

Children Looked After

Children's Services

Financial Assistance to Children in line with Section 17 Children Act 1989

**West Sussex County Council
Children's Services**



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Feedback:

Our customers expect first class service and we aim to provide it. We therefore welcome feedback about our policies and procedures. If you have any comments about this document please e-mail: socialcare@westsussex.gov.uk

1. Introduction

Children's Social Care services and budgets are not intended to provide income support, however in exceptional cases they can provide financial assistance to families where children are assessed as being 'in need' in line with the definition in S17 Children Act 1989.

- Children Act 1989 s17
(www.legislation.gov.uk/ukpga/1989/41/section/17)

This has the potential to include large numbers of children, and therefore priorities for services have to be determined based on an assessment of the child's needs. These priorities are set out in the continuum of need threshold document. The following documents can be found on the county council's website (www.westsussex.gov.uk) type 'West Sussex Continuum of Need' in the search engine.

- West Sussex Continuum of Need (PDF)
- West Sussex Continuum of Need overview (PDF)

There will always be exceptions to the policy, when individual circumstances are taken into account but the following provides a general framework for decision making.

2. Levels of Need

WSSCC and partner agencies provide a range of services for children and their families from universal services available to all, targeted services for those requiring extra support, to specialist and rehabilitative services where crisis or urgent intervention is required.

The West Sussex continuum of need provides a useful way of conceptualizing the different levels of need and service response. The Children Act threshold for Children In Need is the threshold for a service provision by Social Services.

Payments under S17 CA1989 are made to children and families according to need in the following categories:

2.1 Small payments to cover emergency situations

- No money will be provided by Social Care without an assessment which must state clearly the need that is to be met and how the payment will meet that need.
- This assessment will explore all other options such as food banks and charities before providing any financial assistance. Where appropriate, food or vouchers should be given instead of cash. Where cash is given the guideline is £5 per child per day (nothing for adults). Subsistence should

initially only be given for 1 day, three if covering the weekend, and the claimant will be asked to go to DWP the following working day.

- Money for gas and electricity is only provided where exceptional circumstances prevail. e.g. where there is a small baby or vulnerable child. The maximum should be £10 to cover immediate need.
 - Payment for essential travel will only be considered for distances of more than 2 miles and for the cost by public transport. The only exception is when public transport is completely unfeasible, or if it is cheaper by taxi.
 - In the case of lost or stolen money proof that they have informed the police will also be required.
 - A directory of local services to help in emergency situations is available and should be used to re-direct requests for assistance wherever possible.
- West Sussex Local Assistance Network (LAN) Directory of Services (PDF)

2.2 Planned payments made in order to carry through a social work plan

- Returning children home to their parents when the child has been subject of S31 or S20, and where lack of provision would prevent the child returning home.
- Day Care e.g. child minders or nursery, and only in the short term as part of a Child Protection Plan.
- To facilitate temporary private care arrangements e.g. when parent may be hospitalised. Only appropriate if it is evident that the viability and success of the arrangement is dependent on the financial assistance. The main financial responsibility for the arrangement lies with the child's family. At the very least, the parent should be expected to provide the person caring for the child with the child benefit received for that child. Any Sec. 17 payment should be based on actual cost.
- To enable a parent or guardian to attend a Child Protection Conference.
- To enact recommendations within the child protection plan drawn up at the Child Protection Conference.
- Telephone costs may be paid when this is essential for the child's protection e.g. significant risk of DV to family. The possibility of installation under the Chronically Sick & Disabled Persons Act (1970) should be considered in conjunction with Adult Services.
- Furniture and essential household equipment. Charities should be approached for assistance but where this is not possible only essential items

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should be purchased and these should be second hand wherever possible. Beds and bedding should be provided for the children only.

