
 - Via the [Children and Young People \(Scotland\) Act 2014](#), which introduced the provision of 'kinship care orders'. This describes existing court orders made under [section 11 of the Children \(Scotland\) Act 1995](#) granting parental responsibilities and rights to a qualifying person or residence orders regulating where a child lives if the child was looked after previously, **once a kinship care order has been granted a child is no longer looked after** by a local authority. The 2014 Act sets out support local authorities should offer to eligible kinship carers who have or are seeking a kinship care order. Not all carers with a kinship care order are eligible for financial support: if a child was not previously looked after or placed with local authority involvement, the carer will likely not receive a kinship care allowance from the local authority.
 - Some children may be living in a completely private arrangement, with no involvement from the local authority, no court orders and no granting of guardianship. There is no legal requirement for the state to be notified of such an arrangement when a child is being cared for by a close relative

(through blood, marriage or civil partnership). Informal kinship care differs from private fostering. Private fostering is where a parent makes an arrangement to have their child cared for by someone who is not an approved foster or kinship carer, guardian of the child or close relative of the child.

Submissions to the Committee from [Social Work Scotland](#) (SWS) and [CELCIS](#) noted that the use of the phrases ‘formal’ and ‘informal’ in relation to kinship care can cause confusion and make it difficult for kinship carers to understand how to secure the right support. This point was also made in evidence to the Committee.

Number of children in kinship care

The number of children looked after in formal kinship care arrangements has risen in recent years. The latest Scottish Government [Children’s social work statistics](#) published in March 2021 find there were **4,456 children in formal kinship care in 2020; up from 4,175 the previous year and 3,172 in 2010.**

The total figure is likely to be far higher, as these figures do not include children living in all informal kinship care. To illustrate this point, a [2017 policy report from the Hadley Centre for Adoption and Foster Care Studies at the University of Bristol](#) **estimated 12,630 children in Scotland were living in some form of kinship care arrangement in 2011.**

Theme 1: Kinship care and reform of children’s care services

The Independent Care Review (Care Review) was commissioned in 2017 and reported in 2020. People with experience of the care system represented half of the review group’s co-chairs and working group members.

The review findings were published in February 2020, setting out the steps toward significant reform to the care system for children and young people. The main findings were set out in main report [The Promise](#).

On kinship care, the Independent Care Review highlighted the need for continued support for kinship carers. As set out in The Promise Scotland’s submission to the Committee, kinship families [told the Care Review](#) they were often fearful asking for help may lead to them “being seen as not being able to cope”. If they do ask for help “it can feel punitive and they worry about what might happen as a result”.

The Care Review concluded that financial support for kinship carers must match that of foster carers. Kinship carers should not have to fight for support or professionalise their role to access support. Support in place must recognise that children being cared for may have experienced deep trauma, and carers themselves may be experiencing pain because of family breakdown. Ensuring a balance of support and supervision for kinship carers was also highlighted.

Following the publication of the Care Review, The Promise Scotland was set up to drive change using the review conclusions. The [Promise Scotland's Plan 21-24](#) sets out expected outcomes up to 2024. [Change Programme One](#) is the first of a series of annual change programmes that will provide a framework for delivery towards these outcomes.

In relation to kinship care, Change Programme One focuses on improving support needs, highlighting that kinship carers must be considered in relation to whole family support programmes and able to access trauma informed family therapies.

The Scottish Government's National Care Service (NCS) consultation proposed the inclusion of children's services in the NCS. The draft NCS Bill has not yet been published, though an analysis of the consultation found that 76% of respondents agreed children's services should be included. However, the consultation analysis notes:

"A number of key stakeholders however did express concerns about the proposals with several suggesting that more evidence on the likely benefits of the proposals is required, including, as previously noted, some of the local authorities. There were a number of risks identified here by individuals and organisations, including the potential loss of a local dimension to responding to need and the potential loss of the link to education." – [NCS consultation analysis](#)

Support arrangements for kinship carers was not covered in the consultation but would likely be impacted if children's social work services are included in the NCS.

