

## Notes from CoramBAAF re: The Independent Review of Social Care

The Independent Review of Social Care Final Report was published on Monday 23 May 2022.

Chapter 4 of the review titled *Unlocking the potential of family networks* makes ambitious recommendations around kinship care. There will be time in the coming days and weeks to digest, unpick and think more deeply about the detail of the recommendations and plans for implementation. But for now, for today, we should pause and welcome the significance of the spotlight that has finally been shone on kinship care. Kinship care matters and this has been reflected in the review.

The review acknowledges that kinship carers have for too long been “a **silent and unheard majority**”. To the many kinship families providing safe and loving homes and to those of use working with them, let’s celebrate that our voices have been heard.

The recommendations in the report, if implemented, will have a significant impact on the lives of children and their kinship families.

Recommendations in chapter 4 explicitly articulate **the value of family networks in supporting and keeping children safe** (pg. 99) and (pg. 103). These include the introduction of legislation to mandate the use of family decision-making before a family reaches Public Law Outline (PLO) when the Local Authority is considering making an application to the court to address concerns about a child or children. This proposal aims **to ensure that potential kinship carers are identified and involved in decision-making around a child as early as possible** and hopefully in a meaningful and respectful way that encourages true partnership working with families.

The review also recommends legislation to create a new ‘**Family Network Plan**’ which would articulate the support (including financial) needed to **make a family led alternative to a child going into care** workable and successful. We know families can provide solutions and safety for children. The funding of and support of these plans would become a statutory duty, as would requirements to review, monitor and measure outcomes.

Further recommendations make welcome references to **specific financial, legal and practical support being made available to kinship carers**. The review recommends a kinship allowance payable to all special guardians and kinship carers with a child arrangement order at the same rate as foster

care allowances. **This would be without reliance on means testing or other arbitrary limits.** If this was implemented this would relieve many kinship carers of the stressful need to fight or jump through hoops to achieve any semblance of a regular income to care for their vulnerable children.

The review also recommends an **extension to the eligibility to legal aid.** This is to ensure new or potential kinship carers have access to independent legal advice to inform their decision-making around appropriate orders for the children. **This could extend to existing carers in helping protect them from litigation where there are disputes with birth parents.** The recommendation for kinship carers to be granted **paid kinship leave that matches adoption leave** is also a welcome and long awaited call for fairness and equity for the many kinship carers who have until now needed to either leave their employment or take unpaid leave to prioritise a child moving to their care.

Another recommendation introduces the requirement for local authorities to **provide or commission both preparation groups and bespoke training, as well as peer support groups** to ensure that kinship carers can develop the skills and knowledge needed and receive continuing support, to enable them to best meet the needs of their children in their care.

The final recommendation invites **a new legal definition of what constitutes kinship care that is common and universally held** - this is to ensure the definition can be usefully relied upon as a passport to services and support. It also acknowledges the need to consider this retrospectively for existing kinship carers. The review acknowledges the potential complexity of arriving at an agreed definition, but invites government to consult on the wording of such a definition as part of the implementation plan. Such a definition would be practically and structurally useful. Perhaps as equally importantly it will be psychologically validating for the many kinship carers who have felt invisible and misunderstood.

The review must be credited with acknowledging and articulating some of the fundamental barriers and challenges that face kinship carers. It has made an attempt to remove the inequity of eligibility to support being based on current legal status and/or previously looked after status. It recognised the value of kinship carers having stepped in when needed, but this then having an impact on their access to support later down the line. It has recognised some fundamental needs for equity of support for kinship carers which is a pivotal moment for us all.



## **Key Recommendations:**

- Financial allowances - payable to all SGs and kinship carers with a CAO at same rate as FC's if child would otherwise have been in care
- Ending reverse incentive to remain FC and therefore child remaining in care
- Extension of legal aid - to any potential kinship carer considering caring for a child. Not just those in private and public law proceedings but also to existing kinship carers to protect them from litigation where disputes with birth parents arise
- Kinship leave - to be paid to all SGs and kinship carers with CAO to match adoption leave - for up to 39 weeks
- Universal support for kinship carers - as part of National Care Framework, including bespoke training and peer support
- Universal definition of kinship care - legal definition taking into account various circumstances so this can be used as passport to various services