



Kinship Care – Key Facts and Key Questions

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. Getting advice is important 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 kinship care 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 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.)
- ParentLine Scotland on 0800 028 2233. This helpline is not just for parents. It provides a listening ear and support for kinship carers too.

It is your right to 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: The local authority that has responsibility for the child may not be the local authority where you live. If you stay in Dunfermline and care for a grandchild who was born in and until recently lived in Edinburgh, then you will need to deal with Edinburgh Council rather than Fife Council.

If you are not happy with the way the local authority is dealing with you, you can complain. Your local CAB can help with this.

The legal status of the child: “Looked after” or not “looked after”?

Some children in kinship care are formally “looked after” by the local authority and some are not.

“Looked after”

The local authority has particular duties towards the child, even though they are living with you. The child's parents retain parental rights and responsibilities.

Not “looked after”

The local authority has a duty to look out for the interests of the child, but this is the same duty they have towards all children in their area.

Information applies to Scotland only



- A child becomes “looked after” as a result of a formal decision by the court, a Children’s Hearing or the local authority. This decision is made when there is serious concern about the welfare of the child.
- The rights and responsibilities you and the local authority have vary depending on whether a child is “looked after” or not. It can also make a difference to any money the local authority may provide to help you care for the child.
- If a child is “looked after” by the local authority it has certain additional duties towards the child, even though you care for them on a daily basis.
- A child can cease to be “looked after” 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 end up with more or less “parental responsibility” for the child.

Finding out whether a child is formally “looked after” or not

If you are unsure whether the child is “looked after” or not, contact the social work / children’s services department to ask. Social work staff will be familiar with the term “looked after” and they should be able to give you a clear answer. You can ask them to write to you, so you have a formal record of their answer.

If they are not able to help you, contact your local CAB.

Note: If 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 for each child.

“Looked after” children

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, but not place them under undue pressure.

Financial help when the child is “looked after”

All local authorities in Scotland have agreed with the Scottish Government to set up a scheme to make payments to kinship carers of “looked after” children.

- The amount paid varies from local authority to local authority.

Information applies to Scotland only



- Some local authorities may ask about your income and/or benefits before deciding on whether they will make a payment and how much it is.

Local authorities are allowed to operate different rules and set different payment amounts. This means that sometimes payments for different children in the same household will be different and payments to two kinship carers in the same street may be different.

As a kinship carer of a “looked after” child, you can normally claim Child Benefit – but this may not be the case in every local authority across Scotland. If you apply, make sure you state that the claim is for a “looked after” child in a kinship care arrangement and note how your local authority pays you kinship care allowance. You can get help with making your Child Benefit claim at your local CAB.

If you are receiving a kinship care allowance from the local authority for a “looked after” child, then normally you are not entitled to claim Child Tax Credit. For some people on a low income – and where the kinship care payment is low – you may be better off declining the allowance and claiming Child Tax Credit instead. If this may apply to you, get help at your local CAB in weighing up your options.

- In some cases, if the kinship care allowance is not intended for / being used to cover accommodation and maintenance costs, then you *may be* entitled to claim Child Tax Credit. In such cases, you will need to make sure you fully explain the circumstance to the tax credit people (HMRC) when you claim.

The rules for other benefits – such as Housing Benefit and Income Support – are complicated. Your local CAB will be able to work through all your entitlements in detail.

Ceasing to be “looked after”

The local authority and the Children’s Hearing must regularly review the Child’s Plan and, with the child’s parents and carers, make decisions in the child’s best interests. At some stage you, the local authority or the Children’s Hearing may want to discuss a child ceasing to be “looked after”. For example, you may want more freedom to make decisions about the child’s care. Before making any decisions about this, be sure to get advice. Both the CAB and the local authority will be able to help. You’ll probably want to talk to them both and consider:

- the legal options – ask about the pros and cons of Residence Orders, Permanence Orders and other options
- the financial implications – ask whether you will still get a kinship care allowance and how any benefits you claim will be affected.

Not “looked after” children – financial help

Local authorities in Scotland have no obligation to make payments to kinship carers of children who are not “looked after”.

- The local authority does have the power to make payments and offer other assistance to you where they believe that it is in the best interests of the child.

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- You have the right to ask the local authority for assistance, such as one off payments, alternative care for the child while you take a break, etc.

The local authority may not always respond positively to requests, but they should always treat them with respect. If they do not, you can complain. Your local CAB can help with this.

As a kinship carer of a child who is not “looked after” you are entitled to claim Child Benefit. If you have any difficulties with your Child Benefit claim, you can get help at your local CAB.

As a kinship carer of a child who is not “looked after”, you are entitled to claim Child Tax Credit if you are on a low income. How much you receive will depend on your income.

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 0800 028 2233 – they get lots of calls from kinship carers and will understand the challenges you are facing
- ask your local CAB, Parentline Scotland 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.adviceguide.org.uk 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 www.adviceguide.org.uk or contact your local Citizens Advice Bureau.

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