In line with work to improve support, the [2021-22 Programme for Government \(PfG\)](#) committed to a [Whole Family Wellbeing Fund](#) of £500m over Session 6 of Parliament. While not solely focused on kinship care, the fund is aimed at tackling issues faced by families before they need crisis intervention. The PfG also states that from 2030, at least 5% of community-based health and social care spend will be focused on preventative measures. The overall intention of this preventative spend is to reduce the number of children being taken into care.

Kinship Collaborative

The Kinship Collaborative was set up by the Scottish Government following a commitment in the [2020-21 Programme for Government](#) to better support kinship carers and resolve the variation in support received across the country.

The group is co-chaired by the Scottish Government and Social Work Scotland. Among its aims is to develop a network to deliver improvements at local and national level for kinship families. It will consider and take forward solutions to support children and young people living in kinship families and develop social work knowledge and practice of the issues faced by kinship families.

The SWS submission to the Committee states the Collaborative has a “critical role” in resolving issues of concern to kinship carers.

The Kinship Collaborative is not taking forward current work on establishing a national rate of allowance for kinship carers and foster carers. This is being taken forward by the Scottish Government and COLSA.

Evidence heard by the Committee

Definition of kinship care arrangements

In addition to evidence the Committee received in submissions, the Committee heard from all witnesses that the current definitions of kinship care arrangements were complex and this made them difficult for kinship carers to understand. The definitions impact allowance and benefits eligibility. Kirsty Doull of CELCIS explained ‘informal’ and ‘formal’ can be used:

“...as categories to describe different families whose needs and circumstances might be similar. However, it can mean that vital support is much harder to access for some carers than it is for others, based on those categories...We would definitely want to explore the use of the words ‘formal’ and ‘informal’, because we need to think about what the child needs, rather than what the status of the adult who cares for them is.” – [Official Report, 24/02/22](#)

The Promise

The Committee heard that kinship carers often have to fight for support, not all kinship carers can access support, and where support is received it is often inadequate.

The Kinship Care Advice Service Scotland (KCASS) is a Scottish Government funded advice service delivered by Adoption UK Scotland and the Adoption and Fostering Alliance (AFA) Scotland in collaboration with the Child Poverty Action Group (CPAG) Scotland. [The KCASS submission to the Committee](#) contains experiences gathered from kinship carers on their KCASS Advisory Group. Kinship carers on the group would like to see all kinship carers offered support, regardless of the child’s ‘looked after’ or ‘non-looked after’ status.

Where there are kinship care teams in place at a local authority, families tend to feel better supported. In addition, carers would like to be asked by local authorities how they can be supported, rather than being told there is no support available.

The Committee heard from multiple witnesses that proposed care reforms being overseen by The Promise Scotland could have a positive impact on kinship families. In particular, reforms around equity of family support and early intervention to help families avoid crisis situations arising were highlighted.

Vivien Thomson of Social Work Scotland told the Committee that getting family support right would lead to fewer children needing to be looked after, however she

stressed that “some very specific supports are needed for kinship carers”, adding “they needed to be able to access the right person to direct them to the right place for issues that might not exist for families who are not looking after a child in kinship care.”

Laura Caven of the Convention of Scottish Local Authorities (COSLA) told the Committee that a family support delivery group had been established to develop a route map for family support, and this will “feed into and advise future years of the Whole Family Wellbeing Fund”.

Micheleine Kane of the Scottish Kinship Care Alliance (SKCA) said that kinship carers needed “the people who made the Promise to keep it”. She added that kinship carers had been campaigning for improved support for over 20 years, stating: “we love these kids, but we cannae keep them on love...That doesnae work in the real world.”

