



Kinship care

All across Scotland, thousands of people, such as grandparents, aunts, uncles and family friends, care for children because their birth parents are unable to do so. If you are looking after a child like this – full time or most of the time – then you are a **kinship carer**.

The rights and responsibilities of kinship carers can be complicated. It is important to get advice early, so you know about your options and feel confident that the decisions you are making are in the best interests of the child.

Getting Advice

This fact sheet sets out some key facts about being a kinship carer and highlights some of the questions you may need to ask. There are three main places to go to for more detailed advice:

- your local Citizens Advice Bureau (CAB) (find them in the yellow pages or at www.cas.org.uk). If you can't get to the CAB, call the Kinship Care helpline on 0808 800 0006
- the social work or children's services department at your local authority. (Note: If the child you care for has recently been living in a different local authority, you will normally need to deal with that local authority.)
- Children 1st Kinship Care Helpline on 08000 28 22 33. This helpline provides a listening ear and support for kinship carers.

You should ask the local authority what support, both practical and financial, they can provide to ensure that you are able to meet the needs of the child that you are looking after. **You should never feel under pressure to enter into a kinship care arrangement if you are not confident that you will get the right support.**

Note: Please check if the local authority that has responsibility for the child is the local authority where you live. For example, if you stay in Dunfermline and care for a child who was born in and until recently lived in Edinburgh, then you may need to deal with City of Edinburgh Council rather than Fife Council.

How important is the legal status of the child

Children in kinship care arrangements may be 'looked after' or 'not looked after' – these terms describe the legal status of the child. It is very important to know the legal status as it helps you to understand what help you can get and what you have to do as a kinship carer.

'Looked after' children

The local authority has particular duties towards 'looked after' children, even though they are living with you. The child's birth parents retain parental rights and responsibilities unless a court has removed these rights.

When a child is 'looked after', the local authority has certain additional duties towards the child, even though you care for them on a daily basis.



The following table summarises what the legal status of ‘looked after’ means for you and the child.

Rights and roles when the child is ‘looked after’

The child should...	The kinship carer should...	The local authority should...
<ul style="list-style-type: none"> • be safe • have a <i>Child’s Plan</i>, overseen by the local authority, detailing who is responsible for their every day care • have access to education including additional support if they need it. 	<ul style="list-style-type: none"> • be supported throughout the process by the local authority • help write the <i>Child’s Plan</i> and be willing to work with social work to deliver the <i>Child’s Plan</i> • be fully informed of their entitlement to practical and financial help • be fully informed of their options at every stage. 	<ul style="list-style-type: none"> • make sure the <i>Child’s Plan</i> is being delivered • assess, supervise and support the child, their carers and their family • provide a kinship care allowance • inform kinship carers of their rights and options and help them plan in the best interests of the child, without placing them under pressure.

The legal status of a child can change if a new decision is made by the court, a Children’s Hearing or the local authority. After the new decision is made, you may have more or less parental responsibility for the child.

Not ‘looked after’ children

The local authority has a duty to look out for the interests of not ‘looked after’ children. This is the same duty they have towards all children in their area who have needs that must be met. Parental rights and responsibilities for the child are normally retained by the birth parents even though the child lives with you.

A not ‘looked after’ child may live in a kinship care arrangement as the result of a private agreement made between the child’s parent(s) and the kinship carer. The local authority may not be formally involved in this arrangement. However as the kinship carer of a non-looked after child the local authority may be involved in assessing the child’s needs. It may have a duty to provide you with extra assistance. This assistance may take the form of information and advice but also an allowance.

Finding out whether or not a child is formally ‘looked after’

When you don’t know if the child is ‘looked after’, contact the social work/children’s services department to ask.

Note: When you are a kinship carer for two or more children, the looked after status of each child may be different. It is important to check what the legal arrangements are for each child.



Financial help

All local authorities in Scotland have agreed with the Scottish Government to set up a scheme to make payment of an allowance to eligible kinship carers.

Kinship carers of 'looked after' children are **not the only kinship carers** who can get an allowance called a kinship care allowance. The general rule since October 2015 is that a kinship care allowance is payable if the child who is living with you and for whom you have a residence/kinship care order:

- is or was a 'looked after' child
- is or was at risk of becoming 'looked after'
- is or was placed in the kinship placement by the local authority.

If you need to know more about what a kinship care order is please go to your local CAB.

Kinship care allowance should be the same as the local fostering allowance

The local authority should now be involved in checking that all kinship carers receive financial help that has parity with the local fostering allowance. In some cases what you get from the local authority will be calculated taking account of other benefits and tax credits to which you are entitled.

You should get help from your local CAB, because the way in which this allowance is calculated may be complicated. This is because the amount paid and rules on making payment varies from one local authority to another and some local authorities are still in the process of:

- trying to identify which kinship carers in their area are entitled to a kinship care allowance, *and*
- how much the kinship carer is entitled to taking account of child benefit and child tax credit entitlements.

Payment rates may also vary because of the ages of the children you care for, or because the child comes from a different local authority to the one in which the kinship carer and the child live. Your local CAB will be able to advise you.

The rules for other benefits – such as Universal Credit, Housing Benefit and Pension Credit – are complicated, with Child Tax Credit usually being counted as income for the purposes of calculating Housing Benefit and Council Tax Rebate. Your local CAB will be able to work through all your entitlements in detail.

What if you are struggling to make kinship care work?

If you are struggling to make the kinship care arrangement work, you can:

- ask the social work/children's services department about the range of services they can provide, from training to support groups
- contact the Children's Reporter who can consider convening a Children's Hearing to work out what is best for the child



- call Parentline Scotland on 08000 28 22 33 – they get lots of calls from kinship carers and will understand the challenges you are facing
- ask your local CAB or the local authority if there is a kinship care support group in your area.

Contacting social work/children's services or the Children's Reporter does not mean a child will automatically be taken away from you and put into foster or residential care. No one wants to see this happen when solutions can be found within the family. What it does mean is that a proper assessment can be made of current arrangements in the best interests of the child.

Other information on www.citizensadvice.org.uk/scotland which might help

- [Children who are looked after by the local authority](#)
- [Children who need local authority services](#)
- [Young people and family](#)
- [Fostering](#)

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This fact sheet is reviewed regularly. The law changes frequently. To confirm you are looking at the most up-to-date version, download the fact sheet from <http://www.citizensadvice.org.uk/scotland> or contact your local Citizens Advice Bureau.

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