- Educational expenses are not met by Social Care and schools should be approached about use of the Pupil Premium.
- After school and holiday activities will only be supported if part of a Child Protection Plan, or if preventing the need for accommodation. Preferably free activities available locally should be identified.
- Cost for family trips / holidays will not be met.
- Baby equipment such as fireguards, stair gates, bottles and sterilising equipment can be provided to maintain children safely at home. Pushchairs will only be provided in exceptional circumstances, and the least expensive suitable model available.
- Regular weekly payments should be authorised for a limited period only as part of a CIN, CP or CLA plan and reviewed before this period expires by the Social Worker and Team Manager.
- The maximum time for which payments can be made without being reviewed is 3 months. However in most circumstances it should be less.
- If committed expenditure will ultimately exceed the initial authorising officer's delegated powers, approval of the next senior authorising officer must be sought at the outset (see Section 5, Delegated Financial Powers).
- Families with disabled children who require support services or short breaks to enable them to safely care for their children may receive regular payments as part of a CIN plan or parents have the right to request that support is given through a direct payment or personal budget. Separate guidance covers these types of payment.
- Direct payments are a different way of delivering certain existing social services responsibilities. If it is assessed that a disabled child needs services, the parent or young person can choose to get money to buy these services by themselves, therefore offering more choice and control over how children's needs are met.
- Using direct payments means disabled children and their families can decide who is going to provide services, and arrange how and when they are provided. Families can use direct payments or Personal Budgets to buy services from an organization that provides care such as a private agency, voluntary organization, or nursery or can employ someone directly.

Payments for accommodation and subsistence for unaccompanied minors over 16 who are age disputed or have elected not to be looked after. The following

documents can be found on the county council's website (www.westsussex.gov.uk) type 'Children's Services Management Instructions' in the search engine.

- ❖ MIN 24 - Provision of accommodation for 16-17 year olds who already have a CIN or CP Plan) and payment to homeless 16/17-year-olds under the joint protocol
- ❖ Joint protocol - assessment of housing and support needs of homeless 16-17 year olds (PDF) (linked to MIN 24)

2.3 **Housing to prevent the need to accommodate children from homeless families**

- While the local authority has a duty to promote the upbringing of children by their families, housing needs for homeless / vulnerable families are discharged through the relevant housing authority. The family or carers are responsible for securing and maintaining housing.
- Section 17 (6) payments will not be used to discharge regular and on- going payments to meet housing costs, these should be met through families own resources or housing benefits. **In exceptional circumstances** consideration to meeting interim housing costs and or deposits on accommodation will be given when all the following criteria will need to be met.
- Discussion has taken place with the relevant housing authority and it is evident it is not the relevant housing authority's responsibility.
- The family do not have money or assets.
- It can be clearly demonstrated that no alternative accommodation for the child(ren) is available from the extended family and a rent deposit would prevent a child being looked after.
- Upon completion of the tenancy the deposit should be reclaimed.
- Rent Guarantees under sec 17 are not offered by WSCC.

Guidance on how to respond to claims of intentional homelessness is linked to MIN 2.

- ❖ Intentionally Homeless Checklist (Word) (linked to MIN 2)
- In all Intentional Homeless cases please consult with Intentional Homeless project manager (Julia Kirwan) before financial decisions are taken on support with housing associated costs.

2.4 Accommodation or subsistence for families without access to public funds

- To be eligible for care services from a local authority in the UK, including accommodation and financial support, an individual with no recourse to public funds (NRPF) must be:
 - an adult, including adults with responsibility for children;
 - ordinarily resident in the local authority area,
 - assessed as having community care or mental health needs under the National Assistance Act 1948, or
 - be someone whom there is a duty to support under the Children Act 1989;
 - eligible for support under immigration law; or
 - someone who has to be supported to prevent a breach of their human rights, under the European Convention on Human Rights
 - Guidance on how to identify and respond to families with no recourse to public funds is linked to MIN 2.
- ❖ Families with no Recourse to Public Funds (PDF) (linked to MIN 2)
- In all NRPF cases consultation must take place with NRPF project manager (Julia Kirwan) before financial decisions are taken on either housing associated costs or subsistence. The budget decision remains with the relevant Service Manager once consultation has taken place.

2.5 Support for 'Friends and Family' caring for children assessed as being in need

- These are set out in Family and Friends Care Policy (MIN 17) or for privately fostered children assessed as being in need (MIN 26). The following documents can be found on the county council's website (www.westsussex.gov.uk) type 'Children's Services Management Instructions' in the search engine.
 - ❖ MIN 17 – Family and Friends Care (PDF)
 - ❖ MIN 26 – Private Fostering (PDF)
- If need be then set up money e.g. new bed / clothes will be provided. Financial assistance, for subsistence, provided at £5 per child per day until benefits are in place.
- Educational expenses are not met and schools should be approached re: use of the Pupil Premium.
- After school and holiday activities can only be supported as part of a child protection plan, or preventing high risk of the need for accommodation. Preferably, free activities available locally should be identified.
- Cost for family trips and holidays will not be met.