Micheleine Kane cited current levels of kinship care allowances, which range from £77 to £200 depending on local authority area. She said a universal approach involving legislation was needed to address these discrepancies, and that more recognition of the circumstances in which kinship cares become carers is needed:

“[We] got a chap at the door. We do not get counselling; we do not get training; we do not get anything. We get kids and there is human emotion involved in taking every single one of these kids. They need to take that into account. It isnae jist about money, it is about getting it right for every single kinship child in every single family. They aw deserve to be treated the same, but that aspect of the Promise is not being kept just now.” - [Official Report, 24/02/22](#)

Micheleine Kane also highlighted the role kinship carers play in achieving The Promise’s objective to reduce the number of children being taken into care. She said kinship carers give parents a second chance, while keeping children with their families.

National Care Service (NCS)

Laura Caven highlighted COSLA’s opposition to the inclusion of children’s services in the NCS, stating such a move could discourage kinship carers from coming forward for support:

“The Promise is about supporting families and reducing barriers, and we have spent years trying to destigmatise seeking and receiving support from a range of agencies. We provide that support through a range of services, such as schools and early learning and care, and we try to make it a holistic, GIRFEC, whole-family type of support. We do not want to risk undoing that by moving that kind of support into a national care service.” - [Official Report, 24/02/22](#)

Kinship Care Collaborative

The Scottish Government's Kinship Care Collaborative was set up in order to look at how care reforms being overseen by The Promise Scotland can benefit kinship carers. However, the Committee heard in evidence from SKCA and in the written submission from KCASS that there is frustration around the slow progress of the Collaborative.

During evidence to the Committee, Micheleine Kane of SKCA said her organisation is a member of the Kinship Care Collaborative, but that they may withdraw. She also said many kinship carers feel let down after years of engagement with the Scottish Government. Alison Gillies of the Child Poverty Action Group (CPAG) said that her organisation is not a member, but is interested in the work of the group and looking at whether CPAG's expertise may be of use.

In supplementary evidence to the Committee received on 17 March 2022, CELCIS stats that the priorities of the Collaborative were developed by multi-agency partners, including kinship carers. The CELCIS submission states:

"These priorities are currently being developed by members of the Collaborative into specific aims with tangible action plans in order deliver on the Collaborative's commitment to improve the support available to kinship carers and the children they love and care for. Consideration is also being given as to how the Collaborative can effectively communicate this work throughout Scotland." – CELCIS supplementary evidence

Theme 1: Kinship care and reform of children's care services

Members may wish to explore with the Minister:

1. The Committee has heard kinship carers will have an important role to play in realising The Promise's goal to have fewer children going into care. What might the Scottish Government do to give greater recognition to the role of kinship carers.
2. What impact the proposed inclusion of children's services in the National Care Service Bill might have on work to improve support for kinship carers and encourage them to come forward to seek such support.
3. The Committee has heard evidence around confusion that exists around the various definitions of kinship carers. What action might the Scottish Government take to address this and will changes to legislation be considered.
4. What role the Kinship Care Collaborative can play in addressing the support needs of kinship carers and what might be done to address the frustrations of SKCA and others around the progress of the Collaborative.

Theme 2: Financial support for kinship carers

Implementation of measures to improve financial support available to kinship carers and give parity with allowances received by foster carers began in 2007. More information on this can be found in the [SPICe briefing for the 24 February meeting](#).

Kinship carers and foster carers in the same local authority area now receive the same level of allowance, but there is no national rate in place. As CELCIS and SWS state in their submissions to the Committee, Scotland is currently the only part of the UK that does not have a nationally agreed allowance rate. [Payments vary from around £77 a week to over £200 a week](#) depending on the age of the child and the local authority area the kinship carers live in. The ways in which local authorities can make payments to kinship carers are detailed in the [SPICe briefing for the 24 February meeting](#).

There is also confusion from kinship carers around the distinctions between ‘looked after’ and ‘not looked after’ and around whether a child has been placed formally by a local authority or informally by a social worker. In addition, in a supplementary submission to the Committee, CELCIS explain that for families with Kinship Care Orders, there are certain criteria to be met in order to receive financial support – and one of these is that the child is or was “at risk of becoming ‘looked after’.”

