

Residence Order Allowance Scheme

Children's Services

Procedures



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Feedback:

We welcome feedback about our policies and procedures so if you have any comments about this procedure please email to socialcare@westsussex.gov.uk

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1. Purpose of the Scheme

- 1.1 The scheme is designed to enable West Sussex County Council (the Authority) to pay allowances to the carers of children who are the subject of orders made under section 8 of the Children Act 1989. Under the provisions of Schedule 1 (paragraph 15) the local authority may make a payment to the holder of a residence order (the carer) as a contribution towards the cost of the accommodation and maintenance of a child who is the subject of the residence order.

2. Eligibility for a residence order allowance

- 2.1 An allowance may be paid to anyone caring for the child who is the subject of a residence order to that individual, other than the parent of the child or the husband or wife of a parent of the child. The power to pay such an allowance is discretionary and is not intended to remove responsibility from the birth parents to make adequate financial provision for the care and upbringing of their children.
- 2.2 Within the Authority such payments are normally only made in the following circumstances:
- i. to enable a child who is being looked after by the Authority to be securely placed with a relative, foster carer or someone who is otherwise connected with the child, thus enabling the child to leave the care of the Authority;
 - ii. when the payment of an allowance is necessary to avoid the need for a child to be looked after by the Authority and to obtain the best available family placement.

2.3 Exceptions

In exceptional circumstances the Authority's Exceptional Payments Panel will consider applications for financial assistance under the provisions of this policy when it can be demonstrated that it is in the best interests of a child. Applications will be made by a social worker following an assessment of the child's circumstances with particular reference to the criteria set out in 2.2 above, whilst being consistent with the provisions and definitions of section 17(10 & 11) of the Children Act 1989 which deal with local authority support for children in need.

3. Conditions of the payment of an allowance

- 3.1 In determining the amount of any allowance to be paid, the agency will assess the financial circumstances of the carers. The financial assessment process and criteria applied are the same as those applied in the assessment of financial means in respect of adoption support and are determined by the financial regulations of the Authority.

- 3.2 An allowance may not be paid to meet any needs when any state benefit or allowance is available to the carer in respect of the child.
- 3.3 Any allowances paid will be less Child Benefit but Disabled Living Allowance payable in respect of that child will not be taken into account. However, Child Benefit will not be taken into account in the assessment for the allowance where the adopters are in receipt of Family Credit or Income Support.
- 3.4 Under the provisions of a residence order the birth parent(s) retain parental responsibility for the child and therefore, continue to have an obligation to financially support the child. It may be a requirement of the Authority that the payment of a residence order allowance be conditional on the carer making an application to the Child Support Agency, or if the matter is within current public law proceedings, to the court (under Schedule 1 section 15 of the Children Act) for financial assistance towards the cost of caring for the child. Any allowance paid will take into account any payment under such an application.

4. Level of Allowances

- 4.1 The allowance will be paid according to the schedule of rates agreed by the Authority and amended according to annual review. The current level of allowances is attached to this document in Appendix 1.
- 4.2 The payment will be dependent upon the age of the child and the financial circumstances of the carers and child. Carers may receive a proportion of the allowance payable if their financial circumstances are assessed as being such that they do not qualify for the full allowance.
- 4.3 In exceptional circumstances there is provision for an enhanced rate to be paid to meet the assessed special needs of the child. The Exceptional Payments Panel will determine the entitlement to and level of any such enhancement by evaluation against the criteria set down by the Authority.

5. Duration and Review of Payments

- 5.1 Residence orders will only be made after, or will only continue beyond, a child's sixteenth birthday in 'exceptional' circumstances (section 9 (7) of the Children Act). Thus any payment beyond the duration of a residence order would require the express agreement of the Authority. Such agreement would be made by application to the Exceptional Payments Panel at least three months prior to the child's sixteenth birthday. Payments would normally only be made when the child is to continue in full time education and would be the subject of review to determine the family's financial circumstances and the child's ability to provide for themselves through employment.

5.2 Allowances will be discontinued if the child/young person:

- i. ceases to have a home with the carers (this does not apply to temporary periods of absence, e.g. in-patient hospital treatment); or
- ii. ceases full-time education and commences employment or qualifies for a placement on a Government training scheme; or
- iii. qualifies for Income Support or Job Seekers' Allowance in his/her own right; or
- iv. reaches the age of 16, unless (as outlined in 5.1 above) he/she remains in full-time education, in which case the Authority will consider making an allowance until he/she reaches 21 years if he/she has no other means of financial support available.

5.3 The allowance may be terminated or suspended if the financial circumstances of the carer or the child change. The Authority will review the payment of each allowance annually, or at such shorter intervals as the Authority shall in any case determine. The carers will be required to supply details and evidence of their income and outgoings, to allow an assessment to be made, before each review, and the Authority shall be entitled to withdraw payments if adequate information is not provided.