3. Children moving to West Sussex who receive Sec 17 support from other authorities

- West Sussex requires formal written notification from the originating authority of a transfer of a child or family that they consider need on-going support under S17.
- An assessment of the family will be carried out within 28 days to consider if they meet the threshold for services. During the 28 day period the transferring authority must retain responsibility. West Sussex will review any services or financial support being provided by the transferring authority during the 28 days and are not obliged to continue this service.
- Before assistance is offered under S. 17(6) it is expected that families will have maximised their income from other sources. This could include benefit maximisation, as well as assistance from charitable agencies and child support payments where relevant.

3.1 Loan or Grant?

- Sect.17 (7) says assistance may be unconditional or subject to conditions as to the repayment of the assistance or of its value (in whole or part) - i.e. it can be a grant or a loan.
- No person shall be liable to make any repayment of assistance provided through Section 17 (6) if that person is in receipt of income support or family credit (Section 17 (9)). Thus any payments or assistance to people in this position will constitute a grant, although it would be appropriate to reclaim equipment when it is no longer needed.
- For people not in receipt of income support or family credit, Section 17 (6) assistance should normally be given in the form of a loan unless there are exceptional circumstances making this inappropriate. When assistance is given on a loan basis, this should be made clear to the recipient and steps taken to see that the money is repaid or equipment returned when no longer needed. Written agreement must be obtained and witnessed.

3.2 Who is not eligible?

- There are four categories of people who are excluded from support by the local authority according to immigration law (Schedule 3 Section 54 of the Nationality, Immigration and Asylum Act 2002) and they are as follows:
 - Nationals of the European Economic Area (other than UK)
 - People with refugee status from an EEA state
 - People unlawfully present in the UK (including those whose visas have expired)
 - Failed asylum seekers who have refused to cooperate with removal directions

- In such cases the local authority must assess whether withholding or withdrawing support would constitute a breach of the individual's or family's human rights.
- The local authority may also conclude that the only support that is necessary to avoid a breach of human rights is the provision of assistance to the individual or family in returning to their country of origin.

4. Process for making Payments

- For further information concerning the processing of payments please refer to the OWTB guidelines.

4.1 Delegated Financial Powers

- Each payment should have the agreement of an authorising officer and the approval of a certifying officer.
- All of the following should be considered by the social worker when making a request for payment.
 - Is the payment legal and within these Departmental Guidelines.
 - Which payment method is the safest/ appropriate?
 - Is it the most economical option?
 - Is the section 17 budget the correct one to use?
- Role of the Authorising Officer
- To agree that the assistance is valid and is the correct approach for meeting the customer's needs.
- To confirm that there is money available in the budget.

4.2 Role of the Certifying Officer

- To **provide** advice on any of the above-mentioned considerations.
- To confirm that all appropriate considerations have been made.
- Provide an element of consistency across the Service Group and because of this can often make suggestions based on good ideas used in other teams.

Delegated Powers – Financial Limits	
Up to £200 per family per year	Social Worker
Up to £1000 per family per year	Practice Manager
Up to £10,000 per family per year	Group Manager
Over £10,000 per family per year	Service Leader

Both the Authorising and Certifying Officer should always be consulted before a payment is made. However if the Certifying Officer is unavailable this should not hold up payments that are urgent, relatively small or straightforward. The following test should be applied:

- Is the child a child in need?
- Can any other agency assist?
- Is the request an appropriate use of Section 17?

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- What is the most appropriate means of meeting the need? (Loan, cash grant, LPO, goods in kind, other)
- Have you got Team Manager approval?

5. Reviewing Arrangements

This Section 17 Guidance will be reviewed on a yearly basis. The guidance will be reviewed by Children Operation Joint Service Management Team members. Changes will be made in the light of changes in legislation and policy and developments in financial monitoring arrangements.