

Parental Contribution Policy



achieving
for **children**

Introduction

This policy sets out Achieving for Children's approach to seeking parental contributions for children who become looked after under Section 20 of the Children Act 1989.

Parents (including adoptive parents) will be expected to contribute to the cost of their child's care where they ask that their child is cared for under Section 20 of the Children Act 1989 and have the financial means to contribute to the cost of their child's care. A means-testing assessment will be applied to all requests. If parents are separated or divorced, both parents will be expected to contribute to the costs of their child's care. However, parents' finances will be assessed separately. If a natural parent is married or living with a partner, then only the income of the natural parent will be used in the assessment.

In Kingston and Richmond boroughs, the local authorities' statutory responsibilities and duties for children looked after have been delegated to Achieving for Children Community Interest Company (CIC) under Part 1 of the Children and Young Persons Act 2008. References in this policy to the local authority therefore should also be read to include Achieving for Children.

Background and context to the parental contribution policy

Children who become looked after under Section 20 of the Children Act 1989

Section 20 of the Children Act 1989 empowers local authorities to provide accommodation for any child within their area, even in circumstances where a person with parental responsibility for the child is able to provide them with care and accommodation, if they consider that to do so would safeguard or promote the child's welfare.

A key feature of this provision is that care and accommodation cannot be provided if any person with parental responsibility objects to this arrangement. It is therefore a voluntary arrangement. Where a child is accommodated for more than 24 hours pursuant to Section 20 of the Children Act 1989, then they are deemed to be looked after by the local authority.

In circumstances where care and accommodation is provided under Section 20 of the Children Act 1989, Schedule 2 of the act requires local authorities to consider whether they should recover contributions towards the child's care from any person liable to contribute. This would be the parents of a child aged 16 or under. There are prescribed exceptions to this requirement, but these are not relevant to charges that apply to this policy.

In considering these financial contributions, the amount should not be more than would be paid for a local authority foster care placement and the local authority should consider that the amount is practicable for the parent to pay (taking account of their means). The Achieving for Children weekly fostering allowance (2016/17) is £142 for babies, £145 for pre-school children, £163 for primary aged children and £184 for secondary aged children. Full information on fostering allowances is available on the Achieving for Children website www.achievingforchildren.org.uk.

There are a number of exemptions where parents will not be asked to make a contribution to their child's care when they are accommodated under Section 20 of the Children Act 1989. These are:

- children accommodated in an emergency or on a short-term basis for less than seven nights
- children subject to an interim care order or care order (Section 31 of the Children Act 1989) or an emergency protection order (Section 44 of the Children Act 1989)
- children receiving services provided as aftercare under Section 117 of the Mental Health Act 1983
- children placed in a residential non-maintained school subject to a statement of special educational needs (SEN) or an education, health and care plan (EHCP)
- children whose parent is requesting the child be relinquished for adoption
- children of parents who are in receipt of Universal Credit, or income-related employment and support allowance, or Income Support, or any element of Child Tax Credit other than the family element of Working Tax Credit, or income-based Jobseeker's Allowance.

Aims of the policy

Achieving for Children aims to encourage the exercise of parental responsibility, by asking parents to contribute towards the cost of providing care placements for their child, provided they have sufficient means to do so and it is considered reasonable that they should be asked to do so.

Objectives of the policy

The objective of this policy is to ensure that there is a clear and transparent policy and procedure for seeking parental contributions for services delivered by Achieving for Children for looked after children accommodated under Section 20 of the Children Act 1989.

Implementing the policy

Achieving for Children will implement this policy by:

- informing parents of children who are likely to become looked after under Section 20 of the Children Act 1989 that they may be required to make a parental contribution towards the maintenance of their child
- giving the parents of children who become looked after under Section 20 of the Children Act 1989 information outlining whether they will be asked to make a parental contribution to the cost of their child's care and accommodation
- asking parents to complete a financial assessment once their child has become looked after. It is acknowledged that this is a traumatic time for parents, however, it is essential

that parents are made aware that they retain parental responsibility for their child and will be expected to contribute towards the costs of their care and accommodation

- ensuring that both the information and the financial assessment form are sent to any parent who does not live with their child. It is recognised that there may be instances where it is not reasonable to seek a financial contribution from an absent parent. The child's social worker will therefore establish whether there are any particular reasons why an absent parent should not be asked to make a financial contribution. The decision to waive the need to ask for a financial contribution from the non-resident parent must be agreed by the Director of Children's Social Care and recorded as a management decision on the child's electronic case record
- ensuring that the child's social worker notifies Achieving for Children's Finance Team when a parent fails to complete the financial assessment form and no exemptions apply. In these instances, the parent may be charged the full cost of the equivalent age-related fostering allowance. Failure to comply may result in legal action being taken against the parent
- notifying and assessing non-resident parents who are paying maintenance for a child (whether through the Child Support Agency, Child Maintenance Agency or as a voluntary agreement) for a parental contribution
- setting out a clear process for seeking a financial contribution
- reviewing the financial assessment form to determine a fair contribution towards the costs of a child's care and accommodation based on a parent's income and expenditure. Achieving for Children carries out the means testing based on the standardised means test model for adoption and special guardianship financial support developed by the former Department for Education and Skills. A contribution notice letter will be sent to a parent notifying them of the details of the financial contribution to be made. A copy of the letter will be sent to the child's social worker
- recognising that there may be exceptions where, though a parent is liable to make a financial contribution, it is not assessed to be in the child's best interest to seek this contribution or is unreasonable to do so. The Director of Children's Social Care will take this decision. The child's social worker will use the contribution waiver request form stating their reasons for wanting the financial contribution to be waived. The Director of Children's Social Care will record the decision on the child's electronic social care record. The social worker is responsible for notifying the parent in writing of the decision made by the Director of Children's Social Care
- reminding a parent in receipt of Child Benefit that it is their responsibility to notify the Department of Work and Pensions of the change in their circumstances. Child Benefit will continue to be received for up to eight weeks following the child becoming looked after.
- ceasing the parent's financial contributions once the child ceases to be looked after or they reach their 16th birthday, unless the parent wishes to continue to pay on a voluntary basis.
- establishing a clear review and appeals process for any parents who do not believe they should be making a financial contribution