A [National Review of Care Allowances](#) was published in 2018. This recommended the introduction of a Scottish Recommended Allowance for kinship and foster care. However, this has not yet been implemented.

The level of support currently received by kinship carers varies depending on the local authority area they live in, the route the child took into kinship care, whether they have been placed by the local authority into a formal kinship care arrangement or whether they live in an informal arrangement with family/friends of the family.

In its submission to the Committee, CELCIS states that a national rate is “required as a matter of urgency” due to children living with kinship carers disproportionately living in the poorest households in Scotland. 80% of the 43 kinship carers taking part in a [2019 survey carried out by the Family Rights Group and analysed by CELCIS](#) reported becoming a kinship carer had caused them financial difficulty.

SWS states work to update projections on the costs of a national allowance was underway with the intention that these are implemented “in the very near future”.

However, as it stands, work to implement a national rate would not improve support for kinship carers in informal arrangements, as many would remain ineligible.

COSLA’s submission to the Committee states they had been clear from the start of work on a national allowance that it would not be possible within current levels of funding. Citing cuts to the local authority core settlement and the “£251m real terms cut in 22/23”, COSLA states that any increases to allowances resulting from national policy commitments “will need to be fully funded by the Scottish Government”. It is

also COSLA’s view that funding for foster and kinship carers is a matter for “local discretion based on local needs”.

The [Citizen’s Advice Scotland \(CAS\) website](#) notes that the rights and responsibilities of kinship carers are complicated, as is working out entitlement to social security benefits. There are different entitlements for kinship carers of looked after and non-looked after children.

The [National Kinship Care Advice Service for Scotland website states](#) that being in receipt of Kinship Care Allowance can impact on entitlement to other social security benefits and tax credits, though child benefits and child-related tax credits should not be impacted.

The [Child Poverty Action Group's \(CPAG\) November 2021 briefing on kinship care and Universal Credit \(UC\)](#) looks at eligibility of kinship carers of looked after and non-looked after children for each element of UC. This is also explored in the [SPICe briefing for the 24 February meeting](#). In general, kinship carers of looked after children do not qualify for the child element of UC.

CPAG’s submission to the Committee notes that carers who are exempt from the two-child limit may find themselves “no better off” due to the benefits cap.

CPAG also notes that there are “various troublesome complexities arising from the interaction between the system of local authority kinship care allowances and the social security system”. This not only creates difficulties for kinship carers themselves, but also for local authorities and for social workers supporting kinship carers.

For example, CPAG notes that while kinship carers caring for a ‘looked after’ child are not eligible for the child element of UC, the Department for Work and Pensions sometimes awards this element to the carer. This can result in overpaid UC, which needs to be repaid, and can also impact the allowance paid by the local authority.

Evidence heard by the Committee

Impact of kinship care arrangement on financial support

Social Work Scotland’s Vivien Thomson said that the fact that some eligible kinship carers in ‘informal’ arrangements received a kinship care allowance while others did not was also a source of confusion:

“Of two carers with [section 11 kinship care orders](#), one might get an allowance but one will not. It depends on whether the child was at risk of being accommodated by the local authority or were placed originally with the kinship carers through the involvement of the local authority.” [Official Report, 24/02/22](#)

In a supplementary submission to the Committee, CELCIS also highlight that families with a kinship care order only qualify for financial support if certain criteria are met. One of these criteria is that the child is or was at risk of becoming ‘looked after’. CELCIS states in the submission:

“We wished to draw this specific criteria to the attention of the Committee as it has the potential to result in the unintended consequence of some kinship carers not being able to receive this financial support. This is because “at risk of becoming ‘looked after’” may be interpreted as applying only when a family has reached a perceived ‘crisis point’. Therefore, if a kinship carer has begun caring for a child before a perceived ‘crisis point’, it may not be viewed that that child has been “at risk of becoming looked after”. Further clarification on this definition would be welcome to ensure that all kinship carers receive the financial support they are entitled to and are not unintentionally disadvantaged.”

