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Dear James

Thank you for your letter of 16 February 2017 on behalf of the Education and Skills Committee regarding questions raised at the Committee meeting held on 1 February 2017 about support for looked after children and kinship care.

I will begin by addressing your question on why there is no mention of formal kinship carers of looked after children in the UK Governments consultation response on exceptions to the policy to limit Child Tax Credit and Universal Credit to a maximum of two children.

Formal kinship carers of looked after children are entitled to receive a kinship care allowance from their local authority for accommodation and maintenance of the child or young person in their care.

Child-related UK welfare benefits such as Child Tax Credit are also intended to cover accommodation and maintenance. As formal kinship carers are already receiving payment from the local authority for accommodation and maintenance they are not entitled to receive Child Tax Credit.

That is why the proposed exception to the UK Governments policy applies only to kinship carers of non-looked after children who are not automatically entitled to receive a kinship care allowance. My officials in the Looked After Children Unit are currently working with officials from the Department for Work and Pensions and HM Treasury to ensure that the guidance associated with this policy does not disadvantage kinship carers of non-looked after children and young people living in Scotland..

Your second question relates to social work support for looked after children and young people and whether or not looked after children living in foster care and kinship care have equal access to the same support and services.

When a child or young person is deemed by a children's hearing to be in need of care away from their own home, a full assessment of their needs is carried out so that any support can be tailored to their individual needs. This assessment covers many areas including any additional educational or health needs. A looked after child or young person is also allocated their own social worker who will ensure that their needs are taken in to account when matching them with a suitable care placement and that the right information is shared with the child or young person's carer to allow them to be provided with the best possible day to day care and support.

The entitlement to support for looked after children and young people is based on their legal status not their care setting. Therefore all looked after children and young people are entitled to receive the same support and access to services no matter whether they live in residential care, foster care or kinship care.

Not all children living in kinship care settings are looked after children. For these children and young people support is provided through local authorities and other organisations in the same way that it would be for any child or young person in need. The Children (Scotland) Act 1995 and the Children and Young People (Scotland) Act 2014 sets out local authorities duties towards these children and young people and their families.

Specifically part 13 of the Children and Young People (Scotland) Act 2014, which relates to support for kinship care, places a duty on local authorities to ensure that kinship care assistance is made available to those kinship carers of non-looked after children and young people who apply for, consider applying for, or have obtained, an order under Section 11(1) of the Children (Scotland) Act 1995 in relation to an eligible child, a guardian of an eligible child and an eligible child themselves.

The secondary legislation, Kinship Care Assistance (Scotland) Order 2016 and the accompanying guidance "*National Guidance on Part 13: Support for Kinship Care*", sets out what kinship care assistance is and how it is to be provided

The Scottish Government have and are in the process of making improvements to the wider care system following the recommendations of the Foster Care Review, the Children and Young People (Scotland) Act 2014 and the PACE programme. The aim of these improvements is to provide better care experiences for children and young people going through the system.

We also have plans for a review of care allowances and the implementation of a national learning and development framework for foster carers which will both be aligned with plans for the broader independent root and branch review of care announced by the First Minister in October of last year which is still in the early planning stages.

The Committee may also be interested to know that the Scottish Government also provides funding to third sector organisations like the Fostering Network to provide access to support for foster carers via a helpline.

To further support kinship carers, the Scottish Government provides funding to Children 1st, Citizens Advice Scotland (CAS) and Mentor UK to deliver support to kinship families on a wide range of issues including emotional support, advice on legal rights and responsibilities, financial and benefits advice, help to access local services, and support around attachment and managing difficult family relationships and behaviours

I hope you find this information helpful and that it reassures the Committee that the Scottish Government is committed to providing the right supports and the right time to those who need it most.

MARK MCDONALD