One assessment will remain current until the following assessment. If it appears to the Authority at any review that any of the circumstances set out in paragraph 5.1 and 5.2 are likely to arise within the period before the next annual review, a review will be arranged at an earlier date to take account of this.

5.4 If an allowance has been suspended or decreased because the carer's income has risen above the level at which they would qualify for an allowance, it shall be open to the carers to make an application to the Authority, at any time before one of the circumstances set out in paragraph 5.1 and 5.2 has occurred, with proper evidence, for the allowance to be reinstated on the grounds that their income has fallen to a level where they once again qualify.

5.5 The above provisions shall be defined in the original agreement between the carers and the Authority.

6. Frequency of Payment

6.1 Residence order allowances will be paid three days in arrears and eleven days in advance of the start date of the payment of the allowance. The normal method of payment is through the direct payment into a nominated bank account (BACs).

**Financial Services
 Children and Young People's Services**

**ADOPTION AND RESIDENCE ALLOWANCES
 EFFECTIVE FROM 12/04/2010**

Age of child	<u>Weekly Rates</u>
0-3	£57.47
4-7	£67.34
8-10	£73.57
11-12	£80.43
13	£86.38
14	£88.20
15	£90.44
16-18	£108.92
Enhanced Rate (Level 1)	£20.00
Enhanced Rate (Level 2)	£40.00
Enhanced Rate (Level 3)	£60.00

CHILD BENEFIT RATES EFFECTIVE 12/04/2010

	<u>Weekly Rate</u>
Eldest/Only Child	£20.30
Other Children	£13.40

PERSONAL ALLOWANCE USING INCOME SUPPORT RATES BUT INCREASED BY 25%

Personal Allowance	Weekly rate	Normal Monthly Rate	125% of normal monthly rate used for means test
Single adult aged 16-17	51.85	224.68	280.85
Single adult aged 18-24	51.85	224.68	280.85
Single adult 25 or over	65.45	283.62	354.52
Couples both aged 18 or over	102.75	445.25	556.56
Lone Parent aged 16-17	51.85	224.68	280.85
Lone Parent aged 18 or over	65.45	283.62	354.52
Dependent Children	57.57	249.47	311.84

Appendix 2

Adoption Support and Residence Order Allowances *Scheme of Enhancement and Single Payment*

1. Determination of rates of payment

- 1.1 The provisions outlined below are intended to create flexibility in the provision of financial support when there are circumstances that merit an exceptional payment beyond the scheme of periodic payments or allowances. Such payments are intended as a contribution towards the cost of caring for the child.
- 1.2 Subject to an assessment of need, the Authority is required by the Adoption Support Services Regulations 2003 to provide financial support to adoptive parents. The Authority applies the similar criteria to the residence order allowance, enabled within Schedule 1 of the Children Act 1989. The terms of the payment is detailed in the Authority's Support in Adoption and Residence Order Allowance schemes.
- 1.3 The level of residence order allowance or periodic payment of financial support in adoption (including allowances previously granted under the Adoption Allowance Regulations 1991), is made on a schedule agreed by the Authority relating to the age of the child. The Authority adjusts the schedule each year, according a formula related to cost of living increases.

2. Payment made in respect of adoption and residence order allowances

- 2.1 The payment of residence and adoption allowances (including any enhancements agreed through the provisions of this scheme) remain unchanged by the Adoption Support Services Regulations 2003.
- 2.2 With regard to financial support under the 2003 Regulations, the Guidance from Government states that it is for the local authority to determine the amount of financial support provided taking into account the child's needs and resources and the adopters' circumstances. The schedule of periodic payments detailed in Appendix 1 is to be regarded as the starting point in determining the level at which periodic payments will be made. For any payment above and beyond this, this scheme of enhancement will apply.

3. Enhancements

- 3.1 In exceptional circumstances, the scheme allows for stepped increases of any figure up to the maximum of that level of each enhancement, to

meet specific assessed needs through a process of application to the Exceptional Payments Panel (EPP).