Gill Westwood of the Peebles and District Citizens Advice Bureau said that the ‘formal’ and ‘informal’ definitions of kinship care made it “complicated for kinship carers to navigate not only their financial entitlements through the kinship care lens but the knock-on effects and their access to other UK state benefits.”

Gill Westwood said that kinship carers also found the terms ‘looked after’ and ‘not looked after’ meaningless, because all children were being looked after by them.

When asked whether all informal kinship carers should receive an allowance, Linda Richards of Perth and Kinross Council said:

“Universal support in the community is what informal kinship carers need more than the intervention of local authorities via the social work department...If there were an allowance in future, I would like to see it as a universal support rather than one that the council social work department was involved in monitoring and allocating.” [Official Report, 24/02/22](#)

COSLA’s Laura Caven said that sub-groups of the Kinship Care Collaborative are looking at gaps in support provided to families regardless of definitions.

The Committee also heard that for kinship carers in informal arrangements with no social work involvement, education colleagues such as guidance teachers or third sector partners often provided support referrals to councils.

In supplementary evidence to the Committee, CAS stated that there were differences in the passported benefits received by kinship carers depending on the local authority area and the “level of understanding of the person making the decision about a benefit”. CAS provided the following example:

“...many kinship carers of Looked After Children do not receive free school meals and uniform allowances because it is perceived by the local authority that they are covering these costs in their kinship care allowance payments, but the same local authority will extend this benefit to some foster carers.”

Universal Credit and benefit entitlement

In evidence to the Committee, the roll-out of Universal Credit (UC) was highlighted by Micheleine Kane of SKCA. Micheleine Kane told the Committee:

“The biggest minefield has come with the roll-out of universal credit in Scotland, because it is different from the old income support that a lot of the grandmothers, especially the single ones, were on for many, many years. They have been taken off that, and in becoming a new kinship carer, they have had to wait a month for their benefits because of the law with regard to benefit changes as a result of changes in circumstance. We have had a lot of that.” - [Official Report, 24/02/22](#)

On whether Social Security Scotland should play a role in delivering kinship care payments, Alison Gillies of CPAG Scotland said that the implications of doing this would have to be looked at. For example, it would have knock on impacts on access to UC and local authority kinship care allowance and other support. However, she also noted that kinship carers needed to be able to access advice in a “no-wrong-door way” to avoid having to explain their story to multiple organisations.

Alison Gillies also stated that while kinship carers on a low-income receiving benefits such as child tax credit and UC have these benefits deducted from their kinship care allowance, kinship carers on higher incomes not receiving benefits do not have these deductions and will receive more kinship care allowance.

Other issues around universal credit include kinship carers of looked after children can be categorised by the Department for Work and Pensions (DWP) as eligible for UC when they are not. When DWP realises this error, kinship carers are then required to pay back overpayments.

Linda Richards said that the kinship care team at Perth and Kinross Council work with the local welfare rights team to help kinship carers receive the benefits they are entitled to.

The Committee also heard that guidance for local authorities on support for kinship carers had not been updated to include information about UC. CPAG’s Alison Gillies stated this has led to local authorities finding their own ways to implement changes.

CPAG’s briefing [Kinship carers and Universal Credit – Lessons in complexity](#) contains a number of case study examples of the ways in which receipt of UC can impact on kinship carers.

CPAG also provided supplementary evidence to the Committee on passported benefits. These are benefits that are available to some kinship carers as a result of entitlement to another social security benefit, often known as a ‘qualifying benefit’. The Scottish Child Payment is one example of this. The CPAG submission states that while the legal basis of a kinship care arrangement does not in itself impact on entitlement to passported benefits, caring for a looked after child may make it less likely a kinship carer will be in receipt of a qualifying benefit such as UC.