- reviewing existing Section 20 arrangements to identify if the parents should be making a contribution based on the financial assessment. If this is the case, then the parents will be sent a contribution notice to inform them that they will be expected to make contributions from a specific date. No retrospective charges will be applied

All Section 20 arrangements will be reviewed on an annual basis to ensure contributions continue to be appropriate. Parents may ask for a re-assessment if their financial circumstances change.

Seeking a financial contribution

The procedure for seeking a financial contribution in relation to a child who is looked after by the local authority is set out in Schedule 2 of the Children Act 1989.

Payments towards the cost of looking after a child cannot be recovered until a contribution notice has been served (see Appendix D). This contribution notice must:

- specify the weekly sum that the parent is required to pay
- detail the arrangements for payment
- be in writing and dated

The arrangements for payment must include:

- the date from which payments are due (this cannot be earlier than the date of the actual contribution notice)
- the date on which the first payment must be made
- the date the payments will cease
- an agreement form (attached to the contribution notice) for the parent to sign and return

The actual weekly cost to Achieving for Children of the child's placement will be recorded on the contribution notice so that parents are aware of the full cost of caring for their child.

The maximum weekly contribution for looking after a child will be equivalent to the age-related fostering allowance paid to foster carers by Achieving for Children.

Once agreement has been reached and the parent has signed the agreement part of the contribution notice letter (or agreed this in another form), contribution payments will commence. If agreement cannot be reached, Achieving for Children will consider making an application to the courts for a contribution order.

A contribution notice can be withdrawn at any time and without prejudice. If appropriate another contribution notice can be substituted.

Roles and responsibilities for implementing, monitoring and reviewing the policy

Deputy Chief Executive (Chief Operating Officer)	<ul style="list-style-type: none"> The Deputy Chief Executive (Chief Operating Officer) is responsible for maintaining strategic oversight of the policy.
Director of Children's Social Care	<ul style="list-style-type: none"> The Director of Children's Social Care is responsible for the operational implementation of the policy. The Director of Children's Social Care will make the final decision as to the level of financial contribution from parents for children accommodated under Section 20 of the Children Act 1989. This will include agreeing waivers where the social worker assessment indicates that asking parents to make financial contributions would not be appropriate and making the final decision as to whether to waive the need to contact non-resident parents. Where a parent is liable to make a financial contribution but it is not believed to be in the child's best interest to seek to do this, or it is unreasonable to do so and the child's social worker requests a contribution waiver, the Director of Children's must make a decision as to whether to agree this or not. This decision must be recorded on the child's electronic social care record. The Director of Children's Social Care will oversee the review and appeals process.
Social worker	<ul style="list-style-type: none"> The child's social worker is expected to ensure parents are aware of the parental contribution policy, provide parents with the supporting leaflet, and assist parents to complete the relevant paperwork so that their financial contribution can be assessed. The child's social worker is responsible for ensuring decisions relating to parental contributions are added to the child's electronic social care record. The child's social worker is expected to inform the Finance Officer where a parent does not complete the financial assessment form. Where a parent is liable to make a financial contribution but it is not believed to be in the child's best interest to seek to do this or is unreasonable to do so, the child's social worker must use the contribution waiver request form stating the reasons for wanting the financial contribution waived. Once the Director of Children's Social Care has made a decision on the waiver, the child's social worker is responsible for informing the parent(s).
Director of Finance	<ul style="list-style-type: none"> The Director of Finance is responsible for ensuring legal proceedings are undertaken when parents who have been assessed as able to make a contribution fail to do so.
Finance Officer	<ul style="list-style-type: none"> The Finance Officer is responsible for completing the assessment of the financial assessment form submitted by the parent(s) and for deciding on a fair contribution amount (based on the formula set out in Appendix B).

	<ul style="list-style-type: none"> The Finance Officer is expected to draft and send the contribution notice to the parent(s) and forward a copy to the child's social worker to be included on the child's electronic social care record.
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Date created	April 2017
Signed by:	Ian Dodds, Deputy Chief Executive
Equality analysis completed (yes/no):	Yes

Appendices:

Appendix A	Parental Contribution Policy Explained Leaflet Text
Appendix B	Standardised Means Test Method
Appendix C	Financial Assessment Form
Appendix D	Contribution Notice Letter Text and Contribution Notice Template
Appendix E	Contribution Waiver Template
Appendix F	Review of Parental Contribution Letter Text
Appendix G	Notice of Intended Legal Action Letter Text