- 3.2 The circumstances and needs of any child attracting adoption support provisions or a residence allowance will already have been considered and financial support approved through an assessment of needs of the child and resources of the proposed carers. In respect of children being adopted this will be through the looked after children process. A recommendation made by the Adoption Panel will also be taken into account. With regard to children who may attract a residence allowance this will be through the looked after children process, although if the child is the subject of public law proceedings the outcome of those proceedings will also have a bearing on the granting of an allowance.
- 3.3 Through these processes, it will have been accepted by the Authority that a child qualifying for any form of financial support is likely to have complex needs. Any enhancement or exceptional payment will be made where there is additional complexity, assessed against the needs of the child and the ability of the carers to meet those needs within their existing financial resources. Enhancements and exceptional payments are therefore a response to particular problems, needs or circumstances.
- 3.4 Schedule of enhancements to ongoing payment:

i. Level 1 Enhancement

- Amount: Up to £20 per week
- Criteria: Child with above average needs requiring extra care or facilities. This includes such considerations as: minor physical disability; initial behavioural and/or attachment problems that it can be anticipated will resolve over twelve month period; placement of a sibling group; initial contact management issues and matters requiring ongoing additional expenditure such as hospital appointments, special dietary requirements and continence management.
- Duration: Maximum 12 months may be subject to extension through application to the Service Manager Family Placement.
- Authority: Service Manager Family Placement in consultation with Group Manger.

ii. Level 2 Enhancement

- Amount: Up to £40 per week
- Criteria: Child with above average needs including the same range of problems outlined in the criteria Level 1 above but which are at a more significant level and may not be resolved in the short term.
- Duration: Any specified period subject to review at 12 month intervals by Service Manager and by EPP for payments beyond 36 months.
- Authority: EPP with prior agreement of Service Manager Family Placement.

iii. Level 3 Enhancement

- Amount: Up to £60 per week
- Criteria: Child with significantly above average needs requiring intensive care or facilities. This would include physical or mental disability, significant behavioural and/or attachment problems that it can be anticipated will require additional input over the long term, intensive physical care, ongoing complex contact arrangements and matters requiring ongoing additional expenditure such as frequent attendance for hospital or therapeutic appointments. Particular emphasis will be placed on a child who is likely to remain in the Looked After system unless additional financial resources are made available and for a child for whom an agency adoption, fostering or residential placement would normally be required.
- Duration: Any specified period subject to review at 12 month intervals by Service Manager and by EPP for payments beyond 36 months.
- Authority: Any specified period subject to review at 12 month intervals by Service Manager and by EPP for payments beyond 36 months.

4. Single payments - adoption

4.1 Single payments are available to adoptive parents, subject to assessment of need, under the Adoption Support Services Regulations 2003. Payments are made according to the needs identified through the following process:

Schedule of single payments:

i. Level 1 single payment

Amount: Up to £250 per child at commencement of placement for adoption.

Criteria: Setting up allowance for placement for child (normally over the age of 12 months). Single payment to meet needs such as additional equipment, travel costs for contact visits or replacement of mobility or laundry equipment.

Authority: Team Manager Adoption

ii. Level 2 single payment

Amount: Up to £1,000 per child at any time from linking of the child with prospective adopters.

Criteria: Setting up allowance for placement for child (normally over the age of 12 months) necessary beyond Level 1 payment. Single payment to meet needs such as adaptations to the home for such reasons as safety or privacy for siblings, additional equipment, travel costs for contact visits or replacement of mobility or laundry equipment or for one off purchase of therapeutic work.

Authority: Service Manager Adoption

iii. Level 3 single payment

Amount: As required to a maximum of £10,000 in any one year

Criteria: One-off payment to meet exceptional needs such as cost of alterations or adaptations to the home to accommodate child or sibling group or complex equipment for essential daily living that cannot be secured from any other source

Authority: EPP

iv. Introduction and contact expenses

Amount: Travel at 20 pence per mile or actual public transport costs and accommodation at cost.

Criteria: Introduction schedule agreed at placement planning meeting. Overnight accommodation at a reasonable cost e.g. self-catering accommodation for longer stays or 2/3 star hotel or bed and breakfast. To include reasonable subsistence costs.

Authority: Team Manager Adoption

5. Exceptions

5.1 In circumstances not catered for those outlined in iii) and iv) above the EPP will consider and determine applications regarding:

- i. When the adoptive parent is or has been a foster parent in respect of the child and the conditions in paragraph (4), (5) and (6) of the adoption Support Services Regulations are met, the EPP will consider applications relating to the continuance of the fostering payment including any element of remuneration.
- ii. Single payments – residence allowances Single payments are not normally available to holders of residence allowances. In exceptional circumstances, and only following a full assessment, the EPP will consider applications for a single payment to meet a particular requirement that cannot be otherwise met and which secures the future of a placement.
- iii. Other exceptions
In circumstances that cannot be resolved through the provisions outlined above, a special report may be prepared for the Group Manger of Social and Caring Services for a decision regarding the variation of the scheme. Such approval will only be sought when the criteria for a level 3 enhancement is met and following a recommendation from the EPP. Such exceptions would be made in order to facilitate or maintain a placement that is demonstrably in a child's best interests and which can only be made or sustained with additional financial support. Such payments will only be made as are consistent with all prevailing regulations and will be reviewed thereafter by the EPP in accordance with the procedures outlined for level 3 payments above.