The CPAG supplementary submission provides four examples of kinship carers. In three of the examples, the kinship carer receives UC and therefore receives the Scottish Child Payment. This is even the case in Example 3 where the child is ‘looked after’ and the kinship carer does not qualify for the child element of UC.

Because the carer receives the housing costs element of UC, they can still receive the Scottish Child Payment. However, in example 4 where a kinship carer does not receive UC, they also miss out on the Scottish Child Payment.

CPAG's supplementary evidence also reiterates that kinship carers of looked after children cannot claim the child-care costs element of UC.

Continuing care

The KCASS submission highlighted differences in the local authority implementation of the Children and Young People (Scotland) Act 2014 Parts 10 and 11 on Aftercare and Continuing Care, stating:

“In effect, some Kinship Carers continue to receive full allowances until the young person is aged 21 and for others it will end at 18 or sometimes 16 years. Once leaving care young people from kinship families do not consistently receive after care support.” - [KCASS submission to Committee](#)

KCASS identified homelessness as one of the risks of failing to provide aftercare and continuing support.

Proposed national rate of allowance

The Committee heard that there is currently a postcode lottery around level of support kinship carers receive. Current rates depend on the local authority area carers live in. Kirsty Doull of CELCIS stated the provision of financial support to kinship carers is “crucial” as they are often disproportionately living in some of the poorest households in Scotland. CELCIS' submission to the Committee highlighted a [2019 survey carried out by the Family Rights Group and analysed by CELCIS which found:](#)

- 44% of kinship carers who were working before becoming a carer had to give this up;
- A further 19% reduced their hours when they began caring for a child.

The KCASS submission to the Committee stated that kinship families have expressed “disappointment and frustration” about the lack of progress toward implementing a national allowance for kinship carers. Many local authorities have frozen rates over the last three years, which has had an impact on kinship carers due to the rising cost of living. In addition, while local authorities now set allowances for foster carers and kinship carers at the same rate, most foster carers receive an additional Fostering Fee. KCASS states more information about the kinship care allowance and what is it intended to cover should be provided to kinship care families.

When asked why variations in kinship care allowance existed between councils, COSLA's Laura Caven said this was to do with costs depending on where people live. She also said local authorities had varying arrangements around additional payments, such as for birthday celebrations, clothing and transport.

On the implementation of a national rate of allowance, Laura Caven said COSLA would like to see this fully funded.

Vivien Thomson of Social Work Scotland said that the national allowance must include uplift to take cost of living increases into account.

When asked whether all kinship carers should be paid the same allowance regardless of where they live, CPAG's Alison Gillies said this could not be answered with "a yes or a no" and more detail around the level of allowance and how it would be administered was needed.

The level a national allowance would be set at was raised by CPAG and others, due to the gaps between the current rates. Alison Gillies asked: "Would it be a case of having a race to the bottom or picking the best practice and going for that?"

In supplementary evidence to the Committee, CAS stated that there should be a national child allowance paid to all kinship carers, irrespective of their employment status. This should be set at a rate which "recognises the real cost involved in raising a child to have life chances equal to any other child". CAS suggest this may replace entitlement to state benefits with a payment from central rather than local government.

Examples of good practice

The KCASS submission highlights local authority good practice on kinship care allowance includes: local authorities paying the same allowance for 'looked after' and 'non-looked after' children; additional payments for holidays, birthdays etc; payment of kinship care allowance until the child's 18th birthday; support to claim other benefits; clear information about allowances and policy on kinship carers; legislation applied flexibly and to support the family.

The Committee heard that many kinship carers caring for 'non-looked after' children in informal arrangements were deemed ineligible to receive kinship care allowance.

The KCASS submission to the Committee states that local authorities often advise kinship carers to consider taking out a Section 11 Kinship Care Order in order to give them parental rights and responsibilities. However, families are not provided with information on the consequences of doing this and how it might impact on the financial support they receive or entitlement to other benefits.

Theme 2: Financial support for kinship carers

Members may wish to explore with the Minister:

5. The reasons why kinship carers disproportionately live in poverty and what the Scottish Government will do to address this.
6. Why progress toward implementing a national rate of allowance for kinship carers has been slow and when implementation can be expected.

7. What the Scottish Government could do to ensure all kinship carers can access support regardless of the definition of their kinship care arrangement.
8. The Committee heard there is a perception amongst kinship carers that local authorities will try to use existing legislation to avoid paying kinship care allowances. How might the Scottish Government encourage local authorities to provide support.
9. The Committee heard kinship carers are unclear about the different types of kinship care arrangements and how these will impact their entitlement to support. What can be done to improve transparency and ensure access to clear, concise information.
10. Whether local authorities will continue to distribute kinship care allowance if a national rate is introduced or whether this will be done more centrally, e.g via Social Security Scotland or the National Care Service.
11. Whether all kinship carers should receive the Scottish Child Payment rather than only those who are in receipt of Universal Credit.

Theme 3: Further support for kinship families

The Children and Young People (Scotland) Act 2014 made provisions for kinship care support including counselling and advice, financial support or support in kind and the provision of subsidised services provided by local authorities. As SWS sets out in their submission to the Committee, while there is no requirement for a formal assessment of kinship carers of non-looked after children the 2014 Act sets out support local authorities should have in place for eligible kinship carers who have/are seeking a kinship care order.

As set out in Theme 1 of this briefing, better provision of non-financial support for all kinship families was also highlighted in the Independent Care Review. This can include support for mental and physical health and wellbeing as well as therapeutic and group support. All support should be trauma informed and the rights of the child should be at the centre.

A [survey carried by the Family Rights group out in 2019](#) found that 38% of 42 kinship carers surveyed rated the help and support they received from children's services as 'very poor'. CELCIS' submission to the Committee states that kinship carers and the children they care for often have health needs requiring support. In addition, CELCIS highlights:

- Many children in kinship care have experienced trauma in their early life and this may require ongoing support for the child.
- Children in kinship care are less likely to receive mental health services than children in foster care.
- While Continuing Care arrangements for young people up to the age of 21 mean that those in kinship care should be provided with the same

accommodation and assistance the local authority was providing before the young person ceased to be 'looked after'. However, local authority interpretation of this guidance varies, and clarity is needed around continued provision of allowances to families in these circumstances.

Arrangements for working with kinship carers differ across local authorities. In its submission to the Committee, Perth and Kinross Council outlines its approach to support for kinship carers, which begins when a support worker from its Kinship Care Team is allocated to a family as soon as a child is placed with a kinship carer. The social worker will offer practical and emotional support to carers, and arrangements are reviewed annually.

The Council's Kinship Care Team also works with health, housing, education and third sector partners. The team can arrange respite support for kinship carers who need it, which the council states is having positive impact in preventing placement breakdown and supporting the health and wellbeing of kinship carers.

However, arrangements for supporting kinship carers differ by local authority. The CAS submission to the Committee states:

"...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". – CAS submission to the Committee

CAS also highlights placing children with kinship carers who are under-prepared and unsupported can lead to issues such as housing being inappropriate to accommodate a child and a fall in household income due to the kinship carer having to reduce the hours they can work. There may also be knock on impacts on family relationships as the kinship carer "becomes the "gatekeeper" between the child and their parent(s), forcing them to make a choice between their child and their grandchild."

Kinship care peer support groups were highlighted by CAS as good examples of support. However, the submission stated there was "not a consistent picture nationally, as some are larger and stronger than others, and all differ in what they are able to offer."

The Kinship Care Advice Service Scotland (KCASS)

The KCASS advice service for kinship carers funded by the Scottish Government. Since September 2020 it has been jointly hosted by Adoption UK Scotland and the Adoption and Fostering Alliance (AFA) Scotland in collaboration with CPAG. Prior to this, the service was hosted by CAS.

The KCASS website – kinship.scot – provides information on support for kinship carers. Adoption UK Scotland also run a kinship care helpline. The development of these services is informed by the KCASS Advisory Group.

Evidence heard by the Committee

The Committee heard that kinship families often had issues around housing, with suitable houses difficult to find in some areas. Linda Richards of Perth and Kinross Council said the kinship care team at her local authority worked closely with housing colleagues to find suitable houses and, in some cases, make adaptations to existing houses. For example, by converting a three bedroom house into a four-bedroom house. Linda Richards said housing should be a priority and larger homes must be built in the right areas.

KCASS highlighted they would like to see the Scottish Government commit to provide funding for additional support for kinship families. This includes:

“...the need for more scaffolding around kinship care including support services, therapeutic resources, a trained workforce, and intensive family support accessible to Kinship families when they need it and in keeping with whole family support is increasing.” - [KCASS submission to Committee](#)

Family group decision making is also identified by KCASS as another means of support that is beneficial to help prepare potential kinship carers for the possibility of looking after a child.

The KCASS submission highlights kinship carers often do not receive additional family leave when taking on the parenting role of a child.

In supplementary evidence to the Committee, CAS said “clear, written advice about what to expect as a kinship carer” could be helpful. This would help prepare kinship carers for meetings with social work, Children’s Panel Hearings and other meetings. CAS stated:

“Many kinship carers have had no previous dealings with social work and are expected to attend these meetings and know how to conduct themselves with no briefing. Many are afraid to speak up in case they say the wrong thing and the child is taken away and many have expressed to me that they wanted to defend the child’s point of view but were not permitted to speak.”

The Kinship Care Advice Service Scotland (KCASS)

During evidence, Micheleine Kane told the Committee that kinship carers were unhappy about the current KCASS and preferred when it was delivered by CAS and dealt with support and benefits eligibility. She also stated: “...when we were looking for support in 2014, they refused to support us, citing total differences.”

On the care service for kinship carers Gill Westwood of CAS stated she was:

“...dismayed that the kinship care service went to an agency that does not provide information on benefits or the legal status of kinship carers. The service also went to an agency that has the power over what, in my experience, kinship carers fear most: the children being adopted or fostered away from them.” - [Official Report, 24/02/22](#)

In supplementary correspondence to the Committee, KCASS asked to correct and respond to these points. KCASS correspondence stated:

- Discussions Micheleine Kane or the SKCA held in 2014 were not with AFA Scotland or Adoption UK Scotland. KCASS suggest these discussions would likely have been with BAAF Scotland which is “a now obsolete organisation” with “no formal legacy in AFA Scotland and no formal relationship with Adoption UK Scotland”.
- KCASS is keen to build links with the SKCA if possible.
- The current KCASS benefit adviser team includes three team members who previously worked within the service when it was hosted by CAS.
- The current service has a partnership agreement with CPAG Scotland to ensure information is kept current and up to date.
- Links between the KCASS service and local CAS offices are positive, and kinship carers make use of both services.

Theme 3: Further support for kinship families

Members may wish to explore with the Minister:

12. How kinship carers can be offered the support they need without fear of negative consequences of coming forward.
13. How kinship families can be better supported: i) in the first weeks and months of placement and ii) beyond this.
14. What might be done to address the lack of family leave available to kinship carers.
15. How access to peer support services might be improved across the country.
16. Whether kinship carers should be offered training.

Lynne Currie, Senior Researcher (Children’s social work), SPICe Research

25 March 2022

Note: Committee briefing papers are provided by SPICe for the use of Scottish Parliament committees and clerking staff. They provide focused information or respond to specific questions or areas of interest to committees and are not intended to offer comprehensive coverage of a subject area.
The Scottish Parliament, Edinburgh, EH99 1SP www.parliament.scot